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House of Representatives

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 30, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend W. Douglas Tanner, Jr., Faith & Politics Institute, Washington, D.C., offered the following prayer:

Let us pray. Almighty God, we come before You this day with hearts still heavy from the tragic events of last Friday. Even as we begin to heal, we are conscious that the pain of this week has been seared into our souls.

And yet, in our sorrow and vulnerability, we have deeply experienced our common humanity. Fierce political adversaries have reached out to each other. Mutual respect and genuine appreciation have been accorded across the lines of party, ideology and station. We have known in our hearts that every elected official, every police person, every staff member, every tourist is, first, a fellow human being. For that we are grateful.

We pray that a constant awareness of each other's humanity in this often fractious Capitol Hill community might become the lasting legacy of officers J.J. Chestnut and John Gibson. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3152. An act to provide that certain volunteers at private nonprofit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

The message also announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 97. Concurrent resolution expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1260) ''An Act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'AMATO, Mr. GRAMM, Mr. SHELBY, Mr. SARBANES, and Mr. DODD, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes from each side.

RESPONSIBLE GAMING EDUCATION WEEK, AUGUST 3 TO AUGUST 7

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, as Members of Congress, we should always be encouraged when the private sector tackles one of the social problems facing our Nation. Such is the case with the Nation's gaming industry. However, a vast majority of Americans who choose to gamble do so responsibly.

In an effort to emphasize the casino gaming entertainment industry's commitment to responsible gaming, the American Gaming Association, along with International Gaming Technology, a company headquartered in my district, has designated August 3 through August 7 as Responsible Gaming Education Week. This campaign was designed to raise the awareness of disordered gaming and to educate casino employees and customers about the importance of responsible gaming.

During this week, all casino employees will be asked to actively promote responsible gaming practices within their companies. As part of this effort, over 200,000 educational brochures on disordered gambling and the importance of responsible gaming will be provided to casino employees across America.

THE QUESTIONABLE VALUE OF NEW GOVERNMENT STUDIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Printed on recycled paper.

Mr. TRAFICANT. Madam Speaker, a new government study says if you are rich, you will live longer. If you are educated, you will live longer. If you do not smoke, you will probably live longer. If you can avoid cancer, you will live longer.

No kidding, Sherlock. After $1 million, our government is telling us what Grandma told us years ago: If you smoke, you will probably die; if you do not get an education, you are not going to get a job; and if you do not have a job, you are going to be poor and you are not going to eat.

Beam me up. What is next? Do we give these people more millions to tell us if you commit suicide, you will not live long? If there is any consolation to poor people in America who happen to smoke and do not have a job, I never heard of anybody committing suicide by jumping out of a basement window. There is some dignity in poverty. Poor people are God's people, too.

Madam Speaker, I think we should slow down the money for these scientific mind-benders.

GRENADA'S INVITATION TO CASTRO DENIES PAST MARXIST OPPRESSION AND AMERICAN SACRIFICES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, in 1983, 19 American soldiers gave their lives to liberate the island of Grenada from the Marxist regime which, under the manipulation of the Cuban dictator, Fidel Castro, had taken over that small nation. Thanks to U.S. troops and the leadership of President Ronald Reagan, the people of Grenada regained the freedom they had lost to the puppet regime backed by Castro.

Now it seems that the government of Grenada has forgotten about the repression imposed upon their Nation by Castro and has invited the dictator to visit the island this weekend. Castro's goal in this visit is to obtain support for his regime's membership to the Caribbean economic community, CARICOM, that will help him attain new financial resources to maintain in power.

How tragic that the government of Grenada has turned its back on its own people, who suffered under the Castro-sponsored Marxist regime. It has ignored and forgotten the 19 dead U.S. soldiers and the 115 wounded American patriots. Shame on the government of Grenada.

ONLY PARENTAL INVOLVEMENT ENSURES A GOOD EDUCATION FOR EVERY AMERICAN CHILD

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Madam Speaker, recently President Clinton vetoed the Education Savings Account Bill. In a letter to the House, he justified his action by calling the bill's provisions ''bad education policy and bad tax policy.''

Madam Speaker, how ironic. Americans have made it clear that parental involvement is essential to ensure our children receive a good education. Yet our President just vetoed a bill that would have extended tax relief to families who take part in the education of our Nation's children.

The Education Savings Account Bill would have offered parents the opportunity to save money in accounts that earn tax-free interest to pay for tuition, books and tools to help their children learn. It seems to me, by the President's veto, that he thinks parents and families do not deserve the right to take part in the education of their children.

Madam Speaker, the President is wrong. Only when we allow parental involvement can we ensure a good education is within the reach of every child in America.

WICKER AMENDMENT TO SHAYS-MEEHAN CAMPAIGN FINANCE PROPOSAL ALLOWS STATES TO REQUIRE PROPER IDENTIFICATION FOR VOTERS

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Madam Speaker, later today Members will be given the opportunity to support a commonsense reform amendment to the Shays-Meehan campaign finance proposal. In far too many States and districts across this country, ineligible persons are voting. People are going to the polls without identification, and it turns out they are not eligible to vote.

Despite the resources and technology available to our government, cases of voter fraud continue to be brought to our attention year after year. My amendment simply permits States to require a valid photo identification before receiving a ballot; nothing more, nothing less. This is not a mandate. It grants permission to the States in the true sense of Federalism.

Madam Speaker, it is our duty as elected officials to preserve the integrity of the electoral process. Requiring proper ID is one step we can take to ensure valid elections.

THE DOLLARS TO THE CLASSROOM ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to focus on the schoolchildren of our Nation. Parents in all 50 States are concerned that their children's classrooms are overcrowded, that their kids do not receive enough individual attention from their teachers, that classrooms are not yet connected to the Internet and many schools are not safe and well-supplied, and that basic academics are not being effectively learned.

For 30 years, the Federal Government has been trying to improve America's schools by creating big Federal programs. While the goal was admirable, this strategy has failed the schoolchildren of America. It is time for a new approach.

We know that effective teaching takes place when we begin helping children master basic academics, when parents are engaged and involved in their children's education, when a safe and orderly learning environment is created in a classroom, and when dollars actually reach the classroom.

The Dollars to the Classroom Act addresses the linchpin of these four key education premises, directing dollars to the classroom so that a teacher that knows the name of your child can educate more effectively.

Madam Speaker, I urge Members to improve the education of America's kids by supporting the Dollars to the Classroom Act.

PROVIDING SPECIAL INVESTIGATIVE AUTHORITY FOR THE COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. SOLOMON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 507 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 507

Resolved,

SECTION 1. APPLICATION.

This resolution shall apply to the investigation by the Committee on Education and the Workforce into the administration of labor laws by Government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of the Teamsters, and other related matters.

SEC. 2. HANDLING OF INFORMATION.

Information obtained under the authority of this resolution shall be—

(1) considered as taken in the District of Columbia as well as at the location actually taken; and

(2) considered as taken in executive session by the subcommittee on Oversight and Investigations of the Committee on Education and the Workforce.

SEC. 3. DISPOSITION AND INTERROGATORIES.

The Chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member of the committee, may—

(1) order the taking of depositions or interrogatories anywhere within the United States, under oath and pursuant to notice or subpoena; and

(2) designate a member or staff of the committee to conduct any such proceeding.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Page 2, line 16, strike ‘‘, staff, or contractor’’ and insert ‘‘or staff’’.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Madam Speaker, for purposes of debate only, I yield the half-hour of time to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for purposes of debate only.

Madam Speaker, this resolution providing special investigative authority for the Committee on Education and the Workforce was introduced on July 21, 1998, by our good chairman, the gentleman from Pennsylvania (Mr. BILL GOODLING), and the members of the Subcommittee on Oversight and Investigations.

The resolution applies its authority only to the investigation by the Committee on Education and the Workforce into the administration of labor laws by government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of Teamsters and other related matters; let me repeat that, ‘‘and other related matters,’’ not ‘‘other matters,’’ but ‘‘other related matters.’’

This resolution allows the chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member, to order the taking of depositions or interrogatories anywhere within the United States under oath and pursuant to notice of subpoena.

Madam Speaker, the resolution further allows the chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member, to designate a single member or staff of the committee to conduct depositions.

Finally, Madam Speaker, the resolution considers information taken under this new authority as taken in executive session by the Committee on Oversight and Investigations of the Committee on Education and the Workforce.

Madam Speaker, as the Members are aware, clause 2(h)(1) of House Rule XI requires two members to be present to take testimony or receive evidence in a committee. In order to allow a single member or staff designated by the chairman to receive evidence, it is necessary for the House to approve a resolution of this nature.

Madam Speaker, the Committee on Rules is generally hesitant to depart from the House rules, which properly assigns responsibility to Members of the House to take testimony and receive evidence. That is the normal rule of the House. However, extenuating circumstances dictate the need for this resolution today.

Madam Speaker, the chairman of the Committee on Education and the Workforce has indicated that some 40 witnesses must be deposed, and there are a scant few legislative days remaining in this session. As we know, a week from tomorrow we go off on a 4-week break for a work period back home in our districts, and then we return around September 9, and will be in session for about 10 or 12 more legislative days before we adjourn sine die for the year.

Madam Speaker, the chairman of that committee and several active members of the subcommittee conducting the investigation have testified before the Committee on Rules that they are encountering resistance to their legitimate inquiry from some potential targets of the investigation.

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Madam Speaker, attorneys for the Teamsters, and other potential witnesses as well in this investigation, have written to the subcommittee and indicated their refusal to comply with requests for voluntary interviews. In order then to understand the context of the documents already received by the subcommittee, it is necessary to depose these individuals.

So, Madam Speaker, this resolution is consistent with precedents from former Democrat and Republican control of the House, and a number of important safeguards have been included. The Committee on Education and the Workforce has adopted a new committee rule, which we insisted on before we gave them this new deposition authority, which sets forth appropriate procedures for how the staff depositions will be conducted, including provisions for notice, minority protections, and the rights of witnesses.

Madam Speaker, I would also note for the record that the information obtained under the authority of this resolution is considered as taken in executive session by the committee. That is very important. In order to release such information, again under normal rules of the House, clause 2(K)(7) of House Rule XI says that a committee vote is required.

Madam Speaker, the Committee on Rules believes that the Committee on Education and the Workforce has demonstrated a compelling need for the authority provided by this resolution, and it is my belief that they will exercise it judiciously. We have a great deal of faith and a great deal of respect for the gentleman from Pennsylvania (Chairman GOODLING) of the full committee, and I know that he and his committee, and the gentleman from Michigan (Chairman HOEKSTRA) of the subcommittee, will certainly act in a judicious manner, and we trust them to do that. So, I urge support for the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for yielding me this time. As my colleague has said and explained, this resolution will give authority to the staff of the Committee on Education and the Workforce to take depositions in connection with the committee’s investigation into the International Brotherhood of Teamsters.

Madam Speaker, I must oppose this resolution, because it grants unnecessary authority for an investigation of questionable necessity. The standing rules of the House give deposition authority to committees as long as two Members are present. And since the rule was enacted in 1955, until the beginning of the 104th Congress, it has been the practice not to grant additional authority, except in cases of grave importance to the Nation. If we pass this resolution, it will be the third exception since 1996.

There is a question whether this authority is needed at all for the committee to obtain documents and testimony for the investigation. The Teamsters have already supplied the committee more than 50,000 documents. They have expressed in writing that they are willing to participate fully in public hearings of the committee, even without the force of subpoena. However, they do have grave and justified concerns with secret, behind-closed-doors witness interviews.

There is a question whether this whole investigation is needed. The Teamsters are already the subject of a full investigation by the U.S. Justice Department. That is their job. They already have the staff and the resources and the authority in place. I am disturbed that the committee has already spent hundreds of thousands of dollars on this investigation instead of on other, much higher priority concerns within the jurisdiction of the committee, such as the education of our children.

There is a question about whether this is an appropriate delegation of responsibility to staff. We, the Members of the House, are the elected officials entrusted with the authority to conduct investigations. This is not an authority we should delegate so quickly.

Finally, there is a question whether this authority creates opportunity for abuse of the powers of Congress to meddle in the matters of private individuals and organizations. Let us remember that the standing House rule on investigations was enacted to curb the abuses of the McCarthy era.

The Committee on Education and the Workforce requested this authority, saying it would be easier to obtain testimony and documents. The purpose of the House rules should not be to make our jobs easier. The House rules should promote democracy, preserve individual freedom, and keep the long arm of the government from stifling liberty.

Madam Speaker, I have too many questions about this resolution. I urge my colleagues to vote no on the resolution and vote no on granting unnecessary powers for unnecessary investigations.

Madam Speaker, I reserve the balance of my time.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me just recall to the gentleman from Ohio (Mr. HALL), my good friend, that giving this temporary exception to the rules is not to make jobs easier or life easier for Members of Congress. Rather, it is to get the job done. It is to follow through with due diligence. That is why we are very careful to give out this kind of authority.

Madam Speaker, I yield 3 minutes to the gentleman from York, Pennsylvania (Mr. GOODLING), the person we are placing our trust in and who I hope is going to visit me up in Saratoga during the month of August.

Mr. GOODLING. Madam Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time, and I want to echo what the gentleman, the chairman of the Committee on Rules, just said. We really owe it to the rank and file of the Teamsters to complete this as expeditiously as we possibly can, and therefore need this deposition authority in order to do that.

The Committee on Education and the Workforce is examining the failed 1996 election of the International Brotherhood of Teamsters and related matters, including financial mismanagement at the union and possible manipulation of its pension fund.

Although the subcommittee's investigation has established a good foundation, its progress is increasingly slowed by obstructionist tactics of the IBT, including the refusal to allow interviews of relevant witnesses. We have been forced to issue subpoenas for documents to 14 organizations, most of whom refused to voluntarily provide information to the subcommittee at direction of the IBT. Subpoenas have also been issued to seven witnesses to secure their testimony at the subcommittee's public hearing.

Furthermore, the IBT has steadfastly refused on numerous occasions over the last 4 months to allow subcommittee investigators to interview current IBT employees and employees of its actuarial and accounting firms. IBT has even objected to the subcommittee interviewing former IBT employees.

To thoroughly and professionally examine outstanding issues, the investigation needs the authority to have designated staff conduct depositions. There are more than three dozen witnesses whose testimony would substantially further the investigation and who may have to be deposed. Much of this would be lengthy, detailed questioning which is not possible in a committee hearing. Some of it would also be very technical. Some of the depositions may have to be conducted after Congress adjourns for the year. All of it is needed if the investigation is to continue and make progress.

I want to ensure my colleagues that the authority granted through this resolution has safeguards to ensure that it is used appropriately. First, the authority is granted to the chairman of the full committee and can be used only in connection with the Teamsters investigation.

Second, information obtained under deposition authority is considered as having been taken in executive session by the subcommittee. That makes the information confidential and subject to the protocol under which the investigation is being conducted, a protocol which was agreed to by the minority.

Madam Speaker, the Committee on Education and the Workforce has judiciously adopted rules to assure proper use of deposition authority. We will provide for bipartisan participation in depositions. The ranking minority member will receive 3 business days' written notice before any deposition is taken, no matter where he may be, and all Members will receive 3 business days' written notice that a deposition has been scheduled. Finally, our proposed committee rules provide for various rights for witnesses, including the right to counsel.

This resolution is well planned and will be implemented with care. Deposition authority is a tool that will enable the Teamsters investigation to unravel the improprieties associated with the 1996 IBT election so they do not recur. It will also shed light on mismanagement and financial improprieties so that the International Brotherhood of Teamsters can become more responsive to its members.

Madam Speaker, I urge my colleagues to support rank-and-file Teamsters Union members and join me in voting for H. Res. 507.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentleman from Missouri (Mr. CLAY), the ranking minority member on the Committee on Education and the Workforce.

Mr. CLAY. Madam Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Madam Speaker, I rise today to express my opposition to the proposed change in rules and regulations and procedures. In my estimation, a decision to grant deposition authority to the Committee on Education and the Workforce would be unwise, unwarranted, and a radical break with House tradition and practices, and a very real threat to the civil liberties and privacy rights of American citizens.

The new deposition authority is virtually unlimited in scope and duration. It permits the majority to engage in an unprecedented fishing expedition, even during the summer recess of this House.

The chairman is seeking to acquire an extraordinary array of powers. With the stroke of a pen, he could summon to this Congress any American citizen for secret, under oath, behind-closed-doors interrogation. I am sure that the confidential testimony that our chairman just described will then either be officially, or through leaks, made public.

Any citizen who is not frightened by this scenario should be, particularly given the very clear record of investigatory abuse by the Republican majority in this House. To place the Republicans' proposal in a fair historical context, I would remind the Members of this House that such a sweeping power has been assumed by this body or by the Senate very rarely and only under the most compelling of circumstances. Only when faced with grave accusations of government wrongdoing or with threats to our national security has this body deemed it necessary to assume a power which traditionally resides in the judicial branch of government.

Madam Speaker, there is no compelling reasons for this authority. I ask why is it necessary to depose 40 witnesses in secret session? Not one Teamster has refused a subpoena before this committee. Not one Teamster has refused to come before the committee and testify under oath and in public. There is nothing concerning fraudulent pension matters that has surfaced before this committee. And if there were, this committee does not have the expertise or the resources or the commitment to do anything about it.

Madam Speaker, I tell my colleagues that in this instance it is difficult to view the majority's proposal as anything other than a cynical power grab, a partisan fishing expedition, a concerted attack on organized labor, and an invitation to abuse innocent American citizens.

This investigation, which has cost the taxpayers millions of dollars and dragged on for nearly a year, has been a shameful waste of time and money and an embarrassment to this institution. It is simply disingenuous for Republicans on the Committee on Education and the Workforce to claim that their failure to produce any new or relevant information regarding the 1996 Teamsters election is due to a lack of authority.

The problem is that the story they wish to tell, one of widespread, systematic corruption throughout the International Brotherhood of Teamsters, is one of fiction. No amount of snooping, interrogating, or wishful thinking will make it otherwise. This is simply too awesome a power, especially when considering that the chairman of the committee already has unilateral authority to issue subpoenas.

Madam Speaker, I appreciate Chairman GOODLING's words of assurance that committee Democrats will be involved in the deposition process and that other safeguards will be constructed around the proceedings. But with all due respect to my good friend, the past record of Republicans ignoring the rights of the minority on this committee does not speak well for such assurances.

We were given the same guarantees regarding consultation and notice when the chairman appropriated the power to unilaterally issue subpoenas.

□ 1330

Those promises have been consistently, routinely and casually broken. Perhaps most disturbing is the majority's proposal to allow staff who are not attorneys to conduct sworn depositions. The very thought is mind-boggling, American citizens being drugged into this little star chamber to be interrogated under oath in secret by staff who are not bound by or trained in the Code of Legal Ethics. This is an open invitation for abuse and for the violation of legitimate legal and constitutional rights.

Legal proceedings should be conducted by those trained in the law, not by laymen. Testimony before Congress should be in a public arena for American citizens to judge guilt or innocence for themselves. I urge my colleagues to oppose this unwise and dangerous amendment to the rules of the House.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

I would just like to point out to the previous speaker, who is the ranking member of the Committee on Education and the Workforce, that the Committee on Rules has the responsibility of assigning the responsibilities and jurisdiction of committees.

We all know that the Committee on the Judiciary is primarily involved in looking into the legal code and the criminal law of the land. The Committee on Education and the Workforce has primary responsibility to look into labor issues and has oversight of the laws particularly as they pertain to pensions.

I know, I have worked for many years on the Social Security issue and the abuses that take place in the fiduciary accounts in Social Security. But here we have rank and file members of the Teamsters Union, and they want to know where their money went to and what happened.

Madam Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PARKER).

Mr. PARKER. Madam Speaker, I rise in strong support of H. Res. 507, which would provide for deposition authority for the Teamsters investigation.

I am the newest member of the committee, and one reason I joined this committee was because of my interest in the investigation. I was appalled that the 1996 election of the International Brotherhood of Teamsters had to be invalidated. I have a keen interest in ensuring a fair rerun election.

To protect the rank and file members of the Union, we have to have a thorough accounting of what went wrong with the 1996 election. It is also in their interest and that of other American taxpayers that financial mismanagement at the Union be cleaned up.

I was shocked to learn, when I joined the committee, that the investigation does not have deposition authority. It was evident to me from the beginning of my involvement that that is a critical investigative tool without which the investigation will have little chance of success.

Over the past few weeks alone, we have had instance after instance of the Teamsters Union refusing to make critical witnesses available for interviews. The lawyers for the Union do not want us to talk to current or former employees of the Union or to employees of the Union's actuarial and accounting firms.

As just one example, on July 9, we received a letter from an attorney for the Teamsters' accounting firm informing us that the Union refuses to allow such interviews. It is evident to me that the officials of the Union are deliberately impeding the investigation and are trying to run out the clock on this Congress.

It is completely unrealistic to expect that Members of Congress will make themselves available to hold hearings to interview the more than three dozen witnesses from whom we need information. Unless the investigation receives deposition authority through the committee chairman, we are basically telling the Union officials that they have won, that they need not account for their actions either to their own membership or to the American public.

Madam Speaker, this authority will not be taken lightly. It will be used carefully. I understand what may be the reluctance of some Members of the House to provide extraordinary authority, but these are extraordinary circumstances which call for appropriate measures.

Madam Speaker, I urge approval of H. Res. 507.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to H. Res. 507.

I serve, Madam Speaker, as the ranking member on the subcommittee that has responsibility for oversight and investigation in the Committee on Education and the Workforce. This investigation on the Teamsters Union election, which was set aside because of the illegal swapping of funds, began last October, and it has sort of limped along.

The majority members have a full staff of, I do not know quite how many individuals there are now on board, but I am told that there are at least five or six attorneys that have been engaged to work on this particular investigation. I have tried to be diligent in paying attention to the agenda, to the hearings that have been called and to all of the communications that have emanated from the majority chair of this subcommittee.

So I rise with great amazement today to hear that there is any justification whatsoever in asking this House for these extraordinary powers that invade the privacy of many individuals. We are going to put, because of some whim on the majority side, many individuals whose names are not even known to even myself as the ranking minority member of this subcommittee, who these persons are who have been reluctant to come before their staff for questioning or for discussions. Certainly I do not know of any Teamster member who has been asked for an interview who has not come before the subcommittee under subpoena to testify.

In every instance the Teamster members who declined these personal, closed-door discussions invited the subpoenas because what they wanted and what is their right in these United States is to come before bodies that are accusing them of misconduct to have their testimony taken in public.

What is so offensive about this rule today is an authority which is going to be granted to a very small number of individuals. These depositions could be held without one single Member of Congress present, because that is how the resolution reads. No Member needs to be there because of the word ''or,'' member or staff.

Sure, I could be notified 3 days in advance that a deposition is going to take place during our district recess period when I am in Hawaii. I fully intend to do everything I can to be there, but I cannot guarantee that protection to these individual witnesses who are going to be deposed in this way, not by attorneys who know the rule of law, who know the rule of evidence, who respect the rights of privacy and privilege in this country, but by staff, who I do not say are going to have any ill temper or ill will but who might mistakenly invade into the high privileges which every Member of this Congress has sworn under oath to preserve. That is what is our constitutional right here.

I respect the millions of members in the Teamsters Union, and I want to do what is right for them. But I have not heard one single allegation of a reluctant witness who is not willing to come before the public, take an oath and testify to any question that this committee wants to put to them.

I believe that that is a right which is precious and should be protected by this House, and that is why the rule says we cannot depose unless the whole House agrees to it.

So I ask the Members today to search the record. There is no evidence of reluctant witnesses who have refused to come before the committee to testify. I think that that is the most important grounds upon which any such rule like this has to be premised.

I know most Members of the majority party are very much committed to the preservation of individual rights and democracy and freedom and civil liberties. What we are doing today is to trash all of that because of a political agenda.

Mr. WAXMAN. Madam Speaker, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, I thank the gentlewoman for yielding.

If my colleagues want to see an example of deposition authority and power being abused, look no further than what this Congress has done in the Committee on Government Reform and Oversight. People are subpoenaed for depositions. They are forced to come against their will, hire lawyers at $300 an hour.

I just want Members to know this is not theoretical. I have seen people have to go hire lawyers, take time off from work, prepare for these depositions, go through the anxiety of it all to be questioned by staff people.

Just a couple days ago, we had a deposition in Los Angeles of one of these four people that we gave immunity to. It started at 1:00. It went until 8:30. This witness had almost nothing to say.

We have had staff people ask witnesses about their personal lives, whether they have ever been tested for drug abuse. We had one witness in a deposition who was asked whether they could tell about a colleague, whether that colleague had done something illegal.

This power can be abused. If there are hearings, at least the public will know what is asked. But if they are depositions, it is a staff person who can abuse that power, run roughshod over the rights of Americans by allowing them to, in closed door session, be asked any kind of question.

Be wary whenever we give deposition authority. In some cases, it is appropriate, but we know it can be abused because we have seen it abused in this Congress already.

Mrs. MINK of Hawaii. Madam Speaker, I know that all Members on the majority are always very cognizant of their responsibilities to protect individual rights. They are firm against big government coming in and intruding in this way, so I am personally shocked at this reckless venture into the invasion of these individuals. Forty people whose names I do not even know, and I am the ranking member, I do not know of any abuse with regard to the pension funds that has come to the attention of our subcommittee.

This is really a fishing expedition, reckless disregard of individuals who are going to have to hire attorneys at tremendous cost to themselves. We are not prepared to pay for it. I want to see the individual rights of this Union protected; and, if we really believe in their democracy and their individual rights to run their Union, by golly, we ought to allow them to have an election for their leadership.

Mr. SOLOMON. Madam Speaker, I will just say to the gentlewoman that, yes, the rights of the Union should be protected; but, even more so, so should the individual rights of the individual rank and file members of that Union.

Madam Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD), who has never won a green jacket in the Masters but has won my deep respect for the job he has done as a Congressman.

Mr. NORWOOD. I thank the gentleman from New York for yielding me the time.

Madam Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, let us take a look at the record. Let us take a look at the judge who has had supervision of the consent decree for the last 9 years, since 1989. How does he feel about the Teamsters and Teamster leadership in 1998? Here is what he said to the Teamster lawyers in court on Tuesday:

''I believe it is time for the good members of this Union to rise up in revolt. This Union has been run by a small group for their own benefit. I want to hear what the membership thinks. It is time for the good members to rise up and revolt against the self-serving, little men in charge.''

To the attorney, ''You don't really speak for the Union. You speak for a small minority,'' Edelstein told Weich. ''I can understand the wrath of Congress. They don't trust the Teamsters because of the Union's history of squandering taxpayer money. I'm going to get to the root of this evil. And if you don't have Sever here by noon, I will send the marshals for him.''

□ 1345

The same type of stonewalling that this union leadership is imposing in New York in the Federal court is the same pattern of stonewalling that they are doing to this congressional committee, and the shame of it is we have funded this union and we have spent approximately $20 million and this is their thank you to the American taxpayer.

Mr. NORWOOD. Madam Speaker, reclaiming my time, I rise in strong support of H. Res. 507. I would say to my friend from California when it comes to being abused perhaps that we ought to be concerned a minute or two about the taxpayers of this country that have been abused to the tune of $20 million. Maybe we ought to be concerned about the members of the Teamsters Union that have been abused to the point where their treasury reduced from $155 million down to less than $1 million. There are all kind of things and people we ought to be concerned about in their abuse and our point of view in the oversight committee and our job in the oversight committee is to find out what went wrong in these illegal elections.

The Committee on Education and the Workforce needs deposition authority because the Carey administration at the Teamsters is stonewalling our investigation. It is just sort of that simple. Now, that is an unfortunate situation, but Congress has a duty, a constitutional duty to investigate a union that tramples its members' rights and flouts the very laws we have passed in this body.

Our investigation has been going on for almost a year now. We are starting to get the picture of how this union has been run. Frankly, Madam Speaker, it is not very pretty. The most recent development, of course, is that the president of the Teamsters, Ron Carey, has been barred from the union for life as has his former government affairs director William Hamilton. That is not fiction. In an election that cost the American taxpayers almost $20 million, Carey took his members' dues to pay for his reelection campaign. Clearly he was more interested in keeping his job than protecting the rank-and-file Teamster.

The record of evidence compiled by the subcommittee thus far indicates that the Carey administration also may have manipulated the union's pension funds. That is serious stuff. Notice I said ''may have.'' We need to know for sure whether we are right or wrong. And may have made political contributions with their members' dues, which is very illegal. Obviously we need to interview all of the Teamsters employees and contractors involved in these matters to find out the extent of these problems and do our duty.

Do the people running the Teamsters Union now, who were elected in a sham election, want us to get to the bottom of this? No. No, unfortunately not. They will not allow us to interview their employees, their accountants or their actuaries about the financial shenanigans that did go on. What are they trying to hide?

I will say this about the unelected people in charge of the Teamsters today. They do have a lot of gall. Not only do they refuse to let this Congress do its job by performing an oversight investigation, but they turn around and say, ''You've got to pay for the next election.'' They will not let Congress find out how the election went wrong, but they will come to us and demand that we kick in another $10 million so they can have another election.

I for one frankly have had enough of this, of the Carey administration's stonewalling. We need to pass this resolution today so that Congress can find out what they are trying to hide from. Union officials that misuse the hard-earned dues money of their members should not be allowed to thumb their nose at this Congress.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Madam Speaker, first I would like to insert in the RECORD the transcript later in that proceedings where Mr. Sever did appear in court and the judge indicated that he could not order the IBT to pay for the election.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

PLAINTIFF

V.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, ET AL.,

DEFENDANTS

July 29, 1998, 12 p.m.

(Hearing resumed)

(In open court)

THE COURT: Good afternoon, ladies and gentlemen.

The first item I will discuss is my request for a referendum. When I made that request, I had in mind that it was completely for the benefit of IBT. I call your attention to an item in their memorandum, which is very convincing and persuasive. The GEB's decision is consistent with the Court's statement on the record on June 29, 1998 that voluntary payment by IBT officers of the costs of supervision would be a ''breach of a fiduciary relationship and something that is forbidden actually to do by law.''

The thought occurred to me that the union could send a message to the IBT hierarchy that they would agree and it would not be considered by them a breach of a fiduciary relationship if they were voluntarily to agree to contribute some money to a rerun election. However, the memorandum is very persuasive that the cost and the effort involved in such an undertaking would be futile. So my good intention has come practically to naught.

I did say that voluntary contributions by the IBT in light of the decision by the Court of Appeals, dissent noted, would be a violation of their trust. Again, I repeat ad nauseam that it occurred to me that if they had a word from the membership that they would not be held to such an account they could then go ahead and make voluntary payments. So my request for a referendum is no longer in order. I am sorry it did not work out the way I thought it might.

I still am of the opinion, although I am not sure that I have the authority to order it, that instead of a referendum a poll of a very small but vital universe of 500 would give some indication to the hierarchy whether contributions could be made without being in default of their duty. I leave that to the entire discretion of the union itself.

Now let me address some verities. I think we all know that of all the many cases that are filed in this court and, indeed, in all the courts in all the land, if all those cases were to go to trial, the system would come to a creaking halt. Certainly it is not new news for you as practicing lawyers to know that compromises and agreements occur even after verdicts for a plaintiff and a defendant. And it also is not great news for you to understand that when one files an appeal, every effort is made by an instrument of that court to resolve the issue before the need of the decision.

I think common sense ought to be considered here. Is it your view that an unsupervised election does not have to put in place any assurance, any guarantee, any rules to demonstrate that a nonsupervised election will still be a democratic election, a free election, and that every effort will be made in a nonsupervised election, of which there have been many in the history of this union, that such an election should not raise any concern or fears that corruption would become the order of the day?

That is my concern. As I said, an unsupervised election sounds more fearsome than it can actually be. And what I want here today, and I took the liberty of asking Mr. Sever, a member of the executive team, to come and see if I can employ reason and amicability and some stability to a problem that should be settled, does this unsupervised election, and I am intending to go ahead with that, mean that I have to be concerned with chaos?

Mr. WEICH: Your Honor, I'm quite confident that an unsupervised election would not be chaotic. Almost every union in the country conducts an unsupervised election under federal labor law. And, of course, this union is additionally bound by the consent decree and its own constitution. I am very confident that safeguards would be in place to insure that corruption does not occur and that the election is carried out in an open and democratic manner.

THE COURT: Would a supervised election give more assurance of orderly procedure? Would it relieve us of certain, perhaps unrealistic, apprehensions that the election would go forward in a more orderly process?

Mr. WEICH: It's a very difficult question to answer under current circumstances. I can only say, your Honor, that the IBT supports the supervision process. We have said in every public statement and reiterate again today that we would like to see supervision. We insist, though, that the United States be made to meet its obligations under the consent decree to pay for that supervision if it is to occur.

THE COURT: Do you understand my reason for a referendum?

Mr. WEICH: I do understand.

THE COURT: I was trying to relieve you of the danger of irresponsibility in the event you voluntarily agreed to make contribution.

Mr. WEICH: I do understand that, your Honor.

THE COURT: And I thought the only way I could deal with that problem on your behalf and somewhat on the Court's behalf was to have the voice of the union say no, you will not be guilty of any betrayal of a fiduciary relationship if you make a voluntary contribution. That was my reason.

Mr. WEICH: I understand that.

THE COURT: And now that you have convinced me that there is no point to it, I withdraw that request.

Let's go on.

Ms. KONIGSBERG: Your Honor—

THE COURT: You say order the Congress to do something, in this case, to provide funds. Think about this clearly and analyze it. Here is this district court judge telling the mighty sovereign Congress, Do something. And if they say no, what is my next step? Dealing with an old truism, that no court should enter an order which ends up in futility, am I to say I am going to hold the entire Congress in contempt? To think about it shows it is absurd.

The same thing holds true, as I said, if I say to the government, Pay. It is your obligation. And if they say, We cannot, what do I do? Hold the United States of America in contempt? I do not think I could possibly survive that.

Now the focus here is, Oh, the Attorney General is not inhibited by anything that the committees have said about inhibiting the use of the funds. That is your interpretation. But if I were the Attorney General, I would want more to rely upon than an interpretation. It is not a matter of what we think the inhibition proscribes or what the Court may think or even what the government may think. But before I, as an Attorney General, would be free to do ahead and make my interpretation that the government is free to use certain funds, I would want more assurance than that, than face possible contempt by the House Appropriations Committee.

I implore you, why can't we be reasonable about this? Why can't we continue to have a supervised election by some contribution?

Mr. WEICH: Your Honor, we continue——

THE COURT: Am I off the wall when I say probably in your own experience that you have entered into compromises even when a verdict has been in your favor?

Mr. WEICH: Yes, your Honor, that's certainly true. I can only observe that we still await word from the United States whether it is prepared to put any money into this process. It strikes me that on this record, given the union's history of being willing to compromise in the past, it's the decision that the Court of Appeals handed down that at this time would be appropriate for the government to state whether it has any money before the question is put to the union.

THE COURT: You mean money that is absolutely free and clear and under no restrictions?

Mr. WEICH: Yes. Well, your Honor, you know our position, that there is money that the Court could order the government to pay. Our position there is not an extraordinary one. It's often the case that a government agency tells a federal court that it believes it doesn't have authority to do something or doesn't believe it's required to do something, the Court orders that agency to do it. And, as always, the United States complies.

But my point, in response——

THE COURT: Let's assume you are right, and I do not see how your logic can stand up, I say to the government, Pay, and they say, We cannot, we do not have the funds, whether under restrictions or not. What do I do, hold the United States in contempt? Well, what do I do? I have issued an order. I have said to the government, Pay, and they have said, We cannot. What do I do? Where does that lead us?

Mr. WEICH: The first place it would lead us——

THE COURT: Did you ever hear of sovereign immunity?

Mr. WEICH: Yes, I have.

THE COURT: Do you know what that means?

Mr. WEICH: Yes, I do.

THE COURT: Who would I hold in contempt? U.S. of America, you are held in contempt. Oh? Either you comply or I will send you to jail. Who will I send to jail, the U.S. of America? Isn't that what a lawyer is supposed to unravel in his thinking when he makes an argument? Is that order that I make now silly? Who would I hold in contempt?

Mr. WEICH: Your Honor, I——

THE COURT: Who would I drag into court? Uncle Sam, who is the symbol of America? Who would I hold in contempt? The Appropriations Committee? The subcommittee? The entire House of Representatives? The entire Senate? Whom would I hold in contempt? Do I fill the jailhouse with all these dignified representatives of their constituents?

You know, thought is a very important process. It is easy enough to embark on ideas that are grandiose and win favor with a constituency, but you have got to parse it and analyze it. No court is supposed to enter an order which is futile.

I have been dealing with this specter. Maybe the symbol of America is Uncle Sam and I will have Uncle Sam, I will even have his beard trimmed for television purposes, and I will put Uncle Sam in jail. The more you think of it, the less appealing it becomes. So unappealing that it is not even worth all the discussion and thought and sleepless nights I have given to this.

I have no hesitation where contempt is proper, and again I must remind you that contempt must be by trial to another judge. Do you know that?

Mr. WEICH: Yes, your Honor.

THE COURT: I am sure my colleagues would applaud my effort to ask them to try a case of contempt against the United States of America. I think that should convince you that it is an idea whose time has now come.

Now, can't we deal with this the way lawyers do all the time? Try to reach some understanding and agreement. I have had many cases resolved after a verdict by 12 men and women, good and tried, who found in a civil

case by a preponderance, in a criminal case beyond a reasonable doubt, some negotiation. Why can't we do that here? Is there a motive why there is so much obstinacy here and obdurateness about coming to any understanding or realization?

Mr. WEICH. Your Honor, I ask again that you put the question to the United States if there is money.

THE COURT. What do I do if they say no? You beg the question. You are a lawyer. I have asked you a question. Give me some help. Who do I hold in contempt?

Mr. WEICH. I'm confident that if you put the question to Ms. Konigsberg whether the United States would obey a lawful order of this Court her answer would be yes, therefore contempt would be unnecessary. If contempt were necessary——

THE COURT. Is there a danger that I ought to consider sanctions against any lawyer who tries to bring an action or a cause that is absolutely absurd in its very, very root? Again, I have asked you ten times: Whom do I ask another judge to hold in contempt?

Mr. WEICH. If contempt were necessary——

THE COURT. Contempt is always necessary if an order is not obeyed.

Mr. WEICH. Yes. If contempt were necessary, your Honor, there are officers of the United States who stand in for the United States——

THE COURT. All the officers of the United States?

Mr. WEICH. No. Ms. Konigsberg——

THE COURT. Aren't you a little bit ashamed of your begging the question?

Mr. WEICH. No, your Honor.

THE COURT. All right. That would be quite a newspaper item, having all the 50 states and their senators and representatives hauled to court and put to jail. That would be novel. Instead of history of the law, it would be the hysterics of the law.

Again, can I bring you to the peace table?

Mr. WEICH. Your Honor, we've been at the peace table. We ask whether the United States is intending to come to the peace table.

THE COURT. I want to hear from the United States. Shall I hold you in contempt?

Ms. KONIGSBERG. No, your Honor.

THE COURT. As long as we are in the amusement circle, let me tell you my own personal experience, without much name. At one time in my career I was special assistant to the Attorney General of the United States, a rather important job. There was a case before a very distinguished justice and he wanted the government to produce certain documents. I told the judge I did not have these documents, I did not have control of them, I had never seen them, that they were exclusively in the possession of the Attorney General, who resided in Washington.

The judge gave me a brief period of time to produce those documents or to be held in contempt and possibly jailed.

I spoke to the Attorney General. I have never seen the documents. I did not know their relevance. I did not even know that they would lead to relevant evidence, and he said, You may not have them. And you must go before the court and say that I will not release them.

And then he said, with a broad Texas drawl, David, jail is not too bad at all. They feed you three meals a day.

Fortunately, the judge had some generosity and heart and did not hold me in contempt, which would certainly have hurt my career. He certainly did not jail me, but the documents were never produced and there was really nothing that he could do. That was my own personal experience.

I am, as the record will show, a very reluctant judge when it comes to dealing either with sanctions or with contempt because that has the very treacherous danger of doing substantial irreparable harm to a lawyer who might be more zealous than smart.

Ms. KONIGSBERG. Good afternoon, your Honor.

Let me first address the issue about whether or not it could be perceived as a breach of fiduciary duty for the union's leadership to agree to pay the costs, some of the costs, of the rerun election. It, in the government's view, would not be a breach of fiduciary duty and though the government supports the Court's idea of having a referendum, it would not take a referendum in order to reach that conclusion.

THE COURT.Wouldn't a poll do just as well? I have had some experience in that area. A poll could be done. A universe of 500 is sufficient. It could be done in two or three days.

Ms. KONIGSBERG. That is possible.

THE COURT. By telephone.

Ms. KONIGSBERG. That is possible, your Honor. But whether—irrespective of any referendum and irrespective of any poll, it cannot be considered a breach of the union's fiduciary duty to pay these costs, and let me explain why. Though I know the Court mentioned that at the prior hearing, I don't consider that a finding by this Court; that was not a matter that was briefed. The union indisputably is going to have to bear the cost anyway of an unsupervised election.

THE COURT. Has anybody an estimate of what that cost would be?

Ms. KONIGSBERG. I would like to know from the IBT what they project that cost to be. I mean, I would suspect it is at least the same amount of money, if not more so, than the amount of money that the union would pay if they share the costs of the election. I think it would be helpful if the Court, if we, could inquire of the IBT what that would cost. But I would suspect it is, at a minimum, $4 million for them to have to pay in any event if they have to conduct their own election.

Second of all, it is in the interests of the union membership to have a fair election and to have a supervised election. The union has said itself that they are in favor of a supervised election, and everybody here agrees that the best way to insure a fair, free, democratic election, that all the members and all the public can have confidence in, is to have election officer supervision. So regardless of the relative costs of an unsupervised election versus what they would contribute, the union leadership can decide that this is something that's in the members' interests to have an independent, court-appointed election officer supervise this so that the union membership can be assured of having a fair, free, democratic election.

Really what this can be, I suppose, likened to is, is the union saying that it would refuse, in effect, if the government is able to secure the agreement of Congress to pay $4 million, or plus, toward the cost of this rerun election supervised by an election officer, is the union saying that it would refuse to accept the government's money in order to be able to have a supervised election? Because we all agree that they're going to have to pay these costs anyway in an unsupervised election, and we all agree that the election officer supervision is necessary.

I mean, I would submit to the Court there is at least a question whether it could be perceived as a breach of fiduciary duty not to agree to pay the costs in order to have a supervised election. So, I think it would be helpful to take the question of a breach of fiduciary duty off the table here. I don't think there is any question that the union leadership can agree to pay this. What the Second Circuit's decision was about was whether the union could be obligated to pay.

THE COURT. The Second Circuit decision completely ignores the very powerful dissent, and although that dissent did not carry the day, it sends a powerful message. Nobody even refers to that. That is bad argument. The dissent did not carry the day. It did not persuade the majority. But it is a very powerful message and should not be ignored.

Ms. KONIGSBERG. We agree, your Honor. But even accepting the majority's opinion, which, of course, we accept, all it says is that the union cannot be compelled——

THE COURT. That's right.

Ms. KONIGSBERG [continuing]. Based on the misconduct. It does not say that the union voluntarily cannot agree. It also does not say the government is required to continue supervision. But it does not say that they cannot voluntarily agree. And it is clearly in the union members' interests, as the IBT has conceded, to have a supervised rerun election, so that it would not be a breach of fiduciary duty.

THE COURT. I brought you here, Mr. Sever, to lend a helping hand based on your long experience to resolve this problem. Maybe your lawyer will feel a little freer if he has some notion from you that you are willing to help.

Mr. SEVER. Your Honor——

THE COURT. You are no longer with the Mets, are you?

Mr. SEVER. Your Honor——

Mr. WEICH. It's Tom Sever, your Honor, not Tom Seaver.

Mr. SEVER. Your Honor, in due respect, you know, I must indicate that we do have a decision by the Second Circuit of the court. In light of that decision, I did proceed on to the general executive board on July the 20th, and the general executive board rejected to pay for any costs in light of that decision, and, you know, I believe that we ought to—I believe in the judicial system, your Honor. And I believe that we ought to abide by the courts and follow the appropriate procedures of appeal, if necessary. But certainly that's where we stand at this point, your Honor.

THE COURT. All right. But I am asking you: Can you not consider that there may be some room for compromise and negotiations?

Mr. SEVER. If there would be any room for compromise, your Honor, I would be more than happy to take that back to our general executive board.

THE COURT. Will you do that, please.

Mr. SEVER. I would take a poll with the board. I would do that if we could have a compromise.

THE COURT. And will you also say it is my——

Mr. SEVER. Would you repeat.

THE COURT. It is my passionate desire to see that this matter be resolved.

Mr. SEVER. It would—I would like to see it resolved, your Honor. However, you know, with respect to my fiduciary responsibility as the general secretary-treasurer, and with the due respect of the cost that may be associated, I believe that, you know, if there could be some kind of a compromise, such as maybe sending out the ballots, that I might be able to recommend that. And that cost would be somewhere around $2 million. I might be able to recommend that to the general executive board.

THE COURT. All right. That is something.

Mr. SEVER. Thank you, your Honor.

THE COURT. Did you want to say anything? Did you want to say anything?

Mr. WEICH. No your Honor.

THE COURT. I want this election to go forward. We have had some delays and I think it is time to fish or cut bait.

Now, in anticipation that we are going to have an unsupervised election, will you please give me some details of how you plan this election to go. I think my inherent power in terms of my need to manage my own caseload suggests that I can require you to give me some view of your plans.

I also think that hope does spring eternal. I think that perhaps the Senate, by its appropriate committees and their wisdom, might decide to allow the Attorney General some freedom in the use of funds. I just do not know how we can urge them to come forward with a yes-or-no answer, but perhaps they will.

Is there anything else?

Ms. KONIGSBERG: Yes, your Honor.

As the government set forth in its papers, the government believes that the Court has the authority to set a plan for this election, particularly given that the IBT——

THE COURT: You know their argument about the plan that you suggested, that this is just a disguise, using rhetoric, but to accomplish exactly the same thing that would occur in the hands of the supervised election.

Isn't that your argument?

Mr. WEICH: Yes, your Honor.

Ms. KONIGSBERG: I'm aware of their argument, your Honor.

THE COURT: You have a chance to answer. I think your date is Monday.

Ms. KONIGSBERG: That's right, and we will respond to that on Monday, your Honor.

THE COURT: But the IBT makes a very persuasive argument that this is merely a camouflage and that the Court does not have inherent power to do anything by way of accepting a substitute monitored election.

Ms. KONIGSBERG: We will address that. We disagree.

THE COURT: That is the problem with appointing a special master.

Ms. KONIGSBERG: Your Honor, the government disagrees very strongly with that characterization; that is to say, that there can be no court-appointed election officer in the absence of a supervised election doesn't mean that you throw the baby out with the bath water and that all of the learning under the consent decree about how to have a democratic election——

THE COURT: I will read your papers and I will study your papers, and I hope to get another version of how an unsupervised election will proceed.

Ms. KONIGSBERG: Thank you, your Honor.

Mr. CHERKASKY: Your Honor, just very briefly, if I might. We also feel strongly that any——

THE COURT: Keep your voice up. Everybody wants to hear you.

Mr. CHERKASKY [continuing]. That any contribution that would be made by the International Brotherhood of Teamsters would not be a breach of their fiduciary duty.

THE COURT: Would not be what?

Mr. CHERKASKY: A breach of their fiduciary duty. I think all the parties agree——

THE COURT: I was trying to give you some assurance that under no circumstances would they be crucified on the cross for the sustaining of the fiduciary relationship.

Mr. CHERKASKY: I understand that, Judge. Certainly, it's—I think they've taken out of context your remarks at previous hearings. They have said previously that they would contribute some sums, so they didn't feel it was a breach of their fiduciary duty or they wouldn't have agreed to contribute anything.

Secondly, we would think that, we firmly believe that the Teamsters union, as was indicated yesterday, is a union that has every right to have a fair and free election as quickly as possible and that the membership, we believe, demand that. We also believe there are ways to do polling, ways that you could do polling going to each of the different locals and have a weighting voting process which could be done very quickly, very efficiently, and very inexpensively, so that in fact we could have a very quick read of what in fact the union felt as to the proposition of their making a contribution or not.

Finally, as unpleasant as it may be for us, we have to face the fact that this may be an unsupervised election and, your Honor, we will in fact be filing with your Honor a proposal of how to would wind down the matters of the election office. We, in fact, are continuing to spend money, continuing to do work. We have a number of very significant protest matters before us which, in fact, we think urgently need to be completed, and we would in fact by next Monday have a proposal for you if in fact it's necessary, if the draconian happens, how to wind down the election office.

THE COURT: I have a note from my worthy staff:

''You need to give the IBT a timetable for giving more definite statements for unsupervised election.''

Thank you. What would I do without you? What timetable do you need?

Mr. WEICH: Respectfully, your Honor, it seems to us premature when the government has not, to date, withdrawn its election to supervise to order the IBT to do more than it has done, which is to set forth with a fair bit of specificity how it would conduct an unsupervised election in accordance with federal labor law, the IBT constitution and the consent decree. I really think that as a matter of logic and timing, the United States should conclude its efforts and say, finally, that it does not intend to supervise, if indeed that's the conclusion it reaches, despite our view that it should not be permitted to withdraw that.

THE COURT: If public relations and goodwill have any strong reason, and believe me they do, you cannot possibly estimate the goodwill and public relations game for the IBT to come forward generously to make some contribution.

I repeat this ad nauseam: In the ten years that I have been on this case, the union has spent millions upon millions of dollars fighting every single revision of this decree. Millions. Some of it so silly that it has been a mockery and a telltale at cocktail parties. The quarreling over my order for the IBT to provide a $50 secondhand cabinet file, in one matter where there were just a number of limited appearances, one law firm garnered $6 million in fees. I think from my point of view a forthcoming spirit of generosity does not have to wait for Christmas.

Yes. Go on.

Ms. KONIGSBERG: Your Honor, because there is such a strong interest in having a prompt rerun election, we believe that there should be a schedule set for the IBT to submit a plan that these two things can occur at the same time and we think that would make sense to do. In addition, I wonder if the IBT has an estimate of what they think it would cost them to conduct an unsupervised election.

Mr. WEICH: Your Honor, we're prepared to submit additional details about how we would conduct additional details about how we would conduct an unsupervised election next Wednesday, August 5.

THE COURT: Can you give us an estimate of what the cost would be?

Mr. WEICH: We will do our best.

THE COURT: You will do that?

Mr. WEICH: Yes, your Honor.

THE COURT: Is there anything else?

Ms. KONIGSBERG: That's it, your Honor.

THE COURT: Nothing else?

Mr. WEICH: No, your Honor.

THE COURT: Please come up with something. I think after ten years on this case I deserve a break. And I think we have done one tremendous job of ridding this union of a lot of corruption and we are still on it.

Madam Speaker, I rise in opposition to the resolution and particularly the portion of the resolution which allows nonattorneys to conduct depositions behind closed doors and without any member of the committee present. That authority is virtually unprecedented. The authority of having a nonattorney staff conduct the depositions was not given to the Committee on Government Reform and Oversight where we heard abuses even with attorneys doing it. The House did grant that authority in the committee on the transfer of technology to China, a select committee on which I sit, but it was understood by the members of the select committee and the Members of the whole House that an issue of that magnitude required swift but thorough investigation, staffed with personnel skilled with the nuances of deposing witnesses with sensitive and potentially classified material. We also recognized that some of the material and witnesses sought for that investigation would require travel to China and experienced staff must be allowed to pursue those matters when Members' schedules might preclude their attendance. The staff members hired for that purpose, the 6-month duration of the committee, will obviously be hired with the appropriate skills for taking depositions. In contrast, this investigation into the 1996 Teamsters election will not address matters of national security but the members of the subcommittee must apply equal vigilance to the rights of witnesses and the appropriate conduct of the investigation. Already the Subcommittee on Oversight and Investigations has come very close to interfering with an ongoing investigation by the U.S. Attorney's office into the Teamsters election, and we experienced a potentially damaging incident concerning the shocking modification of subpoenas without the approval of the committee. All of this occurred under the watchful eye of the consultants to the committee, whose professional credentials cannot be challenged.

In fact, the committee hired these consultants for the majority because the majority stated that it did not have qualified staff with the background, knowledge or experience to conduct the investigation. Now these consultants have given notice that they will be leaving the investigation, so I hesitate to think what will happen when staff who are not attorneys, not experienced in deposing witnesses and who are not required to abide by any codes of professional responsibility are allowed to continue where the consultants left off.

This subcommittee must be vigilant in its investigation into the Teamsters election. The rules of conduct must not allow the reckless endangerment of a process designed to prevent another failed election. In the end we must be responsible not only to the Teamsters but also to the taxpayers who paid for the 1996 election and who continue to pay for this investigation. We should not allow nonattorneys who have already been labeled by the majority as

incapable of conducting the investigation to be granted the exceptional power to conduct depositions behind closed doors.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, I thank the gentleman for yielding time to me. I think it is appropriate for the committee of the Congress to do an investigation. I think it is important to get to the bottom of the issues at stake. I also think in theory it is sometimes appropriate to have deposition authority. But when you look how this authority has been abused by the Republican majority in this very Congress, I think you have to step back and ask whether this is a wise thing to do.

If a committee is doing an investigation and they want to hear from a witness, bring a witness before the committee. If the witness will not come, subpoena the witness to come before the committee. Let members in an open session ask questions. But when you give deposition authority, it allows staff to bring in these people, behind closed doors, without the public even knowing what questions are being asked, and to abuse those people by making them hire attorneys, making them take time off from work, making them answer questions over and over and over again while the clock is ticking away and the costs are going up.

I can tell Members that in the Committee on Government Reform and Oversight, the staff has deposed 158 individuals. One-third of these people were compelled to give testimony under this threat of being held in contempt of Congress. Of these 158 depositions, 650 hours of testimony was taken. This is burdensome on people. It is a power that can and has been abused.

We have come now to a point where it is simply a partisan fishing expedition. Of 158 witnesses, 156 have only been asked about Democratic fundraising abuses while the committee has ignored substantial evidence of Republican campaign finance abuses. It becomes a partisan witch-hunt without any accountability to the American people.

Accountability is important. When you are in an open session, you have to be accountable because the public can see what you are doing. But when it is a deposition, behind closed doors, there is too much power and that power can be abused.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume. I hesitate to get involved in this at this time, but the gentleman is complaining that the committees were only investigating Democrat abuses on campaign finance. This gets under my skin a little bit, because no Republican has ever been accused of selling out our country. No Republican has ever been accused of accepting campaign money and then giving away the strategic interests of our country. Now that we have more than 18 intercontinental ballistic missiles aimed at America, we ought to get to the bottom of it.

Never before have we ever had an administration, whether Democrat or Republican and I go all the way back to Harry Truman's day when I was a Marine guard in this town never have we had a President, either Republican or Democrat, who deliberately withheld information and did not try to level with the American people. That is why we have had to have staff depositions in the past.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the gentleman for yielding time. Just to clarify some of the remarks from my colleague who sits on the subcommittee. ''Close to impairing an investigation.'' Give me a break. We went through negotiations and discussions with the Southern District in New York. We never came close to impairing an investigation. We went through that process. We went through that process with them in a very diligent way and never even came close to impairing that investigation.

Talking about these amateurs that are going to interrogate witnesses. The minority knows very well the kind of people that we need to have interviews and discussions with. What are we taking a look at? We are taking a look at very technical information. Where did $150 million of net worth from the Teamsters go over a period of 5 years? Rank-and-file Teamsters would like to know. We would like to know. How did they launder $1 million? How did they manipulate pension funds? We have got a specialist who was hired to do exactly that. It is a forensic auditor. We want a forensic auditor to go through it in detail. The forensic auditor and the staff needs to go through piles and piles of data, very technical data so that we can move forward.

We had a hearing where the IBT and Grant Thornton and the auditors brought in their people. They would not allow us to talk to them before the hearing. They came in and they had wonderful answers. ''Oh, you were interested in that kind of information? Boy, you really ought to talk to so and so. I can't answer that question.'' The end result is they delay and they set back our progress at getting to this kind of information.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding time. I just want to point out the statement made by the gentleman from New York (Mr. SOLOMON) was completely irresponsible. No one has evidence to substantiate an accusation that the Administration sold out national security for campaign contributions. But we can substantiate the following: The Republicans have taken foreign money. We can substantiate the allegations that they have used illegal conduit payments, that money has been raised on government property.

□ 1400

And today is the anniversary of the Trent Lott–Newt Gingrich $50 billion tax break for the tobacco companies snuck into a bill in the middle of the night after they received millions of dollars of campaign contributions from the tobacco industry.

Why are we not investigating those issues? Because the Republican Congress is on a partisan witch-hunt.

Do not do the same thing in this committee that we are seeing on the Burton committee: a one-sided, partisan witch-hunt where Republican abuses are ignored and Democrat abuses are blown out of all proportion, where the evidence does not lend credibility to the conclusions that are stated.

Mr. HALL of Ohio. Madam Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. CLAY) to respond.

Mr. CLAY. Madam Speaker, I just want to challenge the statement about whether the forensic auditor is paid. He is a paid consultant of that committee, and he made a statement about fraud, pension fraud, that the Department of Labor has challenged and criticized him, and the independent auditors of the Teamsters have challenged him. And there is no evidence of any pension fraud, and my colleague ought to stop saying it.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I rise today as a member of the subcommittee not only to oppose this resolution but also to express my severe disappointment in the way this process has been conducted and also to indicate that I think that, by giving this unprecedented power to the subcommittee, we may end up doing more harm than good under the circumstances.

I am a former prosecutor. I know a little bit about conducting investigations. Subpoena power can be extremely useful in getting at the truth and uncovering the facts in a particular matter, if it is necessary and if it is done right.

But as member of the subcommittee, I do not see the necessity in it. I do not see this great conspiracy of obstruction and reluctance of Teamster members to appear before the committee. In fact, our subcommittee chair referenced Mr. Sever and stonewalling that he apparently was committing when, in fact, he had appeared before our committee May of this year, was subjected to our numerous questions from across both aisles, and unless there is other information that they are not sharing with us, I do not see the stonewalling tactic taking place. Also, if it is done right, Madam Speaker.

Now, giving deposition power or authority to Members who do not have

training on how to conduct a proper deposition is very dangerous. There is no easier thing to do if you are not trained than to muck up a deposition in a transcript, especially with witnesses who may be under some other criminal investigation, and that exactly was being proposed in this resolution: for nonattorneys to come in behind closed doors with witnesses and to subject them to an array of questioning when they do not know whether to ask a leading question or an open-ended question, when it is appropriate, they do not know how to give proper documents into evidence as part of the transcript, and this is just a recipe for disaster.

But perhaps my greatest concern about this resolution today, Madam Speaker, is the fact that we may be impeding upon an ongoing criminal investigation in the Southern District of New York, the U.S. Attorney's Office. This is an issue that I have repeatedly raised in committee. As a former prosecutor, there was no greater fear for me when I was conducting an investigation than for outside forces to come in and start messing around with the conduct and the process of the criminal investigation and to start interfering with what we are trying do accomplish.

Madam Speaker, I just conclude by urging my colleagues to oppose this resolution.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Again, Madam Speaker, the gentleman spoke about the fact that staff deposition authority is unprecedented. I think he said it three times; I wrote down three times. And I know he was not a Member of this Body when the Democrats controlled it for 40 years, but I would advise him to go back and do a little study about how many times the Democrats gave staff deposition authority.

And he also mentioned stonewalling four times. He ought to read his hometown newspapers and that of the New York Times and the Washington Post and all the other papers across the country; they will headline who has been stonewalling all of these investigations.

Madam Speaker, I yield 1 minute to the gentleman from Holland, Michigan (Mr. HOEKSTRA), the subcommittee chairman.

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman from New York for yielding this time to me.

I would like to just insert for the RECORD a July 23, 1998, letter from Anthony Sutin, who is the Acting Assistant Attorney General, who highlights in his letter that we have not jeopardized investigations. As a matter of fact, his quote:

> We appreciate the subcommittee's cooperation in accommodating our law enforcement interests in the conduct of this oversight investigation.

We have consistently made sure in our efforts that we do not jeopardize what is going on in the courts, and we are complementing that effort, not jeopardizing that effort. We have been very, very conscious, and I think the gentleman from Wisconsin knows that because he has been in some of the discussions whenever there has been a conflict or when the Southern District has raised a concern. I think the one time they raised a concern we actually sat down with the minority and talked about that and jointly reached a decision that we would not proceed along that direction.

The letter in its entirety is as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 23, 1998.

Hon. PETER HOEKSTRA,
Chairman, Subcommittee on Oversight and Investigations, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter, dated July 15, 1998, regarding the Subcommittee's oversight investigation about the International Brotherhood of Teamsters (IBT) and, particularly, the Committee's subpoena to the Department for tapes relating to our on-going law enforcement action regarding IBT. As you know, the tapes were produced late on July 9, 1998, after service of the subpoena earlier on that date.

We appreciate the Subcommittee's cooperation in accommodating our law enforcement interests in the conduct of this oversight investigation. We also would like to resolve the apparent misunderstanding about the Department's actions in response to the subpoena. The Department undertook substantial efforts to assess our interests in this matter, which is consistent with our usual processes in response to congressional subpoenas. It is our long-standing practice to consider Department interests, such as law enforcement and individual privacy, among others, as well as a congressional committee's needs in responding to requests for information, including subpoenas. While the process in this instance included consultation with the United States Attorney in the Southern District of New York, the Department's response to the Subcommittee was neither dictated nor delayed by that Office. Indeed, the Department's same day response to the subpoena could not have occurred without the significant efforts of that Office.

It also should be noted that the United States Attorney obtained the tapes for law enforcement purposes and to facilitate the Committee's access by producing copies of them, and certainly not to thwart the Committee's access to them in any way. Because the IBT was to receive a complete copy of the tapes, production of the tapes to the United States Attorney and the Federal Bureau of Investigation could not possibly relieve the IBT of any obligation to respond to the Subcommittee's subpoena.

Congressional subpoenas are taken very seriously by the Department in every instance and we recognize a committee's authority to issue compulsory process when required in the exercise of its legitimate oversight functions. In some cases, subpoenas represent a collision of interests between the executive and legislative branches. Such a collision often can be mitigated through informal discussions designed to accommodate the needs of both branches, predicated upon an appropriate sense of comity between them. This also permits their representatives to scrutinize carefully the interests and needs of both branches so that satisfactory agreements can be reached. We regret that this particular subpoena did not permit us an opportunity to pursue such informal discussions; indeed, as far as we are aware, forthwith subpoenas are unprecedented in our relationship with Congress. Based upon our subsequent conversations with counsel, we look forward to working with the Subcommittee productively as this inquiry proceeds and hope that the misunderstandings of this experience can be avoided in the future.

Please do not hesitate to contact me if you would like additional information about this or any other matter.

Sincerely,

L. ANTHONY SUTIN,
Acting Assistant Attorney General.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Madam Speaker, we have a situation here where they are requesting overwhelming, extraordinary powers, and whereas sometimes that might be appropriate, for example, when Oliver North in the basement of the White House was committing treason by disobeying the laws of Congress and selling weapons to an obvious enemy of America. Then that was time to use these kinds of powers, and I think those kinds of powers were assumed, and we had an appropriate investigation.

When the savings and loan swindle was under way, we should have used those kinds of powers, but we did not. We had Silverado Bank in Denver, Colorado, where the directors told the client, ''You need $13 million, we'll give you $26 million, and you deposit half of that back into the bank so that when the auditors come it will look good.'' Not a single director on that bank's board went to jail, and half a trillion dollars the taxpayers were out of as a result of the swindle by the savings and loans banks. We did not use those kinds of powers.

Here we have a situation where, yes, some wrong deeds have been committed. As my colleagues know, the Teamsters' elections are important. Irregularities in elections are not to be sneezed at. They are important. But we do not need these kinds of powers to deal with election irregularities.

Teamsters have a long history, and there was a time when millions of dollars were being stolen. Dave Beck, Jimmy Hoffa—Jimmy Hoffa ended up being convicted and sent to jail, and later on he disappeared and it was assumed that he was murdered. Some terrible things have happened. Ron Carey came in as a result of reform that this government supported, and if he has done something wrong in respect to elections, he deserves to be punished. He does not deserve the mobilizaton of these kinds of overwhelming powers.

Madam Speaker, this is a partisan grab for power because they want to use it in a very partisan way. They want to continue what they have been doing all along, trying to destroy the unions in America, the labor movement in America. Working families

have a lot to fear from this kind of abuse of power because it is going to be used in a very one-sided way, as it has up to now. They are not going to use this power to get to the bottom of the situation in an objective manner. We know from past history that that is not what is going to be happening.

So it should be denied. We should not let these kinds of overwhelming powers be utilized by a committee that has already demonstrated they only want to use it for very bipartisan purposes. This is not Oliver North in the basement of the White House committing treason.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is a good thing that this Member of Congress is on his good behavior here today because I heard my former good friend—I better not say that—my good friend from New York (Mr. OWENS) referring to Marine Colonel Oliver North as conducting treasonous activities. Let me tell the Members of this Body that there is no greater hero in this country than Marine Colonel Ollie North, who risked his life for my colleagues and I and every other American citizen. It was he and Ronald Reagan, our President, who stopped communism dead in its tracks in Central America. Otherwise, we might have the same kind of government there that we have in Vietnam today. We are going to be taking up a resolution on that in just a few minutes. Or we might have the same kind of a government in Central America that we have in China or North Korea or some of these other countries.

So, let me sing the praises of Colonel Oliver North and thank God that my grandchildren will have a free, democratic country to live in.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Madam Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding this time to me.

Madam Speaker, I rise today serving on both of the committees, and I thank my leadership for these assignments as a member of the Committee on Education and the Workforce and the Committee on Government Reform and Oversight. I serve on this oversight investigations committee and have had a firsthand view at how we have conducted ourselves as committee members and, more importantly, how the chairman of this subcommittee has conducted this committee.

This Congress has spent more than 20 or close to $20 million on 50 investigations, 50 different investigations.

Ken Starr DAN BURTON, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Pennsylvania (Mr. GOODLING); all of them have something in common, for they go after their political enemies. For, as we rise today, those on this side of the aisle, and I would hope that we would be joined by some of our colleagues on the other side of the aisle, asking simply for fairness, asking simply for us to follow the rules in which this Congress, and as a first-term Member I am not privy nor do I have practical experience in all the rules of this Body, but I do know my history:

Madam Speaker, the extraordinary power our colleagues seek to grant this committee, we set precedent by giving it to the committee of the gentleman from Indiana (Mr. BURTON). The gentleman from California (Mr. WAXMAN) spoke so eloquently about the abuses on that committee.

I would urge and caution my very dear friend, the gentleman from Michigan (Mr. HOEKSTRA) to pay close attention to how that committee conducted itself, to pay close attention to all the abuses and failures of that committee. We can get to the bottom of this Teamsters' investigation by simply following the rules.

I concur with my dear friend, the gentleman from Wisconsin (Mr. KIND) and all of my colleagues on this side of the aisle and hopefully some on their side of the aisle who firmly believe that we can, indeed, do our job, and I might add that we have spent $2 million, and I would ask that the gentleman from New York (Mr. SOLOMON) ask the gentleman from Michigan (Mr. HOEKSTRA) to provide us with the correct and accurate accounting of what we have spent. Then perhaps we can move from that point, I say to my colleagues, and make some valid and accurate decisions about where we go.

Mr. KIND. Madam Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Wisconsin.

Mr. KIND. Madam Speaker, I hate to disagree with the chairman of the subcommittee, but there have been two specific witnesses who have been called before us where the U.S. Attorney's Office was not consulted with, and they are very upset that they have been called and subject to our questioning who are part of the criminal investigation.

There are other examples like that, Madam Speaker. That is the concern that I have.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SCOTT. Madam Speaker, I include for the RECORD a letter from the U.S. Attorney's Office, Southern District of New York, which stated that taking testimony from certain witnesses who had been subpoenaed and scheduled to testify would impede an ongoing criminal investigation.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
SOUTHERN DISTRICT OF NEW YORK,
April 28, 1998.

Re Teamsters investigation.

Hon. PETE HOEKSTRA,
Chairman, House Subcommittee on Oversight and Investigation, House of Representatives.

DEAR MR. CHAIRMAN: I am writing to you as Chairman of the House Subcommittee on Oversight and Investigations (the ''Subcommittee'') to request that the Subcommittee not seek to question Brad Burton and Susan Mackie concerning involvement by individuals affiliated with the AFL in fundraising for the 1996 Ronald Carey campaign for re-election as general President of the International Brotherhood of Teamsters (''IBT''), a subject which is under criminal investigation by my Office and the Federal Bureau of Investigation. In my carefully considered judgment, such testimony taken at this time could seriously undermine and compromise this very active criminal investigation. While I fully recognize the importance of your Subcommittee's investigation, I respectfully urge you and your fellow members to balance the harm that the proposed testimony on this particular subject may cause to this important criminal investigation and prospective trials against any benefits that could come from the proposed examinations on this topic.

We understand that last week the Subcommittee sent letters requesting that these individuals appear to testify before the Subcommittee. We have no objection to testimony being taken from these witnesses, but only as to testimony regarding fundraising for the Carey campaign, which is the focus of the criminal investigation. At the request of Majority counsel, Deputy United States Attorney Shirah Neiman met with you and Congressman Norwood last week to explain, from our point of view, the negative impact we believe questioning these witnesses on this topic could have on the criminal investigation. Ms. Neiman also offered—consistent with grand jury secrecy obligations, and the integrity of the criminal investigation—to brief the Subcommittee or its counsel on matters of interest to the Subcommittee. Mr. Neiman also outlined the matters already in the public record regarding AFL involvement in the Carey campaign which might be of use to you in your hearings.

Today, the criminal investigation has resulted in felony prosecutions and guilty pleas of three individuals who are cooperating with the ongoing investigation and an indictment yesterday against the former Director of the IBT's Governmental Affairs Department. We have tried to be as cooperative as possible with all ongoing Congressional inquiries, Election Officer Investigations and Independent Review Board investigations, while at the same time ensuring the integrity of the ongoing criminal investigation and prosecutions. We are making this request because we believe that the criminal investigation and any potential criminal trials will suffer if witnesses are forced prematurely to go forward with deposition and/or public testimony. In addition, should the substance of interviews or testimony become public, the course of the criminal investigation could be irreparably damaged. We appreciate your weighing these factors in making your decision in this matter.

Thank you for your consideration.

Respectfully,

MARY JO WHITE,
U.S. Attorney.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I rise in opposition to this resolution.

During the past two years, the American working families have experienced some success in defending the minimum wage increase, protecting Medicare/Medicaid, saved Federal job safety protections, threw anti-worker legislators out of office and held back the Fast Track proposal that would have made it easier for jobs to leave for overseas.

Many of my colleagues and their corporate allies opposed every one of those victories for working families because they put more value on profits than on people. Now, it seems as though some of my Republican colleagues and their anti-union allies say it's payback time.

Madam Speaker, a million dollars and one year later the Republican Members of the House have devised another devious plot to destroy the unions and the people who they represent—our Nation's working families.

The Republican Members passed out of committee a resolution to allow the Education and Workforce Committee to take depositions behind closed doors, without a Member of Congress present as a part of the Teamsters Union investigation. Actions such as this have only been implemented during threats to national security.

Madam Speaker, this resolution is duplicative in nature and is an abuse of congressional power that tramples the civil liberties of our Nation's working families.

This is a simple backdoor attack on unions and working families. This is an unfair and unjustified attack on democracy; but I was told at an Acorn rally in Milwaukee this past week that, a people united will never be defeated.

I urge that we unite on behalf of working families, I urge that we unite and defeat this resolution.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Madam Speaker, I rise in opposition to House Resolution 507.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR), our leader.

Mr. BONIOR. Madam Speaker, this is just a continuation of the same old thing that we have seen for this whole Congress: Investigate, duplicate, waste taxpayers' dollars.

Madam Speaker, close to $20 million, 17 investigations; they want to go through this again.

We spent a million dollars on this investigation already; now they want to expand the powers. What they want to do is in secret, under oath, with no Member present they want to interrogate witnesses.

It is out of control. They cannot face the reality of the issues of education and of health care and the things that the people care about in this country. This Congress is exclusively, exclusively designed to deal with investigations of the political enemies of the other side of the aisle.

That is what this is about, make no mistake about it.

I urge my colleagues to vote no on this irresponsible resolution.

Mr. SOLOMON. Madam Speaker, we have just a closing statement, so I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would simply say that this is bad legislation. It is certainly to me very much of a power grab. It is not necessary because the Justice Department is already investigating.

I would urge a no vote, and I will ask for a vote on this particular resolution.

Madam Speaker, I yield back the balance of my time.

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Mr. SOLOMON. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Ms. EMERSON). The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. HOEKSTRA. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Michigan will state his parliamentary inquiry.

Mr. HOEKSTRA. Madam Speaker, is it a rule of the House that documents that are to be entered in the record should be in the House?

The SPEAKER pro tempore. The House has authority by unanimous consent to admit those documents for printing.

Mr. HOEKSTRA. Madam Speaker, if they have asked for unanimous consent, should I not have access to those documents when they are inserted?

The SPEAKER pro tempore. The documents are available with the Official Reporters of Debate.

Mr. HOEKSTRA. Madam Speaker, if the document has been inserted for the record, should the Clerk or someone have the document?

Mr. BECERRA. Madam Speaker, regular order.

The SPEAKER pro tempore. The documents should be delivered to the Official Reporters of Debate.

Mr. BECERRA. Madam Speaker, there was no objection raised earlier to any unanimous consent made before.

The SPEAKER pro tempore. The Chair is merely responding to a parliamentary inquiry.

The documents submitted by unanimous consent are delivered to the Official Reporters of Debates.

Mr. HOEKSTRA. Madam Speaker, have they been delivered?

The SPEAKER pro tempore. The gentleman may inquire of the Official Reporters.

Mr. HOEKSTRA. We have inquired, and the documents are not available.

The SPEAKER pro tempore. They should be submitted to the Official Reporters, or they will not appear in the record.

Mr. HOEKSTRA. Madam Speaker, I would just like a copy as soon as they ever get delivered to the House.

Mr. SOLOMON. Madam Speaker, do I understand that the balance of the time was yielded back by my good friend, the gentleman from Ohio (Mr. HALL)?

The SPEAKER pro tempore. That is correct. The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before recognizing our last speaker to sum up, let me just point out that this Congress always has its job to do in oversight. That is what we are attempting to do here.

Madam Speaker, I yield 6½ minutes to my good friend, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman for yielding to me.

I thank the gentleman for leading the effort on this change to the rules. Let us just go through the process. In 1989, the IBT, because of massive influence by organized crime, was put under a consent decree with the Justice Department.

In 1996, they held an election. In the summer of 1997, there were severe questions about the validity of that election. I stood up and said, do not certify that election until all the objections have been investigated. The minority did not participate.

Shortly after that, the election was overturned. It was an election that cost the American taxpayer $20 million, was administered by an election officer under a consent decree at the same time that an independent review board was looking at the Teamsters. There, maybe, would be some questions about how, with all this oversight, could we not even run a fair election. But, no, the other side does not believe that that is an important question to ask.

Shortly after that, in August of 1997, the election was overturned. At that point in time, I suggested that the winner of that election, the now disqualified president, maybe, should resign or remove himself from office. Some on the other side thought that that was a radical step, a witch-hunt.

On Monday of this week, the independent review board removed that official, Mr. Carey, from the Teamsters for life.

Early in 1998, one of the new improvements that was put in place was to make sure that the Teamsters were acting in the best interest of their members. Why? Because we had exposed that their net worth had decreased from $157 million to $700,000. Why? Because we had identified that, perhaps, there had been pension fraud. Why? Because there had been three people who had plead guilty to laundering a million dollars of Teamsters rank

and file money through the process back to benefit Mr. Carey.

This independent financial auditor, what did we find out? We found out that he was not much more than a bookkeeper. Very qualified, but not empowered to do the kind of work that needed to be done. It only cost the rank and file Teamsters around $60,000 a month, I believe.

What else do we know? What would we like to know? Have you heard reports that documents are being shredded at the IBT headquarters on a recent weekend? That was this past weekend. We have been informed that two IBT employees wearing green uniforms delivered an industry size shredder to the office of the IBT communications director, Matt Witt, during the week of July 13, 1998, and that the noise of the shredder operating in that office could be heard on Saturday, July 18, when Mr. Witt was in the building.

There is no corruption going on at the Teamsters. These people are acting in the best interest of the rank and file. They are acting in the best interest of the taxpayers since we have paid for this. Sorry. Wrong.

What did Mr. Edelstein say, the judge who has been watching these people for 9 years? He believes it is time for the good members of this union to rise up and revolt. Rather than aggressively going after and exercising our responsibilities, the minority says, no, let us not go too fast. This is a witch-hunt.

This is protecting the rank and file interest of the Teamsters. The nice thing about this investigation is that rank and file Teamsters are rising up in revolt, and they are sending us documents. They are sending us complaints because many of them believe that the only people who have been acting in their best interests is this subcommittee, because we have been focused on rank and file, and we are not focused on the people in the marble palace over here who are not a rightfully elected leadership, but who are all part of a failed leadership, and they are all part of a discredited election. We are not indebted to the people who write the political action committee checks out of that building to people in this building.

It is time for us to move forward. It is time for us to take a look at why all of this that has been put in place on the Teamsters, all this government intervention is not working the way that it should be.

Staff deposition authority, there are all kinds of protections built into the rules of our committee. The witnesses will be protected. They will be accompanied by counsel. The counsel will have the opportunity to review all transcripts. The minority will be advised 3 days before any staff depositions are taken.

This power is needed because, even though Mr. Severs came in and said I will do everything that I can to help move this investigation forward as quickly as possible, what does that mean that he does? It does not mean that he voluntarily sends people to interview with our staff prior to a hearing.

He says, I will only let people come if it is in a formal hearing setting. No, I am not going to help you go through these piles of documents to find out where $157 million went. I am not going to help you find out how we laundered a million dollars. As a matter of fact, he is not helping us. He is not even helping his own rank and file.

When we ask Mr. Severs, what investigation do you have going on? He said, I am not doing anything. Three people have plead guilty. His former bosses has been expelled from the union. This leadership is doing absolutely nothing. It is time for Congress to continue and let this committee move forward with its work.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.Res. 507. This resolution grants unprecedented powers to the House Education and Workforce Committee to take depositions behind closed doors, without a Member of Congress present. Prior to this Republican-led Congress, the power for Committee staff to take depositions in closed-door sessions was granted on only two occasions—to the Judiciary Committee for impeachment proceedings and to the nonpartisan Ethics Committee.

Today, however, the Republican leaders of this House want to continue their witch hunt regarding the Teamsters presidential election. The Republican leaders want to use their partisan advantage to stomp on the civil liberties of union-associated individuals. By giving the power to Republican staff members of the Education and Workforce Committee to take depositions behind closed doors, this resolution prevents Democrats from having any role in this investigation. Shamefully, the public is shut out completely.

The Republican leaders in this House claim that this resolution is need because the Teamsters Union has been uncooperative. The Teamsters have complied with Committee requests and have already produced more than 50,000 documents for the Committee to review. Further, the Teamsters have not refused a request to testify before the Committee. Why must depositions be taken behind closed doors by Republican staff? What do the Republicans have to hide?

This resolution represents a back-handed attempt to circumvent an open process of investigation. This entire investigation has been duplicative and wasteful. After more than 18 months, more than a million taxpayer dollars have been spent on this investigation—with little to show for the effort. How much longer must we continue this partisan charade? Mr. Speaker, I urge my colleagues to vote against this resolution.

Mr. SOLOMON. Madam Speaker, I move the previous question on the amendment and the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment recommended by the Committee on Rules.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

The point of no quorum is considered withdrawn.

DISAPPROVING EXTENSION OF WAIVER AUTHORITY WITH RESPECT TO VIETNAM

Mr. CRANE. Madam Speaker, pursuant to the previous order of the House of Wednesday, July 29, 1998, I call up the joint resolution (H.J. Res. 120) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 120 is as follows:

H.J. RES. 120

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 3, 1998, with respect to Vietnam.

The SPEAKER pro tempore. Pursuant to the order of the House on Wednesday, July 29, 1998, the gentleman from Illinois (Mr. CRANE) and the gentlewoman from California (Ms. LOFGREN) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Madam Speaker, I ask unanimous consent to yield one-half of my time to our distinguished colleague, the gentleman from California (Mr. ROHRABACHER) in support of the resolution. I further ask that the gentleman from California be permitted to yield blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Ms. LOFGREN. Madam Speaker, I ask unanimous consent that half of the time yielded to me be yielded further to the gentleman from California (Mr. MATSUI) and that he be permitted to yield blocks of time and that I would be permitted to yield blocks of time.

The SPEAKER pro tempore. Is there objection to the gentlewoman from California?

There was no objection.

□ 1430

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to H.J. Res. 120 and in support of the extension of Vietnam's Jackson-Vanik waiver.

Since President Clinton lifted the trade embargo against Vietnam in 1994, the administration has taken steps to normalize U.S. trade relations with that country. This process is subject to the Jackson-Vanik amendment to the Trade Act of 1974, the provision of U.S. law which contains emigration criteria that must be met or waived by the President before a country subject to Jackson-Vanik can engage in normal trade relations, including normal tariff treatment, with the United States and gain access to U.S. trade financing programs.

Because Vietnam is not eligible for normal trade relations with the U.S., pending the completion and approval by Congress of a bilateral commercial agreement, the immediate effect of Vietnam's Jackson-Vanik waiver is quite limited. Specifically, the waiver only allows Vietnam to be reviewed for possible coverage by U.S. trade financing programs such as OPIC, Eximbank, and the U.S. Department of Agriculture. Vietnam is not automatically covered by these programs as a result of its waiver, and must still face separate individual reviews against each program's relevant criteria.

The significance of Vietnam's waiver is that it permits us to stay engaged with the Vietnamese and to pursue further reforms. Vietnam is not an easy place to do business. However, our engagement enables us to influence the pace and direction of Vietnamese reform.

Madam Speaker, I would at this time insert in the RECORD a letter I received from 28 trade associations supporting Vietnam's Jackson-Vanik waiver as an important step in the ability of the business community to compete in the Vietnamese market which is the 12th most populous market in the world.

I would also insert in the RECORD a letter from our distinguished former colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, the gentleman from Virginia (Mr. MORAN) in support of this waiver.

JULY 22, 1998.

Hon. PHILIP CRANE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CRANE: The American business community supports pursuing a policy of economic normalization with Vietnam. We endorse the decision to grant Vietnam a waiver of the ''Jackson-Vanik'' amendment. The waiver gives American companies selling to Vietnam access to crucial U.S. export promotion programs and is an important first step to normalizing trade relations with Vietnam. We strongly oppose H.J. Res. 120, which would overturn the waiver. A vote on this legislation might come during the week of July 27.

Vietnam has met the requirements for a waiver. The Jackson-Vanik amendment is meant to encourage a policy of free emigration in countries with nonmarket economies. Since the Administration normalized diplomatic relations with Hanoi in 1995, Vietnam has cleared for interview over 80 percent of all remaining applicants of the Resettlement Opportunity for Vietnamese Returnees agreement.

Pending legislation, H.J. Res. 120, would overturn the Jackson-Vanik waiver for Vietnam and deliver a serious setback to U.S.-Vietnam commercial relations. Without the waiver, American companies would be denied access to export promotion programs offered by the U.S. Export-Import Bank and the Overseas Private Investment Corporation. These programs are vital to meeting the challenges of doing business in Vietnam's emerging market.

Overturning the Jackson-Vanik waiver also would derail bilateral negotiations seeking commitments from Vietnam on market access, services, intellectual property and investment. The eventual agreement will bring Vietnamese law closer to international trade norms, thereby helping U.S. companies to tap the long-term potential of the Vietnamese market. If we fail to remain on the path of economic normalization, we risk ceding the potential of that market to competitors in Europe, Japan, and elsewhere in Asia.

Finally, overturning the Jackson-Vanik waiver for Vietnam would have important political implications. Vietnam has cooperated with efforts to search for American POWs and MIAs. Cooperation could be jeopardized if the House passes a disapproval resolution.

The American business community believes that a policy of economic normalization with Vietnam is in our national interest. We applaud the House Ways and Means Committee and Senate Finance Committee for reporting unfavorably disapproval resolutions regarding the Jackson-Vanik waiver for Vietnam. We urge you to support economic normalization with Vietnam by voting against H.J. Res. 120.

Sincerely,

Aerospace Industries Association.
American Chamber of Commerce, Hanoi.
American Chamber of Commerce, Ho Chi Minh City.
American Chamber of Commerce, Hong Kong.
American Farm Bureau.
Asia-Pacific Council of American Chambers of Commerce.
Association for Manufacturing Technology.
Chemical Manufacturers Association.
Coalition for Employment through Exports, Inc.
Electronic Industries Alliance.
Emergency Committee for American Trade.
Fertizlier Institute.
Footwear Distributors and Retailers of America.
International Energy Development Council.
International Mass Retail Association.
National Association of Manufacturers.
National Center for APEC.
National Foreign Trade Council.
National Oilseed Processors Association.
Pacific Basin Economic Council—U.S. Member Committee.
Securities Industry Association.
Telecommunications Industry Association.
U.S. Chamber of Commerce.
U.S. Council for International Business.
U.S. National Committee for Pacific Economic Cooperation.
U.S.-Vietnam Business Committee of the U.S.-ASEAN Business Council.
U.S.-Vietnam Trade Council.
USA*Engage.

Juniper, FL, July 28, 1998.

Hon. JAMES P. MORAN,
U.S. House of Representatives,
Washington, DC.

DEAR JIM: As one of the authors of the Jackson-Vanik provision of the 1974 Trade Act, I am writing to urge you to oppose the motion to disapprove trade credits for Vietnam (H.J. Res. 120).

The Jackson-Vanik provision was written with the intent of encouraging the Soviet Union to relax its restrictive emigration policy, particularly with Soviet Jewry. It specifically granted the President the power to waive restrictions on U.S. government credits or investment guarantees to communist countries if the waiver would help promote significant progress toward relaxing emigration controls. I am proud of the fact that the Jackson-Vanik provision was extremely helpful by encouraging the Soviet Union to relax its emigration policies and eventually helped open the door to improved economic relations with the Soviet Union.

In reviewing the current waiver that President Clinton granted Vietnam on June 3, I believe his actions are entirely consistent with the law. Vietnam has made significant progress on its commitments to resettle Vietnamese returnees and has consented to extend these more liberal emigration procedures to other refugee programs. I also believe the waiver will encourage the Government of Vietnam to continue to cooperate on locating U.S. servicemen missing in action, to become less isolated, and to follow the rule of law.

Sincerely,

CHARLES VANIK,
Former Member of Congress.

In the context of ongoing bilateral commercial agreement negotiations, Vietnam's Jackson-Vanik waiver puts the burden squarely on the Vietnamese to come forward with the market principles needed to conclude an agreement worthy of congressional approval and the extension of normal trade relations to Vietnam.

Terminating Vietnam's waiver will provide the Vietnamese with an excuse not to undertake further reforms and would reerect the barrier to the normalization of our bilateral trade relations.

I urge my colleagues not to take away our ability to pressure the Vietnamese for change and for progress on issues of importance to the U.S. I urge a ''no'' vote on H.J. Res. 120.

Madam Speaker, I reserve the balance of my time.

Ms. LOFGREN. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. SANCHEZ), a leader in the efforts for freedom.

Ms. SANCHEZ. Madam Speaker, I rise today to lend my support to H.J. Res. 120, the resolution to disapprove the Jackson-Vanik waiver to Vietnam.

In March of this year, the government of Vietnam was granted a waiver from the Jackson-Vanik amendment. While this is a significant step towards the economic revitalization of Vietnam, the decision ignores basic human rights issues which still need to be resolved.

Madam Speaker, I have the privilege of representing one of the largest Vietnamese-American communities in the

United States right in Orange County, almost 300,000 people. They are the parents, the siblings and the offspring of families who fought communism for 2 decades, and the majority of my constituents feel that economic relations with Vietnam should not be established until specific emigration, political and human rights issues are addressed.

The Orange County Register, one of the newspapers in our area, conducted informal reader polls and found huge multiracial majorities opposed the immediate lifting of the waiver. During this past year, many of my constituents have also contacted my office directly. In this debate I am their voice.

Jackson-Vanik is about emigration, then trade. Normalize emigration; move towards normalizing trade. Waiving the Jackson-Vanik requirement for Vietnam on March 10 was a mistake. This decision only makes it harder for many Vietnamese to reunite with their families.

The simple truth is that the Vietnamese Government does not meet the conditions of free emigration. Authorities have denied United States officials access to the vast majority of returnees who are eligible to emigrate. In other words, the way it was changed was that, first, one had to get an exit permit in order to be interviewed by the United States to see if one could come to the United States, and now they have changed that. Now they have the exit permit at the back end. And what they do is provide a list to the United States about whom we may interview. And, of course, that list is very limited.

The only significant human rights concession recently made was this exit permit at the back end instead of the front end.

Although this looks like an important concession, the United States is still forbidden to interview anyone whose name is not on the list supplied by the Vietnamese Government.

And although some of my colleagues, and I have seen these letters going around, will lead you to believe that Vietnam has cleared for interview over 80 percent of all of the remaining ROVR applicants, the fact of the matter is, many of those applicants are not even on the list.

What they leave out is the fact that the same officials who were denying the exit permits to begin with are now in the position to keep people off of those lists. And according to a recent report to Congress, the State Department acknowledges that some 15,000 former United States Government employees and their families have not been issued those exit permits.

Besides the administrative roadblocks, pervasive corruption at all levels of the government in Vietnam creates additional obstacles for emigration. Let us say that one is on that list and one moves forward to an interview by the U.S. and the U.S. says, okay, come here, and then one has to get the exit permit; what happens? One of those government officials says, it is going to cost you $2,000 to get this permit. Well, in a country where the annual per capita income is approximately $300 U.S. dollars, most Vietnamese wishing to emigrate cannot afford to pay such an amount.

Contrary to the Vietnamese Government's pretense, it is saying that it has no political or religious prisoners, but many Vietnamese continue to languish in prisons because of their political or religious beliefs.

Last September I, along with the gentlewoman from California (Ms. LOFGREN), chaired a human rights caucus briefing on Vietnam. We heard from representatives of the international organizations and from the Vietnamese American community leaders about what is going on in current social, political and economic conditions in Vietnam. And believe me, while we may not pay much attention to what is going on in Vietnam because we have so many other issues, the Vietnamese community in Orange County and across the United States does pay, day in and day out, attention to the details of what is going on in Vietnam. We learned that we must be concerned about Vietnam's poor human rights record and religious persecution.

Madam Speaker, I began by saying that this is about emigration, and that is what I believe we need to discuss today, but let us not lose sight of the fact that human rights and business interests are also denied in Vietnam. We have learned from that briefing that we had that all religious groups face great challenges in obtaining things in Vietnam. For example, basic religious materials. And we also learned in that congressional briefing that although the Vietnamese constitution prohibits discrimination based on gender, ethnicity, religion or social class, we find that women and children and ethnic minorities are often the victims of repression.

Reports show that the Hoa Hao Buddhist Church, for example, continues to be suppressed. All of their religious activities and ceremonies are prohibited. Assembly of more than 3 persons is forbidden, and all of the assets and properties have been confiscated.

In my district, the Hoa Hao Buddhist Church brought my attention to the case of Buddhist priest Nam Liem. Mr. Liem is a 58-year-old Buddhist priest who practiced religion at a small family temple in Vietnam, and since 1975, he has been arrested and detained by the Communist authorities over 50 times. Today, he has not been released from prison.

In addition, there are many pro-democracy activists, scholars, poets, et cetera, whose only crime it was to ''injure the national unity.''

Of course, we have an ''Adopt A Voice of Conscience Campaign'' here in Congress to show the attention to the human rights abuses, religious persecution, and social state of Vietnam.

Madam Speaker, I would end by saying please, today, do not surrender our principal leverage with the Communist regime. Vote ''yes'' for free emigration, vote ''yes'' for family reunification, vote ''yes'' to end religious persecution. Vote ''yes'' to promote free speech and democracy. It is our honor at stake today as we honor the values which we are sworn to uphold.

Mr. ROHRABACHER. Madam Speaker, I yield myself such time as I may consume.

I ask my colleagues to support this disapproval of a waiver of the Jackson-Vanik requirements of the 1974 Trade Act. What were the Jackson-Vanik requirements in that 1974 Trade Act? They clearly stated that we have concerns in this House dealing with human rights, things like freedom of religion and freedom of emigration, and this President of the United States, consistent with what he has done in many other cases around the world, has decided they do not count, they do not count at all. Those requirements that were laid down by former Congresses, much less our Founding Fathers, they do not count, because human rights does not count for this administration.

I would hope that my colleagues would today join us in affirming that human rights and those principles that our country stands for do count for something, and that we do not believe in just waiving them.

What are we waiving them for? The President is waiving the Jackson-Vanik requirements in order to extend American tax dollars, our tax dollars to subsidize or insure private corporations who want to do business in Vietnam, who want to make money by investing in a Communist dictatorship. This is a moral travesty, as well as bad business.

Six months ago when the President first issued this Jackson-Vanik waiver, we basically have been looking at what Vietnam has been doing since then. There has been no liberalization, no opening up of their political system. There has been no major release of political prisoners. Human rights and religious rights continue to be trampled upon by those who hold power in Vietnam.

But what about the business end of it? Just this week I received a briefing by the GAO on the Vietnamese economy. People are jumping out of Vietnam because it is so corrupt. They showed me, the GAO showed me a 1998 report by the United Nations Development Program that shows that both the U.N., the IMF, the World Bank, and our own State Department is convinced that Vietnam has a lack of integrity and transparency in their economic dealings, and so businesses are pulling out.

Is this a time for us then to waive the human rights requirements so that businesses can go in with U.S. taxpayer guarantees and invest in Communist Vietnam? This is exactly the wrong time. They are going in the wrong direction economically, and they have not taken a step forward in terms of politically and morally.

No, what we are going to be doing is spending tax dollars with this waiver to guarantee American businessmen to go in and use cheap slave labor under a dictatorship to manufacture goods to export to the United States to put our own people out of work. That is immoral, and it does not work politically, and it does not work economically, because we are going to lose that investment money and the taxpayers will have to make up for it unless, of course, those big businessmen make a profit with the slave labor and then they will take all of that profit for themselves at our expense.

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Madam Speaker, I rise in support of the gentleman's resolution not to give Most Favored Nation treatment to this Communist dictatorship.

Mr. ROHRABACHER. Madam Speaker, I ask my colleagues to join the gentleman from New York (Mr. SOLOMON) in support of denying this waiver.

Madam Speaker, I reserve the balance of my time.

Mr. MATSUI. Madam Speaker, I yield myself 1½ minutes.

Madam Speaker, I rise today in opposition to House Joint Resolution 120 and in support of continuing to normalize relations with Vietnam. This policy will promote American interests in receiving a greater accounting of our POWs, MIAs, promoting values of democracy and human rights, as well as helping American workers.

It is important to be clear about what extending Jackson-Vanik waivers will do and what it will not do. Today's vote is not about ''for or against'' normal trade relations for Vietnam; only when Vietnam concludes a bilateral agreement on trade approved by the Congress will it be eligible for normal trade relations.

□ 1445

Renewal of the waiver is the most recent step in the gradual normalization of the relationship with Vietnam in the postwar era.

I understand and appreciate the frustrations of the families seeking a greater accounting of POWs and MIAs by the Vietnamese government. We are all firmly committed to this goal. We will continue to make that clear to the Vietnamese government. However, the U.S. policy of incremental normalization has gone hand-in-hand with continued cooperation on this very, very important issue of accounting of POWs and MIAs.

Vietnam does in fact fall short of our standard of human rights and political and religious freedoms. However, their continued exposure to U.S. values on human and religious freedoms will promote progress in Vietnam on these objectives that we all share.

I disagree with those who argue that revocation of the waiver is an effective means to achieve further progress. Our former colleague and prisoner of war, Ambassador Pete Peterson, has noted that improvements in our relations have only been made since we have engaged the Vietnamese. In addition, many of my colleagues who have served in Vietnam support extending the waiver: Senator JOHN MCCAIN, Senator JOHN KERRY, Senator BOB KERREY, the gentleman from Illinois Mr. LANE EVANS, Representative JACK MURTHA, to name a few.

I urge a no vote on this resolution.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

I would like to remind Members that they all received a letter from 17 of our colleagues, on a bipartisan basis, Vietnam vets, all in support of the waiver. I would urge them to make sure that they read it critically.

Madam Speaker, I yield 1½ minutes to my colleague, the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, the Jackson-Vanik amendment to the 1974 Trade Act focuses on using various U.S. trade inducements to pressure non-market countries to allow freedom of emigration. It is not supposed to be a total referendum on that nation's internal policies, and it has nothing to do with MFN, and it has nothing to do with other human rights violations, other than the freedom to emigrate. That is what we are talking about today.

The practical effect of this waiver simply allows U.S. exporters to operate more efficiently in Vietnam. Our exporters face an uneven playing field when trying to sell to Vietnam. Foreign competitors have long had the support of their home governments, equivalents of the Eximbank, OPIC, TDA, and the USDA. Foreign countries have taken export opportunities away from Americans, simply because our foreign competitors obtained a government-subsidized rate for an export loan, or dangled a foreign aid incentive before certain Vietnamese government officials. Japan alone has an $850 million developmental assistance package to induce countries like Vietnam to buy Japanese exports.

Finally, we got the message, and the President's waiver is making a difference, particularly on infrastructure projects. U.S. workers are now making products to sell to Vietnam. Vietnam prefers buying American products. The waiver does not lower any U.S. import duties on Vietnamese products. It is totally one-sided in our favor in terms of our balance of trade.

If this resolution passes, only U.S. workers will be hurt. Larger American companies may still win export deals in Vietnam, but they will use foreign subsidiaries and foreign workers to complete the contracts. That is, U.S. companies will use their foreign subsidiaries to sell to Vietnam, thus displacing American jobs.

Ms. LOFGREN. Madam Speaker, I yield myself 5 minutes.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Madam Speaker, I support House Joint Resolution 120, which would disapprove the waiver of Jackson-Vanik. I cannot say strongly enough that 1998 is not the time to extend normal trade relations to Vietnam, to waive our requirement for free emigration from Vietnam.

I believe that Vietnam and the United States will be able to trade with each other in the future, but not until Hanoi ends its human rights abuses, allows for truly free emigration, and establishes a fair and sound economic environment for American businesses. This is going to take time to achieve. This also will require the U.S. to refrain from extending normal trade relations status to Vietnam until Hanoi makes these corrections.

I am very concerned about the human rights abuses in Vietnam that my colleagues, the gentlewoman from California (Ms. SANCHEZ) and the gentleman from California (Mr. ROHRABACHER), have already spoken to. While paying lip service to religious freedom and individual liberty, the Communist government of Vietnam continues to persecute those who question the authority of the state, including those in the Buddhist church who stand not only for freedom, but also for freedom to worship.

On July 15 Vietnam imposed prison sentences of 10 months to 2 year on 10 members of a religious group for engaging in heretical propaganda because they believe in their religious beliefs.

The heart of Jackson-Vanik focuses on freedom of emigration. Vietnam continues to restrict the right of its citizens to emigrate. I cannot even begin to tell you how many cases my office deals with concerning families who are split because Vietnamese authorities will not allow the emigration of a family member.

Despite these problems, I believe that, given time, Vietnam can make changes. These changes really began with the reform movement in 1986. Vietnam achieved high economic growth of 8 percent a year with low inflation. As a result, the U.S. lifted economic sanctions in 1994 and normalized relations in 1995.

That was the wrong thing to do, because it has all been downhill since then. The economic growth did not produce democratic and market reforms, as we have seen in other countries like China, South Africa, Zimbabwe. In addition to quashing the religious, political, and social freedom of its citizens, and restricting their right to emigrate, Hanoi has taken giant steps backward from fostering sound policies and stability to bolster its economy and to attract foreign investors.

As the gentleman from California (Mr. ROHRABACHER) pointed out, there

has been a dramatic retraction of business from Vietnam because of these policies 40 percent contracted foreign investment decreased in the last year alone. U.S. exports to Vietnam plummeted from $616 million in 1996 to $286 million last year. As my hometown newspaper, the San Jose Mercury News, wrote, ''The ruling Communist party has stalled further reform.''

I am someone who believes in trade. I also believe that in specific cases, trade can be a useful tool to change behavior. I voted for normal trade relations between the United States and China. I believe that that has helped China to improve, and hopefully they will continue to improve.

All of us in this Chamber believe in human rights. Sometimes we have reasonable differences of opinion about what are the best tools in a particular case to achieve human rights. In this case, nothing could be clearer to me than using the tool of trade to improve human rights in Vietnam.

We used that tool effectively with South Africa. I am glad we did. It is very obvious to me that Vietnam is eager, for historical reasons as well as desperate economic reasons, to have a valuable trade relationship with the United States. Our history with Vietnam shows that they will collaborate with us in the effort for human rights if we just stand firm.

Now is the time for patience. While Vietnam has taken some steps toward improvement, it has very far to go as we can see from the Hanoi government's treatment of its own people. Vietnam has failed, it has flunked, in its effort to earn normal trade relations. I think it would be a dramatic mistake for our country, for the Vietnamese people, and for world peace, if we allow the waiver of Jackson-Vanik to move forward.

I strongly, strongly urge my colleagues to vote in favor of House Joint Resolution 120.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BEN GILMAN), the distinguished chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I am pleased to rise in strong support of House Joint Resolution 120, introduced by the gentleman from California (Mr. ROHRABACHER), in disapproving the extension of the waiver, the Jackson-Vanik amendment. The issues here are progress on human rights, freedom of religion, and freedom of emigration.

Simply stated, the Vietnamese government has not demonstrated any significant progress on any of these issues. Many of us have voiced our objections to the rapid pace of normalizing relations with Vietnam. Yet, our President insists that waiving the Jackson-Vanik amendment and opening programs of the Overseas Private Investment Corporation and the Export-Import Bank to Vietnam is in our best national interest, and will encourage the Vietnamese government to cooperate on many issues, including economic reforms. However, OPIC guarantees and Export-Import Bank financing programs should be a reward for achievement, and not offered as any fanciful incentive based on a hope for the future.

Despite the opening of relations 3 years ago, prisoners of conscience are still in prison. Thousands of our former comrades in arms are still unaccounted for in Vietnam.

The recent highly respected State Department Human Rights Report on Vietnam states,

> The government arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious objections to government policies. The Vietnamese government denied citizens the right to fair and expeditious trials, and still holds a number of political prisoners.

The consequence of the Jackson-Vanik waiver granted in March of this year by the President is that our taxpayers began paying for subsidies for U.S. trade and investment in Vietnam through the Export-Import Bank and Overseas Private Investment Corporation.

These programs were designed to overcome the risks for American companies operating in a corrupt, troubled business environment in Vietnam. Yet, the business climate in Vietnam is marked by limited market access, lack of transparency, unpredictability in business dealings, red tape, and corruption. Many firms are pulling out of Vietnam, and foreign direct investment was down 40 percent last year.

An example of the risk of doing business in Vietnam is that the Eximbank, which opened their programs to Vietnam in April of this year, has not approved any guarantees or loans or insurance since that date in Vietnam. Exim is offering a limited number of programs because of Vietnam's severe credit problems. OPIC has been open for a comparable period, and like Exim, has yet to approve any financing for any American investments in Vietnam.

So we ask, how has a waiver of important American laws served our interest, as promised by the President, who is determined to help U.S. business? Furthermore, will Jackson-Vanik improve the Vietnamese record on POW-MIA issues? In the several months since the waiver has been in place, it certainly has not.

So, in conclusion, a proposed extension of the waiver of Jackson-Vanik would reward a lack of progress on human rights, immigration, and economic reform, and the POW-MIA effort. Vote yes on this resolution of disapproval, and send a strong message that our Nation values principles over potential profits.

Mr. MATSUI. Madam Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BOUCHER), a leader in the area of religious freedom in Vietnam.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I rise today in support of the President's decision to extend the Jackson-Vanik waiver for Vietnam, and in strong opposition to the resolution of disapproval.

The Jackson-Vanik waiver process is designed to promote immigration from countries that do not have market economies. In the case of Vietnam, the waiver is clearly working as intended. Since the waiver was granted, Vietnam has made steady progress under both the ROVR and the Orderly Departure programs. If the waiver is rescinded through passage of this resolution of disapproval, that progress, which depends entirely on the cooperation of the Vietnamese government, will almost certainly be reversed.

I urge the defeat of this resolution, a step that will encourage greater cooperation by Vietnam in resolving our ongoing discussions on other issues of concern, including human rights and trade.

By the defeat of this resolution, we will also give a vote of confidence to the outstanding work of our ambassador in Vietnam and his very fine staff. I am pleased to urge defeat of this resolution.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Let me remind everyone, Mr. Speaker, that this waiver only allows that Vietnam be reviewed for possible coverage by U.S. trade financing programs.

Mr. Speaker, I yield 1½ minutes to our distinguished colleague, the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of the waiver extension and in opposition of the resolution of disapproval.

□ 1500

I think that Thomas Jefferson was right on target when he said, ''Two thinking men can be given the exact same set of facts and draw different conclusions.''

Mr. Speaker, I obviously have the highest regard for the gentleman from Dallas, Texas (Mr. SAM JOHNSON), my very dear friend and a great hero, a former POW himself, as well as the gentleman from California (Mr. ROHRABACHER) and others who are supporting the resolution, and of course the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from New York (Mr. SOLOMON),

the chairman of my Committee on Rules.

Mr. Speaker, when I think about the changes that all of us have observed over the past several years in Vietnam, they are incredible. I went in the early part of this decade and had the chance to see Negen Kotach, who was the Foreign Minister, present to me translated copies of Paul Samuelson's economic text. There are very bold moves being made towards a free market, and in fact we are making progress in the area of human rights.

Mr. Speaker, I have had the privilege of serving on the POW/MIA Task Force. In 1986, I went with the gentleman from New York (Mr. SOLOMON) and the gentleman from New York (Mr. GILMAN) on my first trip to Vietnam. It was a very, very troubling experience for all of us.

But I have concluded that over this period of time, based on every shred of evidence that we have, we have seen a dramatic improvement in the cooperation of the Vietnamese Government with the United States in trying to resolve this issue.

So, I oppose the resolution of disapproval and support the extension of the Jackson-Vanick waiver.

Ms. LOFGREN. Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I oppose the Rohrabacher motion. I do so with great reluctance, because I have tremendous respect for many of the people leading the fight against this waiver. But Jackson-Vanick is about immigration.

Anyone who has studied the statistics, because I know there are many anecdotal stories and there are many problems remaining, but anyone who has studied the statistics knows that in the last year there has been a dramatic reversal and a massive improvement in the Vietnamese Government's cooperation with us on processing refugees, people who were shipped back from the camps in Thailand, in Hong Kong, in Indonesia, to Vietnam against their will. Mr. Speaker, 15,000 interviews have been granted already; 82 percent of the people we are interviewing have been cleared for coming to the United States or other countries that they intend to go to.

The criteria for interviews is far more liberal than the traditional refugee definition. We cannot turn down and thereby risk the retrenchment of this program, and I urge a ''no'' vote on the resolution.

I urge a "no" vote against H.J. Res. 120. Vietnam is cooperating on the key issue behind granting this waiver: Jackson-Vanik.

Mr. Smith and I fought long and hard with the administration to get them to implement a Resettlement Opportunity for Vietnamese Returnees (ROVR) program. This involved Vietnamese boat people who were forced back to Vietnam after ending the program of keeping them in camps abroad. After we got the administration to go along with it, we pressed them hard to get the Vietnamese to ensure their cooperation. And they have been successful.

So successful is the program that there are now 343 cases, involving 601 people, who have not left because, after receiving clearance from the Vietnamese Government and after having been interviewed by the INS, they have decided suddenly to get married and bring their spouses and other relatives over.

We have submitted over 19,000 names to the Vietnamese. They have cleared for interview 15,572. 991 have not been cleared, mainly because we gave the Vietnamese the wrong address. Of these, 36 have not been cleared because of criminal charges. We have put 713 on medical hold and excluded 23 for medical reasons.

This is a great achievement. Over 5,000 people have already left for the United States. More are coming and the administration is optimistic that it will have completed the program by the year's end.

This is what the Jackson-Vanik requirement is all about and Vietnam has met that requirement. Sure there has been some pushing and pulling but Vietnam has made major and significant steps to ensure the program works even though we allowed more liberal definitions of eligibility than we had applied for other immigrant applicants.

We want to encourage more openness by Vietnam generally. The success of this program and the joint accounting for POW/MIA demonstrates that we can work with Vietnam to our mutual interest.

Vote ''no'' on H.J. Res. 120.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations, who is respected throughout this body for his commitment to human rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER), my good friend, for yielding me this time and for his excellent work on this issue.

Mr. Speaker, let me just make it very clear what this vote is about. It is about U.S. taxpayer subsidies for one of the worst dictatorships in the world. Let us be clear on another thing. There is no freedom of immigration from Vietnam. If there were, there would be no need for this waiver. The administration could simply certify that Vietnam complies with the Jackson-Vanik Freedom of Information requirement. Instead, by waiving the requirement, the administration has conceded that there is no such freedom.

Yes, the government allows some people to leave when it is good and ready. But for the many thousands who have been persecuted because they were on our side during the Vietnam war, Vietnam is still a prison.

I hope my colleagues understand that this is not a vote about free trade. It is about subsidies; corporate welfare for Communists. Since the President gave the waiver in March, the U.S. taxpayer has been paying for Eximbank and OPIC subsidies of trade and investment in Vietnam. Many of these taxpayer dollars subsidize ventures owned in large part by the Government of the Socialist Republic of Vietnam. Overregulation and widespread corruption make Vietnam a terrible place to do business.

Mr. Speaker, let me also remind Members, I was the prime sponsor of the amendment back in 1995. We had a hot debate, because we were sending people back who were real refugees. Yes, there has been some progress on ROVR. But we find that it slows to a trickle, to nothingness, when they decide to turn off the spigot. We should not be intimidated by that kind of opening and closing of the gates for the ROVR program.

Let me also say that in Vietnam, human rights violations are many. Catholic priests, Buddhists, are arrested and imprisoned. Vietnam enforces a two-child-per-couple policy by depriving parents of unauthorized children of employment and other government benefits. It denies workers the right to organize independent trade unions and has subjected many to forced labor.

The government not only denies freedom of the press, but also systematically jams Radio Free Asia which tries to bring them the kind of broadcasting they would provide for themselves if their government would allow them free expression.

Many organizations support the Rohrabacher resolution: the American Legion, the veterans groups. I urge my colleagues to please vote for it.

So we should disapprove the Jackson-Vanik waiver at least until the government allows all the ROVR-eligible refugees to leave. And we should also stand up for the people who never left Viet Nam and are still trapped there, including long-term reeducation camp survivors and former U.S. government employees. Many of these people are members of the Montagnard ethnic minority who fought valiantly for the U.S. and have suffered greatly ever since. As of a few weeks ago, only 4 Montagnard applicants—out of over 800 we believe to be eligible for U.S. refugee programs—have been cleared for refugee interviews.

Finally, we must not forget the prisoners of conscience. Hanoi imprisons Catholic priests, Buddhist monks, pro-democracy activists, scholars, and poets. When we complain to the Vietnamese government, they just respond that ''we have a different system.'' They need to be persuaded that a system like this is not one that Americans will subsidize.

In Vietnam human rights violations are many. Hanoi arrests and imprisons Catholic priests and Buddhist monks. Vietnam enforces a ''two-child per couple'' policy by depriving the parents of ''unauthorized'' children of employment and other government benefits. It denies workers the right to organize independent trade unions, and has subjected many to forced labor. The government not only denies freedom of the press, but also systematically jams Radio Free Asia, which tries to bring

them the kind of broadcasting they would provide for themselves if their government would allow freedom of expression.

Mr. Speaker, the Vietnamese government and its victims will both be watching this vote. We must send the message that economic benefits from the United States absolutely depend on decent treatment of Vietnam's own people. We may not be able to insist on perfection, but we must insist on progress.

Ms. LOFGREN. Mr. Speaker, may I inquire how much time remains?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Illinois (Mr. CRANE) has 8½ minutes remaining; the gentlewoman from California (Ms. LOFGREN) has 3 minutes remaining; the gentleman from California (Mr. ROHRABACHER) has 6½ minutes remaining; and the gentleman from California (Mr. MATSUI) his 11½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, at times the United States has been involved in Nation-building with our dollars. These are handouts. These are Communists.

Every Vietnam group that helped American troops while they were over there dying for peace, they have repressed every Vietnam group that was supportive of our troops.

I support the resolution. We just had a strike settled where General Motors workers won an agreement that they would not sell a couple of their plants by the year 2000. They are desperately fighting for jobs. The Congress of the United States and all our well-meaning, politically correct economic strategies is shipping jobs all over the world and is patting Communists on the back. I want no part of it.

Mr. Speaker, I support the resolution. I think we are rewarding Communists that screwed our soldiers and screwed their own people who tried to help our men who were protecting their buns.

Mr. Speaker, I urge Members to support the resolution. I ask Congress to approve it.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON) who served as a prisoner of war in Vietnam and knows that they are not cooperating on the MIA/POW issue, just to back up what the distinguished gentleman from Ohio (Mr. TRAFICANT) just stated.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this resolution is not about Vietnam. It is about honoring and respecting the over 58,000 American soldiers who gave their lives battling communism so we could remain free. It is about our soldiers who still remain missing in action. It is about keeping the hope alive for the families who still wake up every morning asking the same question: What happened to my child, my husband, my brother, my father?

I have seen how this Communist government conducts business. I have personally experienced their threats, their lies, and their so-called promises. My distrust lies with the Vietnamese Government.

To those Members of Congress and to the administration who believe that opening up the Vietnam markets will bring closure to this chapter in history, they are wrong. I listened to their propaganda that America had betrayed us, left us to die. I knew they were wrong.

As a member of the U.S.-Russia Joint Commission on POW/MIAs, we have been negotiating for the last 5 years to get a full accounting of our missing. I can tell my colleagues that the Government of Vietnam continually refuses to cooperate.

My only request is let us stop the suffering of the parents, the children, the relatives, those who do not know the fate of their brave loved ones. Let us stand up to the Vietnam Government today and say: Give us information on our missing who died.

America demands to know what happened to our servicemen and women, the soldiers who died for this Nation to keep it free.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I rise in strong support for extension of the waiver and in opposition to the resolution.

In the mid-1960s, I was an infantry officer and intelligence officer with the First Infantry Division. I completed my service, but within a month the members of my tight-knit unit were in Vietnam and taking casualties the first night. I have emotional baggage, we all have emotional baggage in this country, but I would suggest it is time to get on and not reverse course on Vietnam.

Mr. Speaker, I have great respect for the gentleman from Texas (Mr. SAM JOHNSON) who just spoke, but I bring to the attention of the Members what we know already. Another former POW, our former colleague Pete Peterson, tells us about the dramatic progress now being made, with the Vietnamese help, in remains recovery under some very difficult and dangerous and treacherous conditions. And in fact, of course, another POW, JOHN MCCAIN, has also, along with others who served in Vietnam, supported a waiver in this instance.

But after all, this issue is about emigration. That is what Jackson-Vanik is about. So, we ought to address the issue before us.

Under the statute, a waiver of the Jackson-Vanik amendment may be granted if it will substantially promote freedom of migration. Vietnam's record on emigration has improved dramatically in the last 10 to 12 years. Over 480,000 Vietnamese have emigrated to the United States under the Orderly Departure Program. And, despite some unwise things done in this House just a year or so ago, only about 6,900 ODP applicants remain to be processed.

Mr. Speaker, it is clear to this Member that in the case of Vietnam, the Jackson-Vanik amendment is working. Last October, Vietnam eliminated the requirement for applicants to obtain exit permits prior to interviews for the Resettlement Opportunity for Vietnamese Returnees, ROVR, greatly facilitating the implementation of ROVR.

Subsequently, as the waiver came up for renewal, Vietnam modified its procedures for handling the ODP cases of Montagnards and former reeducation camp detainees to conform with the ROVR procedures. The prospect of the initial waiver and later its renewal almost certainly factored in Vietnam's decision to liberalize procedures under the Orderly Departure Program and ROVR. The yearly renewal of the waiver will maintain incentives for progress toward free emigration.

Vietnam remains a difficult place for American firms to do business. That is sure. But we ought to extend the Jackson-Vanik waiver not to benefit the Government of Vietnam or its people, but for the benefit of the American people. The waiver should lead to increased U.S. exports and to have a greater impact on the way the Vietnamese regard human rights and democracy.

As Chairman of the Subcommittee on Asia and the Pacific, this Member would suggest that now is not the time to reverse course on Vietnam. Since establishing relations three years ago, Vietnam has increasingly cooperated with the United States on a range of issues. The most important of these is, I am informed, dramatic progress and cooperation in obtaining the fullest possible accounting of Americans missing from the Vietnam War. Those Members who attended the briefing by the distinguished Ambassador to Vietnam, a former Prisoner of War and former Member of this body, the Honorable Pete Peterson, learned of the great efforts to which Vietnam is now extending to address our concerns regarding the POW/MIA issue, including their participation in physically very dangerous remains recovery efforts.

Moreover, the Government of Vietnam is proving to be cooperative on the issue of emigration—which, as Members of this body must know, is actually the issue that Jackson-Vanik addresses.

This Member would not want to permit the impression to exist among any of his colleagues that support of the Jackson-Vanik waiver is an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion.

But even in this problematic area, engagement is producing results. The American presence in Vietnam exposes Vietnamese to American ideals and principles. Vietnamese visitors to the United States including official delegations, students and businessmen, learn about the American way of life. We can expect that over time these contacts, along with access to international media and telecommunications, will have a beneficial effect on Vietnamese attitudes. Greater prosperity will lead to increased demand for responsiveness from the government, an important first step on the road to democracy.

Vietnam remains a difficult place for American firms to do business. This Member is particularly concerned about the level of corruption that has been tolerated by Hanoi. A bilateral trade agreement is under negotiation that will improve Vietnam's trade and investment environment to benefit and protect American business. Rejection of the waiver would undermine the trade negotiations and remove any incentive for Vietnam to meet United States requirements. Extending the waiver will encourage economic reforms and maintain American firms' access to the trade promotion and investment support programs of the Export-Import Bank, OPIC and USDA, enabling the firms to compete with foreign businesses that receive benefits from their own governments.

The Jackson-Vanik waiver does not give MFN to Vietnam. MFN can be considered only following the waiver and the approval by Congress of a completed bilateral trade agreement.

We should extend the Jackson-Vanik waiver, not to benefit Vietnam's Government or people, but for the benefit of the American people. The waiver should lead to increased United States exports to and investment in Vietnam, which, in turn, will lead to more jobs for American workers. Continued engagement with Vietnam is the way to promote the democratic values we uphold. Approval of the waiver will encourage Vietnam's further integration into regional organizations and world markets. This integration is a positive force for regional stability.

I urge rejection of the resolution.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of extension of the Jackson-Vanik waiver for Vietnam and in opposition to House Joint Resolution 120.

This resolution would deny my community and others like it the opportunity to continue its humanitarian efforts with the Vietnamese people to promote emigration. UPLIFT International, Heart to Heart, the Westmoreland Scholar Foundation have made generous contributions to those in need.

One of the recipients of the Westmoreland Scholar Foundation, Joyce Nguyen, is an intern in my district office. As a Student Ambassador from Rockhurst College, she traveled to Da Nang to assess the needs of the doctors and staff. She is a first generation American whose parents fled Vietnam after the war. Joyce learned of her cultural background and shared her American heritage with the doctors and the students that she taught English to. Her work in Vietnam allowed her to make permanent life friends and retrace the history of her ancestors.

I see many positive advantages at the local and national level for free emigration and social development. As the next millennium approaches, we should be concerned with forming a lasting friendship with Vietnam.

Mr. Speaker, I urge my colleagues to vote ''no'' on H.J. Res. 120.

Mr. Speaker, I rise today in support of the extension of the Jackson-Vanik waiver for Vietnam, and in opposition to House Joint Resolution 120. It is true that our relationship with Vietnam has been marked with sorrowful memories. Unfortunately, when the word Vietnam is spoken, it conjures up haunting images of war and not of the beautiful and culturally rich country that it is today. In 1994, the Clinton Administration lifted the U.S. Trade Embargo which allowed U.S. firms to enter Vietnam's economy and compete in the international community. This action has led to Vietnam being part of the ASEAN organization, a qualification which show promising potential for the country to be a significant trade partner with the U.S. Our goal is to forge a new relationship for both nations, so that we can both benefit from a friendship dedicated to healing and reconciliation.

Trade is important to America. More importantly, trade relations are important to the Fifth District of Missouri. Currently, Vietnam has a crumbling infrastructure, a shortage of medicine, and limited technology. Companies like Black and Veatch, Hoechst Marion Roussel (HMR), Butler Manufacturing, Burlington Air Express, and countless other companies have business ventures with the Vietnamese which are vital to my district.

Black and Veatch, an engineering firm, headquartered in Kansas City, Missouri is performing a $2.4 million project for the people of Vietnam. Black & Veatch is an 80 year old corporation which employs 2,500 engineers and architects in the Kansas City area and over 7,000 working professionals in over 90 offices worldwide. Black and Veatch was the first engineering company to set up an office in Vietnam and is currently upgrading water treatment plants in seven towns. HMR has a subsidiary in Vietnam which markets the drugs it makes here in the United States to the people of Vietnam. About 2,000 of my constituents work at HMR World Headquarters, an established pharmaceutical company which manufacturers and markets medicine you can find in your local drugstores and across the world. Another company, Butler Manufacturing and its 5,100 employees rely upon the economic ties established in Ho Chi Minh City to deliver preengineered metal buildings and structural frames.

In Missouri, corporations are looking overseas for opportunities to sell American goods and services. Proctor and Gamble, United Airlines, Ford Motor Company, Goodyear, Pfizer International, Harley Davidson, Caterpillar, and Lucent Technologies are just a handful of companies employing thousands of Missourians who have operations and ongoing projects with Vietnam.

This resolution would deny my community the opportunity to continue its humanitarian efforts with the Vietnamese people. UPLIFT International, Heart to Heart, and the Westmoreland Scholar Foundation have made generous contributions to those in need. Corporate sponsors like Black and Veatch, Hoechst Marion Roussel, Federal Express, and Boeing have helped establish trust, and placed people before profit. What began in 1995 as a Heart to Heart airlift to supply 46 tons of medical supplies has led to additional efforts to supply the Vietnamese people with undertakings like UPLIFT's Project HOPE to ensure tuberculosis education and prevention. Under the direction and vision of Mike Meyer, UPLIFT has gained much corporate sponsorship as well as the trust of the Vietnamese government. When Typhoon Linda struck the Vietnamese coastline, Mr. Meyer was specifically asked by the Vietnamese government to help out and quickly found a way to provide the supplies needed.

The Westmoreland Scholar Foundation, named in honor of General and Mrs. William C. Westmoreland, is a non-political, non-profit educational foundation established for the purpose of educating those young people who can best contribute to reconciliation and harmony between the people of the United States of America and the people of Vietnam.

One of the recipients of the Westmoreland Scholar Foundation, Joyce Nguyen, is an intern in my District Office. As a Student Ambassador, from Rockhurst College in Kansas City, Missouri, she traveled to Da Nang, Vietnam with the intent to assess the needs of the doctors and staff. She and a fellow Rockhurst student, Son Do (sun doe) traveled to Da Nang and are both first generation Americans whose parents fled from Vietnam after the war. This was a unique experience for them to witness their parent's homeland and to communicate what the hospital lacked in essential equipment and medicines for its patients to UPLIFT International. With the support of Vietnam veterans like Ret. Col. Roger H. Donlon, the first soldier to receive a Congressional Medal of Honor in Vietnam, his wife Norma, and many community members, Joyce learned of her cultural background and shared her American heritage with the doctors and students as she taught them English. Her work in Vietnam allowed her to make permanent life friends and retrace this history of her ancestors.

The Westmoreland Scholar Foundation has Vietnamese American students enrolled in many colleges throughout the United States including Rockhurst College in my district. This program is meant to build bridges between both American and Vietnamese cultures. It ensures opportunities for students active in the Vietnamese-American communities for study and humanitarian services in Vietnam and for the exchange of Vietnamese students to study in the United States. This organization is dedicated to friendship with our Vietnamese allies, and the opportunity to gain the respect of our former Vietnamese adversaries in the tradition of patriotism, service, and leadership demonstrated by the lives of the Westmorelands.

I see many positive advantages at the local and national levels for free immigration and social development. As the next millennium approaches, we should be concerned with forming a lasting relationship with countries like Vietnam. I urge my colleagues to vote no on House Joint Resolution 120.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), a distinguished Member who has been very active in the area of trade.

(Mr. BLUMENAUER asked and was given permission to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I disagree with the proponents on the narrow terms of the waiver. But more importantly, I feel that they are also wrong on the big picture.

This very day, my daughter, a college-age young woman, is in Vietnam going anywhere she wishes, marveling at the friendliness of the people, over 60 percent of whom are under 25 years of age with no connection to the war, other than to live with its horrible consequences.

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They are looking to America for a new relationship. This decision today is about whether we on this floor can exemplify the spirit of our late colleague, Walter Capps, about learning and reconciliation. It is about equipping our friend, Pete Peterson, in his mission as Ambassador to move the relationship between these two countries into the future in the spirit of healing and rehabilitation.

And most important, this debate is to assure that we, as Congress, can learn from this experience so that our children, their children and grandchildren will not be trapped by the web that so ensnared three generations of Americans.

Please, reject the resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), the father of Radio Free Europe.

Mr. ROYCE. Mr. Speaker, this is not a debate about trade or investment. American companies, I think we all know, are free to trade with and invest in Vietnam. We all wish them well in that. This resolution does nothing to change that.

What this resolution does is to say, now is not the time to send in government agencies, OPIC and the Eximbank, which is the practical effect of this waiver, and give us more leverage to fight for the many interests we have in Vietnam.

I urge my colleagues to support this resolution. Since we began normalizing relations with Vietnam, we have extended more and more to the Vietnamese government. As of today, we have given it recognition. We have opened an embassy in Hanoi. We have sent an ambassador to work out the many real interests we have in Vietnam. Today we are looking at letting a Jackson-Vanik waiver to go by and opening the door for OPIC and Eximbank funding, a subsidy to Vietnam. These gradual changes in our policy I thought were to be done with a sense of expectation of the Vietnamese government. My understanding was that this was supposed to be a two-way street.

Since we began normalizing relations with Vietnam, we have extended more and more to the Vietnamese government. As of today, we've given it recognition, opened an embassy in Hanoi, and sent an ambassador to work on the many real interests we have in Vietnam, including the POW/MIA issue. Today we're looking at letting a Jackson-Vanik waiver go by and opening the door for OPIC and Ex-Im Bank funding in Vietnam.

These gradual changes in our policy. I thought, were to be done with a sense of expectation of the Vietnamese government. My understanding was that this process was supposed to be a two-way street.

I also thought we were going to bring a healthy dose of skepticism to the table. We were going to be skeptical, not because of any bitterness over our past in Vietnam, but because we understood the type of government we're dealing with: in simple terms, one of the world's most politically and economically repressive regimes.

This is the reality we must deal with in asking whether progress has been made on the issues we care about and also whether it's likely that progress will be made if we give up one more lever of influence we have over the Vietnamese government: American taxpayer subsidized trade benefits. And we should all realize that the Vietnamese government very much wants this waiver. This is real leverage. So, why give it up without human rights progress from Vietnam.

And why should U.S. taxpayers support these subsidized U.S. businesses in Vietnam, one of the least open, most state-controlled economies in the world. This economy lacks property rights and suffers from corruption. Patent piracy is a problem. Not surprisingly, the first American corporation licensed to operate in Vietnam (Vatico, Inc.) closed shop and left the country earlier this summer. So let's send in OPIC and Ex-Im to aid U.S. businesses, and even Vietnamese government-controlled businesses in partnership with American firms?

This reminds me of another issue before this Congress: funding for the International Monetary Fund. There is debate over whether IMF funding, U.S. taxpayer-supported funding, can be effective in bringing about economic reform in aided countries. Many suggest that IMF support prolongs reform by propping up bad government policies. That's what happened in Indonesia. You know at least the subsidized IMF asks for change. With OPIC and Ex-Im Bank we will support businesses with only the hope that the Vietnamese government will change its policies. This is the type of wishful government-funded engagement we're considering. [By the way, the IMF has canceled loans to Vietnam.]

We've heard today that political and religious repression is pervasive in Vietnam. So it's not surprising that the Vietnamese government is jamming Radio Free Asia. Hanoi has done this almost from the beginning of RFA's Vietnamese broadcasting. Radio Free Asia is intended to provide Vietnamese with the range of information we believe will help them build democracy and free-market driven prosperity. The Vietnamese government wants none of this.

Let's remember the reaction many of us in this body had last month when Beijing denied Radio Free Asia reporters the right to travel with President Clinton to China. Many of us condemned that. Some of us thought President Clinton should have taken a stronger stand on this fundamental issue. Yet here we have Hanoi attacking the free press, RFA, in even more direct terms. What's our response: send in OPIC and the Ex-Im Bank!

Thank you Madam Speaker. This is not a debate about trade or investment. American companies are free to trade with and invest in Vietnam. We wish them well. This Resolution does nothing to change that. What this Resolution does do is to say now is not the time to send in government-agencies, OPIC and the Ex-Im Bank, which is the practical affect of this waiver, and give up more leverage to fight for the many interests we have in Vietnam. I urge my colleagues to support this Resolution.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the resolution.

It is the actions of the 1980s and 1990s that are moving this country to a lower common denominator concerning basic human rights and disregard for the fundamental values that should serve as the core of our foreign and economic policies. We cannot change nor should we seek to change the outcome of military events in Southeast Asia 3 decades ago. But the United States can, through existing law and policy, assert foreign economic policies that provide for improvement and democratization of this part of the world, including Vietnam.

The fact is, we cannot keep spending the same dollar over and over again, talking about progress towards, while the fundamental tenets of Jackson-Vanik are not being met, much less basic human rights in this country. The fact is, we need to assert our influence now at this time to achieve that for those people in Southeast Asia that are still being ill-treated and not provided the opportunities that they merit much less any freedoms required by Jackson-Vanik.

Mr. Speaker, I urge the Members of this body to strongly support this resolution that opposes this type of trade liberalization.

I rise today in support of the resolution to disapprove the waiver of the Jackson-Vanik amendment to the Trade Act of 1974 for Vietnam. Serious issues remain in our relationship with Vietnam; the government of Vietnam is criticized by international human rights groups for a wide range of violations including arbitrary detention, disregard of workers rights and persecution of religious groups. The communist government in Vietnam will not allow democracy and freedom without pressure. What the United States does in regard to trade agreements does have an impact; we can be a force for positive change.

Actions of the US are most important today, because of past actions of this Congress and Administration throughout the 1980s and 1990s; the United States is regrettably moving towards a lower common denominator—concerning basic human rights, disregard for fundamental values which should serve as the core of our foreign economic policies, and yielding to political expediency. We can't change nor should we seek to change the outcome of military events in South East Asia

over two decades ago. But the US can, through existing law, and policy assert foreign economic policies that achieve an improvement in the democratization of this region of the world, including Vietnam.

The year by year rubber stamping of normal trade relations, in light of the absolute contradiction of actions and deeds, is wrong. We should pass this resolution of disapproval.

The fact is that the Vietnamese government is not meeting the conditions of free emigration. It is irresponsible to allow this country beneficial trade relations, on a veneer argument that ''progress towards'' this goal is being made. With rights and privileges come responsibilities and hopefully, results. Supporters cannot keep spending the same currency piece in a circular manner—suggesting that maintaining the waiver and allowing the trade benefits to follow will facilitate the Vietnamese government's respect and embracing of human rights. At this point our United States forbearance should have produced positive results. Those who are persecuted and denied basic human rights look to us, as citizens of the world's oldest democracy, to responsibly pursue policies that would permit some hope of social, political, and economic benefit.

In its origins and provisions, Jackson-Vanik is centered on freedom of emigration. Advocates of this resolution will tell you that Vietnam has eliminated the requirement for an applicant under the Resettlement Opportunity for Vietnamese Returnees program to obtain an exit visa prior to an interview with the U.S. Immigration and Naturalization service. They will point out this ''progress towards'' free emigration satisfies the requirements of the Jackson-Vanik trade law.

The truth is that Vietnam has not dropped its requirement for exit permits. Rather, this requirement was merely delayed until after the applicant is interviewed and approved by the United States interviewing teams. In addition to this administrative roadblock, in any instances applicants to U.S. resettlement programs are charged inordinate and significant fees that they cannot afford, in order to gain access to the programs. Vietnam doesn't meet even the basic test of the controlling law, Jackson-Vanik, much less a broader test regarding essential human rights.

In fact, Vietnam remains one of the most repressive countries in the world. Basic rights that we in the United States take for granted are denied to the citizens of Vietnam. All opposition to the communist party is crushed. Religious activities are closely regulated. Human rights organizations are not allowed to operate. Workers are not free to join or form unions of their choosing; such action requires governmental approval. Children remain at risk of being exploited as child labor workers, and women are commonly subject to serious social discrimination. At this point, Congressional action to waive the Jackson-Vanik provisions would symbolize ''business as usual'' for the Vietnamese leaders. Therefore, they may continue the oppression of their own people and still reap the benefits of trade relations with the United States.

Consideration of waiving the Jackson-Vanik provisions should at least be delayed until there are concrete, rather than superficial actions demonstrating that Vietnam is prepared and willing to act in good faith. This resolution will not stop U.S. trade with Vietnam, nor will it hinder free trade as Vietnam is simply not currently eligible for Normal Trade Status (NTS). Passage of this resolution would send a clear message that our laws mean what they say, that the U.S. will stand behind its laws and values, and that freedoms systematically denied to the average Vietnamese citizens are worth speaking out in defense of and standing up for. Basic human rights are not an internal matter. Because of these unresolved issues, we should in good conscience go forward with approving this resolution of disapproval.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, the main discussion here seems to be, on both sides of the aisle, the question of human rights violations, the question of religious persecution, immigration policy, and the issue of the POW and the MIAs. So how best do we deal with that particular issue right now 2 or 3 decades after the war is over?

I think that the U.S. needs to exert its influence in those areas. So how best do we exert our influence to change that, when it seems to me very obvious America's absence of engagement will create a void that will be filled by a country with little or no interest in our POWs or MIAs, human rights violations or their emigration policy.

It is the United States in this world that wants to be engaged in those kinds of problems. The Vietnamese government has shown significant improvement in all of these areas in the last couple years, especially since our former colleague, Pete Peterson, a former POW, is now the ambassador to Vietnam.

With the Vietnamese and the Americans working side by side on roads, bridges, coastal hotels, dredging the harbors, et cetera, et cetera, with the Vietnamese paying the bill, with that kind of engagement, the human contact with this country and that country will make the difference.

I urge a no vote on the resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS), who knows we are not talking about the Vietnamese paying the bill. We are paying the bill.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I just say to my friend who just spoke, this is not about staying engaged with the Vietnamese. We are fully engaged. We have normalized relations. We have full trade with Vietnam. Those policies are not in question.

What is in question, though, is about, and we are not refighting the Vietnam war. We are fully engaged in this. Although the Vietnamese are showing some improvement in the area of emigration with the Rover program and others, I think they are woefully short of meeting the threshold that would allow us to use American tax dollars to subsidize American businesses doing business in Vietnam.

I have from my own district Dr. Nguyen Dan Que and Doan Viet Hoat, who are still languishing in Vietnamese prisons, on trumped up charges, for 15 years. Their families are not allowed to visit. When I was there last January, I was not allowed to visit. They are not allowed to get correspondence. They are not allowed to emigrate and come back to Northern Virginia, where they would like to join their families.

We are in a sense, by ignoring existing prisoners there who are there on trumped up charges, rewarding behavior that is woefully short of the kinds of gains that we have seen in China and other places. I do not think this behavior should be rewarded, their human rights abuses being rewarded with tax subsidies from U.S. taxpayers. I think we need to send Vietnam a message that more freedom of emigration has to be accomplished, and I would urge my colleagues to support this resolution.

Mr. Speaker, I rise today in strong support of House Joint Resolution 120, which would disapprove the President's renewal of his waiver of the Jackson-Vanik amendment for the Socialist Republic of Vietnam. As many of you know, I have been a fervent supporter of U.S. engagement with countries who have had a history of committing human rights violations. My positions rests on my belief that it is only through the gradual building of trust between nations that arises when commerce and cultural ideas flow freely, that democracy and freedom will prevail in such societies. To my deep regret, the Vietnamese government has demonstrated that no amount of economic engagement will compel improvements in its human rights record, especially when it comes to its emigration policies. The President's waiver of the Jackson-Vanik amendment this year is clearly without any basis. Indeed, it is contrary to the overwhelming evidence that the Vietnamese government does not permit free emigration as the Jackson-Vanik amendment requires before normal trading status can be conferred on Vietnam.

Having visited Vietnam this past January, I can attest to the fact that Vietnam has done little to improve its human rights violations or loosened its restrictions on free emigration. Unlike China, which has made slow but measured progress in the area of human rights as witnesses by the many Chinese religious leaders and citizens that I spoke with during my visit to China last year, the same unfortunately cannot be said for Vietnam.

Two Vietnamese-American families in my district intimately understand the agony of having a family member thrown into a Vietnamese prison simply because they promoted human and political rights. Both Dr. Nguyen Dan Que, a 53-year-old endocrinologist, and Professor Doan Viet Hoat each received 20 year sentences for conducting ''activities aimed at overthrowing the people's government.'' Professor Hoat's sentence was later reduced to 15 years of imprisonment and 5 years of house arrest and deprivation of his civil liberties. Worried about their health and safety, their families asked me to do all I could to learn about their medical conditions. We had understood that both men were suffering from serious kidney problems. However, my request was denied. I was not permitted to visit with any political prisoners and the medical information I did receive was unclear.

The Jackson-Vanik waiver exists for the express purpose of improving emigration between nations by using the promise of economic relations as leverage. With this in mind, I do not dispute the fact that it has an unquestionably important role in normalizing U.S.-Vietnam relations. However, so much work has yet to be done in the way of individual liberty in Vietnam. I cannot help but feel that the waiver is being improperly implemented this year.

Make no mistake, I consider productive relations with Vietnam's Government to be very important. But a relationship must stand on mutual understanding and clear expectations. It is time that we make a statement to the Government of Vietnam on the state of human rights in that country. I would hope that our support for the resolution would also carry the message that we will not stand for continued human rights abuses in Vietnam.

I would like to note that trade between nations implies a degree of mutual respect and acceptance. We as a nation have demonstrated goodwill in this endeavor and still have yet to see these efforts reciprocated in accord with the waiver's provisions. Vietnam's government has had adequate time to demonstrate its commitment towards improving its emigration policies since the President ended the U.S. trade embargo on Vietnam in 1994. Given the continued restrictions on emigration and political freedoms in Vietnam, I feel that we must voice our disapproval.

I am encouraged by the fact that many of my colleagues on both sides of the aisle have found the proposed waiver renewal to be ill-considered. Once we see concrete progress by the Vietnamese government—that real improvements are being made so far as human liberties are concerned—then I will be one of the first to say that waiving the Jackson-Vanik amendment and normalizing U.S.-Vietnamese trade relations would further the interests of civil liberty and freedoms. Until that time, however, we must send a clear message and vote in favor of this disapproval resolution. Doing otherwise will reflect poorly on this nation and on the principles for which it stands.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, I am joining with what I think is one of America's greatest Vietnam war heroes, a former colleague and our present ambassador to Vietnam, in asking all my colleagues to vote in opposition to this bill.

The reason for it, I think, is clear. We have Vietnam now the 12th largest country in the world in terms of population. Almost 70 percent of those residents of Vietnam are under the age of 25, the vast majority of which were born after the Vietnam war.

I think, clearly, this country has demonstrated, by a policy of economic and social and cultural engagement, we have been able to have the greatest impact in improving the quality of lives of those countries in which we reach out to. We make the greatest difference advancing human rights, the greatest difference in advancing the issue of religious freedom, the greatest impact in advancing the concept of democracy when we choose to economically and culturally and socially engage with a country. That is what it is all about, when we continue with the waiver for Jackson-Vanik.

I urge my colleagues to vote no on this motion.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, passage of House Joint Resolution 120 would not be a message, it would be a hammer. It would be a hammer because it sends the clear message to the people of Vietnam that we are not serious about trying to be constructive and open up our trade and open up our relations with this country.

If we believe that, by imposing these stricter standards of economic engagement with Vietnam, we are going to send a message and have some success; and if we are going to look at examples like South Africa, we have to remember that South Africa were multilateral sanctions where we had virtually an entire world behind those efforts to change South Africa.

We cannot say that about Vietnam. We know for a fact that the Europeans, Japan, other Asian countries, Latin America, they are all ready to go in and fill a void if the U.S. disengages. That will not just be at the expense of U.S. business, it will be at the expense of the U.S. government and the U.S. people.

We must engage. If no one has faith with the folks that are speaking here, please remember our former colleague, Pete Peterson, ambassador to Vietnam, a former POW who says it is right to do this. Please oppose House Joint Resolution 120.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I rise in support of the President's waiver of the Jackson-Vanik trade restrictions on Vietnam.

I am a veteran myself. I have served almost 30 years with the National Guard. I have been on the Committee on Veterans' Affairs, serve on the House Committee on International Relations. I realize that times come when we have to move toward normal relations with Vietnam. It was a terrible war. It was a terrible conflict. It was a war of containment. I would not call it a war that we won.

Our former colleague, now the U.S. ambassador to Vietnam, Pete Peterson has nothing but praise for the Vietnamese efforts to aid the U.S. in locating and identifying the remains of POWs and MIAs. The ambassador says that the two countries are cooperating at an unprecedented level for former combatants.

I say to the critics of the waiver, listen to the words of the VFW. They say, We believe that current U.S. trade policies may have resulted in both gradual improvement in U.S.-Vietnamese relations and general and proportional improvements.

Oppose the resolution.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, at this point I think we need to add little, but perhaps some other observations.

I consider the gentleman from California (Mr. ROHRABACHER) not only my colleague but my dear friend, and I would say that on almost everything we have been together where human rights are concerned. I feel that we just have a difference of view today, and I hope that his, in this instance, does not prevail. Not because of any argument about commitment to human rights but what the best course is today in order to advance human rights.

I make a plea to all of my colleagues who know Pete Peterson, not just as I do, as a colleague and dear friend, but know what he went through as a POW. Surely, surely, as the first ambassador to Vietnam since the war, we owe him the opportunity to carry through on all of the elements that he thinks he can bring to bear to see not only human rights but the relationship between Vietnam and the United States of America blossom.

If we can conduct trade with China, surely we can conduct trade, surely we can give Mr. Peterson the opportunity to conduct the business of the United States. Surely, if we have this opportunity to make a statement that individuals can make a difference, that the Vietnam war can be healed, that those of us who have been scarred in this country by everything that took place there can find a healing purpose in giving Pete Peterson the opportunity to carry through on the program that he has put forward. If that is accomplished, I can assure Mr. ROHRABACHER and my colleagues here, all of whom stand united on behalf of human rights, that a great advancement will have taken place. We will have made a step today in that direction that we can all be proud of.

Mr. Speaker, I want to add to the comments that have been made this afternoon opposing this resolution because I believe passing it will not accomplish goals we all seek, such as greater accounting for POW's/MIA's and economic reforms.

I firmly believe that we are more likely to succeed in our foreign policy and human rights objectives by continuing and building on the work already begun by our ambassador, Pete Peterson, a former Member of Congress and a POW.

The purpose of the Jackson-Vanik amendment is to promote free emigration. As of July 13, 4,388 Vietnamese had departed for the United States under the Resettlement Opportunity agreement. Since the Jackson-Vanik waiver was granted, Vietnam has greatly reduced the red tape for prospective emigrants.

Both supporters and opponents must concede that progress is being made in emigration, business development, investment opportunities, and accounting for U.S. military personnel which are of vital interest and concern to America and the families of missing service men and women.

This bill will not only end the progress that has been made, but reverse the positive developments that have occurred. It will be a setback for our efforts to account for missing U.S. military personnel and other objectives.

I urge a ''no'' vote on the resolution.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. CAMP), my distinguished colleague from the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, there have been many references to our former colleague, now ambassador, Pete Peterson. I wish everyone could have heard his very powerful and compelling testimony before the Subcommittee on Trade about reconciliation and engagement in Vietnam. This is not about MFN. I have heard some references to MFN or normal trade relations. That only occurs after a negotiated bilateral trade agreement. This is about allowing private overseas investment loan guarantees.

□ 1530

We must talk about our relations with Vietnam and what kind of leverage we have if we do not engage Vietnam. We lose leverage in obtaining more information from the Vietnamese government on those POWs and MIAs that we are still not sure about.

The VFW in a statement released on July 28 said that disapproving the waiver would harm the prospects for the cooperation between our governments that is necessary for a successful resolution and accounting for our missing Americans. We also lose leverage in bringing Vietnam closer into the community of nations. We lose leverage in encouraging Vietnam to promote the freedom of immigration, the very point of the Jackson-Vanik amendment when it was passed back in 1974.

I urge the defeat of H.J. Res. 120.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from San Diego, CA (Mr. HUNTER) a Vietnam veteran and a man whose standards are very much respected in this body.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding time. A couple of facts here are incontrovertible. One is that we have over 1,500 Americans still missing in Vietnam, including all 448 American pilots who were shot down in Vietnam-controlled Laos. That can mean only one thing. Not one of those pilots came home out of that 448. It means the North Vietnamese leaders had a policy of execution of the pilots that went down in that area. That is a war crime. There should be war trials for the criminals, for the Vietnamese communist leaders who propagated that policy of execution, if we could find them, if we could apprehend them, if we could lay hands on them. If we had treated Himmler and Goering like we are treating the Vietnamese communist dictatorship, they would be attending World Trade Organization meetings instead of the Nuremberg war trials. I think if we keep devaluing the sacrifices of our veterans like we are doing with this bill, someday we are going to have a war and they are not going to come.

Support Rohrabacher.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

(Mr. REYES asked and was given permission to revise and extend his remarks.)

Mr. REYES. Mr. Speaker, I rise in opposition to House Joint Resolution 120. I believe that this resolution is counterproductive to the national interests of the United States and to the continued improvement in the bilateral relationship between our Nation and Vietnam.

I did not have the privilege of serving in this House with Ambassador Pete Peterson, but over the course of the last 2 weeks I have had an opportunity to sit with him on several occasions and talk to him about his experience as ambassador to Vietnam from this country. Ambassador Peterson, I think, more than anyone else understands the problems and the complex nature of the issue as we transition from a very negative relationship with Vietnam to hopefully a better and more understanding relationship.

Ambassador Peterson tells me that Vietnam is a country in transition. It is a country in transition culturally, philosophically, economically, socially and even educationally. I believe that it is important, it is vital that we remain engaged with Vietnam and that we assist Vietnam and provide the leadership to help with that assistance to that country so that they can transition from a dictatorship to ultimately a democracy. I had an opportunity this morning to again be with Ambassador Peterson in the Cannon Building where there is an exhibition and it is simply titled ''Vietnam, The Land That We Never Knew.''

Mr. Speaker, I was in Vietnam 30 years ago. I spent 13 months there in the United States Army. I told Ambassador Peterson that I really did not have any interest in going back, but he has convinced me that with the policy of engagement, it is our obligation and our duty to go back and see the Vietnam that we never knew.

I am opposed to this resolution and I urge my colleagues to oppose it as well.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to distinguished gentleman from Arizona (Mr. KOLBE), a combat veteran who served in southeast Asia.

(Mr. KOLBE asked and was given permission to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I rise in opposition to this resolution. As the gentleman from Illinois said, I did serve in the Vietnam War. I was a Navy officer on swift boats patrolling rivers and canals down in the delta region. But let me make it very clear that in my view having served in Vietnam does not give me any special qualification to have an opinion on this issue. Maybe it gives me some background on which to draw in making a decision. And I would use it to draw on a historical perspective.

In 1991, it was President Bush that proposed a road map, and I was very much involved in the Congress at the time that was being considered, for improving our relations with Vietnam. To follow the road map, Vietnam had to take steps to help us account for our missing servicemen. In return for the cooperation, the United States was to move incrementally towards normalized relations.

Progress was made, and in 1994 a second step was taken when President Clinton lifted the trade embargo against Vietnam. In 1995, formal diplomatic relations were established between the United States and Vietnam.

Today's vote is just one more step along this road. As Ambassador Pete Peterson has said, if we grant this waiver today, he will have some of the tools he needs to convince Vietnam's leaders to improve human rights conditions, to continue support for the resolution of our POW and MIA cases that are still unresolved, and to maintain their commitment to liberalizing their economic and political institutions.

Mr. Speaker, our Nation has always recognized a clear distinction between being at peace and being at war. We cannot, we must not forget the pain and suffering of war. But by granting this waiver and advocating for even greater liberalization of Vietnamese society, we can say to Americans who served in Vietnam that their commitment is vindicated as economic and political freedom takes root in that country.

I urge my colleagues to defeat this resolution.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. EVANS), a Vietnam veteran, the ranking member of the Committee on Veterans' Affairs.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Illinois is recognized for 3 minutes.

Mr. EVANS. Mr. Speaker, this is really a vote on whether we are truly dedicated to resolve the full accounting of our missing from the Vietnam war. As the Veterans of Foreign Wars have said, passing this resolution of disapproval will only hurt our efforts at a time when we are receiving the access that we need from the Vietnamese to determine the fate of our POW/MIAs.

As many of the speakers have said, there is no more authoritative voice on this issue than our former colleague and now Ambassador to Vietnam, Pete Peterson. He supports the Jackson-

Vanik waiver. As a prisoner of war who underwent years of imprisonment in the notorious Hanoi Hilton, Ambassador Peterson should have every reason to be skeptical and harbor bitterness towards the Vietnamese. Yet he believes that the best course is to further develop relations between our two nations.

He knows this because it is in our Nation's best interest. We have achieved progress on the POW/MIA issue because of our evolving relationship with Vietnam, not despite it. He also knows that without access to the jungles and the rice paddies, without access to the archival information and documents, and to the witnesses of these tragic incidents, we cannot give the families of the missing in action the answers they deserve.

Our Nation is making progress on providing these answers. Much of this is due to the Joint Task Force on Full Accounting, our military presence in Vietnam which is tasked with looking for our missing. I have visited these young men and women and they are among the bravest and most gung ho group of soldiers I have ever met. Every day, from the searches of battle sites in treacherous jungles or the excavation of crash sites on the sides of mountains, they put themselves in harm's way to perform a mission they deeply believe in. It is truly touching to these men and women, some of whom were not even born when our missing served, so dedicated to a mission that they see as a sacred duty. They told me time and time again, allow us to remain here so we can complete this mission, so that we can do this job. If we pass this resolution today, we risk all the progress we have made.

I ask my colleagues to please vote against the resolution.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. Today's debate is not about whether we respect our wonderful former colleague and now ambassador, Mr. Peterson. We do, although we note there are others who were prisoners of War in Vietnam who feel that we should support this resolution. This debate is about whether we use this tool available to us to get Vietnam to do the right thing, to allow for free emigration. If they were doing the right thing, we would not need to have this waiver before us at all. We must stand firm for human rights by using this tool to increase performance.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I would just say to my colleagues that today is about reunification of families. It is not about trade. I am for trade. This is about reunification of families. It is about doing the right thing. I know. Because when you have a Vietnamese American in your district who wants to get their wife over after 15 or 20 years, after having tried to find her, after finding her in a camp and he cannot, he calls my office because I have the Vietnamese staffer who will help them. I get to hear the stories.

Please vote for this resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this resolution is about disapproving the waiving of the Jackson-Vanik restrictions which the President would like to do of the 1974 trade act. The fact that he is asking us to waive the restrictions of Jackson-Vanik mean that the communist Vietnamese are not meeting the moral standards that we set. So all of this talk about all the progress that we have heard about going on in communist Vietnam is so much baloney. The President himself is acknowledging that they are not doing that because he has asked us to waive those standards.

What is the purpose behind waiving the standards, the standards we put in place in face of the persecution of Jews in Russia that we wanted to deal with back in the 1970s? Why he is doing this? Why are we replacing those standards? So that our businessmen can go over, with government guarantees and government subsidies, meaning our taxpayer dollars, and invest in this dictatorship and make a profit and then export their goods to the United States and put our own people out of work. That is what this is all about.

I ask the American people to determine if you tried to set up a business, if you are trying to pay your mortgage, do you get a loan guarantee or a subsidy from the taxpayers? No. This is what the gentleman from New Jersey (Mr. SMITH) said it is. This is corporate welfare for communists at its very worst because we are lowering our standards in order to do so.

By the way, all this talk about MIA and POWs, I hope Members listened to the gentleman from Texas (Mr. SAM JOHNSON) and all this talk about Pete Peterson whom I respect and admire and served with in this House. The communist government of Vietnam has not given us the records of the prison that the gentleman from Texas was kept in or the prison that Pete Peterson himself was incarcerated in for 6 years. We requested that and they have denied even giving us those records because if we got the records, we would know that they have not come clean on the MIA/POW issue. That is why almost all of the veterans organizations are asking support of my resolution because they want to keep faith with those people who fought for freedom and keep faith with our principles of democracy.

Mr. CRANE. Mr. Speaker, I yield myself the balance of my time.

I saw our distinguished ambassador, Mr. Peterson, sitting back here. I think he deserves the respect and honor of all of us not only for the outstanding job he has done there but for his service, his tour of duty, which included 6½ years at the Hanoi Hilton. And so we pay tribute to you, Pete. Keep up the good work.

Mr. Speaker, one of the issues that has not been elaborated on in this proposal deals with immigration. I want to just touch briefly on that and point out that over the past 10 to 15 years, more than 480,000 people have entered the U.S. under the Orderly Departure Program from Vietnam. Applicants under the Resettlement Opportunity for Vietnamese Returnees, what is called the ROVR program, those numbers are also impressive. The government of Vietnam has cleared for interview over 15,500 of the ROVR applicants and permitted over 4,300 persons qualified for ROVR already to depart to the United States.

□ 1545

INS expects to complete most interviews of ROVR applicants by the end of this year.

I think basically what we are talking about is maintaining an improved relationship rather than putting barriers to increased communication and improved relations with a country that is going through transition and going through a transition in a positive way, and we have encouraged that transition, and for that reason I would ask all of my colleagues to join with us in voting to oppose H.J.Res. 120 because I think it sets us back.

Mr. FAZIO of California. Mr. Speaker, I rise today in strong opposition to H.J. Res. 120.

America needs to heal from the tragedy of the Vietnam War.

Preserving the Presidential waiver for Vietnam will help alleviate the pain.

Extending the waiver promises a path towards mending the horrors of war because it provides an avenue for serious open dialogue.

The Jackson-Vanik waiver has given momentum to reconciling America's questions regarding POWs.

It has increased humanitarian efforts, enhanced leverage in treaty negotiations and allowed increased economic opportunities for American businesses.

The Veterans of Foreign Wars has witnessed first-hand the positive impact that the waiver has produced.

The Jackson-Vanik waiver has strengthened US-Vietnam cooperation by establishing the Joint Document Center in Hanoi.

The Trilateral Recovery Operations of the U.S., Laos and Vietnam.

And the Vietnamese governments has publicized activities related to missing Americans.

These are concrete results and real outcomes.

And these accomplishments have come about because of the Jackson-Vanik waiver.

The Jackson-Vanik waiver has been our diplomatic leverage—without it, we threaten America's interests.

The past makes us all uneasy—however, as we enter into the new millennium, we must work on forging relationships for the future.

We must start now—this waiver provides the tool to achieve our goals.

A vote against this harmful resolution sends a clear message of a commitment to the healing of America and Vietnam.

I urge my colleagues to vote against this measure.

Mr. SOLOMON. Mr. Speaker, I rise in strong support of H.J. Res. 120. The full story of how the President and his senior advisors made decisions on Vietnam has never been told.

I am very concerned that the American people do not know the complete story on what influenced the decision to extend normal Diplomatic relations to the People's Republic of Vietnam.

Now we have to once again look at the President's actions and challenge why, in spite of evidence to the contrary, he is giving a waiver to Vietnam on an important human rights issue.

In October 1996 I began an inquiry of the current Administration and the potential impact foreign money might have had on our Foreign and Defense policy.

My goal was to acquire all information from the President and other senior members of his Administration about their connections with John Huang and the Lippo Group.

From 1996 to this day I believe the administration may have improperly assisted the Lippo Group in developing business in the People's Republic of Vietnam.

My fear was (and still is) that campaign contributions by Mochtar and James Riady and John Huang all improperly influenced our Foreign policy on Vietnam.

And to this day I feel the American people have not been given the truth on all the activities undertaken by the President, John Huang and the Lippo Group.

In 1992 the Riadys were the largest single campaign donors to then Presidential candidate Clinton.

Now all Americans are finally finding out that for the last five and a half years Foreign money may have corrupted our Foreign and Defense Policy, especially in Asia.

It was shocking to find, as early as November 1992, the late Ron Brown was meeting with Vietnamese government officials about lifting the U.S. embargo while Presidential candidate Clinton was taking a much harder line on full accounting for POW–MIAs.

Then, after being appointed Secretary of Commerce, Ron Brown met with John Huang, who at that time was the senior Lippo official in America, to discuss Vietnam.

It took years for the truth to come out.

Years later the Wall Street Journal reported that soon after he was first elected President, Mr. Clinton received a personal letter from Mochtar Riady, Chairman of the Lippo Group.

In his letter to the President, Riady was strongly lobbying for the immediate U.S. diplomatic recognition of Vietnam.

Riady's letter was very clear—not only should America move to quickly recognize Vietnam, but Mochter brazenly informed the President that Lippo had employees on the ground in Vietnam ready to do business.

While Riady's letter was kept secret there were important and serious debates by well meaning members on both sides of the aisle as to the merits of recognizing Vietnam.

Issues such as full accounting for Pow-Mias, religious freedom for Vietnamese citizens, free emigration and free speech were debated. But one has to ask if the fix was in all along to help the Riadys.

Now, today once again with a bipartisan spirit Congress is addressing what to do about assisting Vietnam.

It is my position that, because of previous bad faith in providing full disclosure to congressional oversight, we can't have a fair debate on the merits of the assisting Vietnam until we find out exactly what the Administration did to help the Lippo group.

The great tragedy of the ethical cloud hanging over our Foreign Policy is that we become uncertain as to the validity of the Administration's position on any foreign economic issue.

Did the Administration sell out American business interests by improperly helping a foreign firm, the Lippo Group, with inside information about the timing of our recognition of Vietnam? This type of information could be worth millions at the expense of American Firms.

So I look with great skepticism at the President issuing a waiver. I am perplexed as to who will eventually benefit. On the merits of the case I don't think the average Vietnamese will benefit, since the IMF has held up loans to Vietnam because the government has not made appropriate economic reforms.

The President's waiver is suspect as to why he continues to insist his action will substantially promote the freedom of emigration provisions.

In fact Congress has the names of hundreds of Vietnamese who have been denied emigration since 1975. This pattern of human rights abuse continues to this day.

Finally, as a practical matter, if Vietnamese leaders think American Foreign Policy can be influenced by Lippo money they will have no incentive to take our positions seriously on any issue especially enforcing the freedom of emigration provisions in the Jackson-Vanic amendment.

Now is the time to send a signal to the World that the Congress takes very seriously our oversight responsibilities and we pledge to bring sunlight on the Administration's actions.

Vote to support H.J. Res. 120 and show Vietnam and the world that Congress will not allow our Foreign Policy to be sold for campaign contributions.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to urge my colleagues to join the Congressional Dialogue on Vietnam. This group facilitates an open exchange among Members of Congress, the Administration, and the public on issues that affect those who have personal interests tied to Vietnam.

In particular, I wish to call attention to the grassroots campaign, ''Adopt a Religious Prisoner in Vietnam.'' This group notifies its members on the current state of religious persecution in Vietnam as well as the plight of people who have been imprisoned for their religious beliefs.

The current Vietnamese government detains individuals for a variety of ideological reasons, including those who openly discuss religious ideas. These prisoners of conscience are writers, philosophers, and artists who have never served in combat and yet some have been incarcerated since the Vietnam War.

This past January I had the unique opportunity to visit Vietnam. Despite the advancements our countries have made in diplomatic relations, we still differ on issues concerning religious prisoners. On my visit I was denied the opportunity to visit with prisoners of conscience, and what medical information I did receive was ambiguous.

In my opinion, this underscores the value of the ''Adopt a Religious Prisoner in Vietnam'' campaign and its ties to overseas religious institutions. I want to take a moment to tell you about my own adoptee. The Venerable Thich Tue Sy has been a Buddhist monk from the age of seven years. He taught himself several languages including Classical Chinese, English, and Sanskrit. A noted scholar and founder of the Free Vietnam Force, he was arrested by Vietnamese government authorities on April 2nd, 1984. Four years later he was prosecuted on national security charges and sentenced to death, but protests from the international community helped to commute his sentence to 20 years in a government ''re-education'' camp. He has been jailed for the past 14 years in a camp where nutrition and health conditions are typically poor.

The ''Adopt a Religious Prisoner in Vietnam'' campaign affords Members of Congress the opportunity to address two very important audiences. One is the world community, and the message is that as concerned legislators we decry the blatant oppression of individuals worldwide, especially when it is based solely on differing ideology. We also send a message to the adoptee, telling that person there is an advocate who is appealing for his or her release, and encouraging that individual to continue pursue the goals of free speech and religious liberty.

Mr. Speaker, I again encourage my colleagues to join the Congressional Dialogue on Vietnam as well as the ''Adopt a Religious Prisoner in Vietnam'' program. The Congressional Dialogue was founded by the gentlewomen from California, Ms. Loretta Sanchez and Ms. Zoe Lofgren and represents a committed bipartisan endeavor to support the progress of US-Vietnam relations. In defense of fundamental human rights and in the interests of our many Vietnamese-Americans who have ties to Vietnam, I hope that all of my colleagues will participate in these efforts.

Mr, UNDERWOOD. Mr. Speaker, I rise in opposition to H.J. Res. 120 and in support of waiving the Jackson-Vanik amendment for Vietnam.

Last August, I visited Vietnam as part of a Congressional delegation, although there was a certain level of economic and political interaction between the United States and Vietnam, there was still the need to increase this interaction. The Jackson-Vanik waiver, enacted for the first time on March of this year, is a tool for this interaction, for this engagement.

Not only has the Jackson-Vanik increased the freedom of emigration in Vietnam, our American businesses investing and exporting to Vietnam are benefitting from federal economic programs, such as those administered by the Export-Import Bank. Removing the waiver could mean job losses for workers in the United States.

It will be a great setback not to grant the waiver. Let us not use this issue to act as a referendum on our total relationship with Vietnam. I understand that we still have many issues with Vietnam which we are not satisfied, such as human rights and POW/MIA concerns. In fact there are separate vehicles for these other concerns. By waiving the Jackson-Vanik, we continue to increase our engagement with Vietnam and we will have even greater opportunities to discuss other issues such as human rights, issues which I agree are just as important to the American people.

We are linked to Vietnam economically, politically and even culturally. We should not move backwards by passing this resolution. I

urge my colleagues to vote against H.J. Res. 120.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise in opposition to H.J. Res. 120 which denies President Clinton's waiver for Vietnam from the Jackson-Vanik freedom of emigration requirement of the Trade Act of 1974. On June 3, 1998, President Clinton notified Congress of his intention to extend Vietnam a Jackson-Vanick wavier for an additional year from July 3, 1998 to July 3, 1998.

Vietnam's trade status is subject to the Jackson-Vanik amendment to Title IV of the Trade Act of 1974. This provision of law governs the extension of normal trade relations, as well as access to U.S. government credits or credit or investment guarantees, to nonmarket economy countries ineligible for normal trade relations tariff treatment. A country subject to the provisions may gain MFN treatment and coverage by U.S. trade financing programs by complying with the freedom of emigration provisions of the Trade Act. The Trade Act authorizes the President to waive the freedom of emigration requirements with respect to a particular country if he determines that such a waiver will substantially promote the freedom of emigration provisions.

Extension of the Jackson-Venice waiver for Vietnam gives Vietnam access to U.S. government credits or credit or investment guarantees such as those provided by Overseas Private Investment Corporation (OPIC) and Export-Import Bank support for U.S. businesses in Vietnam. Vietnam has not yet concluded a bilateral commercial agreement with the United States and therefore, Vietnam is ineligible to receive normal trade relations tariff treatment.

Recently, the Subcommittee on Trade held a hearing on Vietnam. U.S. Ambassador Pete Peterson and Senator John Kerry eloquently testified about the importance of having a policy of engagement with Vietnam. Both of these men heroically served our country during the Vietnam War and they strongly believe that we should work with the Vietnamese government and form a stable, fruitful relationship between the two countries.

Vietnam has made consistent progress on its commitments under the Resettlement Opportunity for Vietnamese Returnees agreement. The United States government has made it its highest priority to obtain the fullest possible accounting of missing U.S. citizens from the Vietnam War. The Vietnamese government has been extremely cooperative. Human rights in Vietnam need to be improved and hopefully, engagement will do this.

I urge my colleagues to vote against this resolution. We should not forget about the past or the dedication of our servicemen who fought in Vietnam, but we should move forward. If those who were prisoners of war in Vietnam believe that it is time to engage Vietnam and normalize relations with Vietnam, we should listen to their advice. It is time to move forward with Vietnam and build a relationship that benefits both the United States and Vietnam.

Mr. RANGEL. Mr. Speaker, I rise in opposition to House Joint Resolution 120. This resolution would disapprove the President's determination that a waiver of the so-called Jackson-Vanik requirements would substantially promote freedom of emigration objectives with respect to Vietnam. This waiver permits U.S. Government financial support for American businesses to invest and trade with Vietnam and is a precondition for concluding a commercial agreement to establish normal trading relations.

By passing this resolution, Congress would disapprove and reverse the most recent step taken by the United States to normalize relations with Vietnam. This policy of gradual engagement after trying to isolate Vietnam began in the early 1990s with the lifting of the trade embargo and the establishment of full diplomatic relations in 1995.

Since the normalization process began the Vietnamese government has cooperated in POW/MIA accounting, made progress on its emigration practices, and is now undertaking market-oriented reforms of its state-controlled economy.

It is also true that Vietnam violates human rights and denies religious and political freedoms to its citizens. But as is the case with China, we cannot isolate Vietnam unilaterally in a global economy. Continued exposure of the Vietnamese people to American values of human and religious rights and democratic principles through increased trade and investment and continued engagement with the Vietnam government provides the best means to achieve fullest possible POW/MIA accounting and to promote political and economic reforms.

Disapproving the waiver will signal a return to a previous policy of isolation which failed. I urge my colleagues to vote "no" on H.J. Res. 120.

The SPEAKER pro tempore (Mr. SHIMKUS). All time for debate has expired.

The joint resolution is considered read for amendment.

Pursuant to the order of the House of Wednesday, July 29, 1998, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 163, nays 260, not voting 11, as follows:

[Roll No. 356]

YEAS—163

Aderholt
Andrews
Bachus
Baker
Barr
Bartlett
Barton
Bilirakis
Blunt
Bonilla
Bonior
Bono
Brown (OH)
Bryant
Bunning
Burton
Buyer
Canady
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Cook
Cooksey
Cox
Coyne
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Ehrlich
Emerson
English
Ensign
Everett
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilman
Goode
Goodling
Graham
Green
Gutknecht
Hall (TX)
Hansen
Hastert
Hayworth
Hefley
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Jones
Kelly
Kennedy (RI)
Kildee
King (NY)
Kingston
Klug
Kucinich
LaHood
Lazio
Lewis (KY)
Lipinski
LoBiondo
Lofgren
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meeks (NY)
Menendez
Metcalf
Miller (FL)
Myrick
Nadler
Neumann
Ney
Northup
Norwood
Packard
Pappas
Pascrell
Paul
Pelosi
Peterson (PA)
Pitts
Pombo
Porter
Quinn
Radanovich
Regula
Riley
Rivers
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sanchez
Sanders
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Strickland
Stump
Stupak
Talent
Tauzin
Thornberry
Thune
Tiahrt
Torres
Traficant
Turner
Upton
Vento
Wamp
Waters
Watts (OK)
Weldon (FL)
Whitfield
Wolf

NAYS—260

Abercrombie
Ackerman
Allen
Archer
Armey
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Cramer
Crane
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Ford
Fowler
Frank (MA)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hefner
Herger
Hilliard
Hinojosa
Hooley
Houghton
Hoyer
Hulshof
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennelly
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Largent

Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nethercutt
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Ramstad
Rangel
Redmond
Reyes
Rodriguez
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sandlin
Sanford
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Velazquez
Visclosky
Walsh
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—11

Burr
Gonzalez
Istook
Linder
McDade
Neal
Rahall
Riggs
Smith, Linda
Towns
Young (FL)

☐ 1609

Messrs. FOLEY, RANGEL, SPRATT, LEWIS of Georgia, and Ms. LEE changed their vote from ''yea'' to ''nay.''

Ms. ROS-LEHTINEN, Mrs. KELLY, and Messrs. SMITH of Michigan, NORWOOD, MCCOLLUM, PETERSON of Pennsylvania, TORRES, and COLLINS changed their vote from ''nay'' to ''yea.''

The joint resolution was not passed.

The result of the vote was announced as above recorded.

PROVIDING SPECIAL INVESTIGATIVE AUTHORITY FOR THE COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the vote de novo on agreeing to the resolution, House Resolution 507, as amended, on which further proceedings were postponed.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 200, not voting 13, as follows:

[Roll No. 357]

AYES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Traficant
Turner
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Burr
Cox
Gonzalez
Istook
Linder
McDade
Neal
Rahall
Riggs
Torres
Towns
Waters
Young (FL)

☐ 1627

So the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1630

PROVIDING FOR CONSIDERATION OF H.R. 4276, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FY 1999

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 508 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and

related agencies for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. The amendments printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of the debate only.

Mr. Speaker, House Resolution 508 is an open rule providing for consideration of H.R. 4276, the Commerce, Justice, State, the Judiciary and Related Agencies Appropriations bill for fiscal year 1999.

The rule waives points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule 11, requiring a 3-day layover of the committee report, and clause 7 of rule 21, requiring relevant printed hearings and reports to be available for 3 days prior to the consideration of a general appropriations bill. The report has been available for the required time, but a printing mistake necessitates the rules waivers.

The rule also waives section 401(a) of the Budget Act, prohibiting consideration of legislation, as reported, providing new contract, borrowing or a credit authority that is not limited to amounts provided in the appropriations acts. This is simply a technical waiver.

House Resolution 508 provides for one hour of general debate, divided equally between the chairman and ranking minority Member of the Committee on Appropriations.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule 21, prohibiting unauthorized appropriations and legislative provisions in an appropriations bill, and clause 6 of rule 21, prohibiting reappropriations in a general appropriations bill.

House Resolution 508 provides for the consideration of the amendments printed in the report of the Committee on Rules, which may only be offered by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified, and shall not be subject to further amendment or to a demand for a division of the question. The rule also waives all points of order against amendments printed in the Rules Committee report.

The rule also accords priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and allows the chairman to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question, provided voting time on the first in any series of questions is not less than the traditional 15 minutes. These provisions will facilitate consideration of amendments and guarantee the timely completion of the appropriation bills.

House Resolution 508 also provides for one motion to recommit, with or without instructions.

H.R. 4276 appropriates a total of $70.89 billion for fiscal year 1999. The bill provides ample funding for the Departments of Justice, State, and local law enforcement, the Violence Against Women Act, and restores Local Law Enforcement block grant funding.

I am also pleased to say that the bill provides $533 million to combat juvenile crime, including $283 for juvenile crime prevention programs, $5 million more than President Clinton has requested.

Mr. Speaker, House Resolution 508 is an open rule, an open rule, Mr. Speaker, providing Members with every opportunity to amend this appropriations bill.

In addition, the Committee on Rules has made three additional amendments in order. The rule makes in order an amendment offered by the gentleman from Alabama (Mr. CALLAHAN) dealing with fisheries and enforcement.

In addition, we have made in order the Hefley amendment, that will prevent funds from being implemented to enforce Executive Order 13087 and Executive Order 13083. I am concerned, frankly, Mr. Speaker, that the President has decided to use executive order strategy to incrementally implement portions of an agenda.

One of the President's advisers has recently put it best when he described the President's intent with this flurry of executive orders, which I think is causing an immense problem for this Congress: ''The stroke of the pen, the law of the land. Kinda cool.'' Mr. Speaker, it is Congress' sole authority to make law. We must restrain the abuse of executive orders.

The Committee on Rules has made in order an amendment to be offered by the gentleman from West Virginia (Mr. MOLLOHAN) dealing with the Census. In this bill, the gentleman from Kentucky (Chairman ROGERS) has crafted a plan to ensure that Congress and the administration jointly decide how to conduct the 2000 Census.

Unfortunately, the amendment says that the U.S. Congress has no role to play in the 2000 Census, and the administration can move forward with a risky new plan that uses statistical sampling methods. Let me read the current law: ''Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling'.'' The law is clear, sampling is illegal for the purposes of reapportionment.

Mr. Speaker, every American must be counted. We should not allow the government bureaucrats to guess. We should not jeopardize the 2000 Census with an idea that the GAO and President Clinton's Commerce Inspector General call ''high risk.''

In addition, we cannot gamble with the trust the American people have in a successful Census. In the past, by naturalizing criminal aliens in time for the 1996 election, the Clinton administration has proven they will abuse power for political purposes. President Clinton should not be allowed just to delete certain American citizens from being counted.

Our plan will safeguard the Census. This bill provides $956 million for the Census, including $4 million for the Census Monitoring Board, an increase of almost $600 million over fiscal year 1998, and $107 million over the President's request. This Congress is insisting that we pay whatever it takes to do a good job counting every American, just as the United States Constitution requires us to do.

It is not a poll, it is not guesswork, it is an enumerated count of the American people. We cannot afford to let this administration guess about the official Census count. We will fulfill our constitutional duty to count the people in full. We must make sure we count every American.

H.R. 4276 was favorably reported out of the Committee on Appropriations, as was the open rule by the Committee on Rules. I urge my colleagues to support the rule so we may proceed directly to the general debate.

Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 4276, pursuant to House Resolution 508, debate on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN) printed in House Report 105–641 be extended to 2 hours.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MCINNIS. Mr. Speaker, it is our understanding that this agreed-to increase in debate time on that particular amendment is premised on the understanding that this would be the only amendment offered with respect to the Census.

Is that the understanding of the gentleman from Texas (Mr. FROST)?

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Texas.

Mr. FROST. Yes, that is my understanding, Mr. Speaker.

Mr. MCINNIS. I reserve the balance of my time, Mr. Speaker.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant support of House Resolution 508. This rule is a mixed bag. While it provides for the consideration of the appropriations for the important functions of the Departments of State, Justice, and Commerce, it also makes in order an amendment which overturns an executive order which prohibits discrimination in employment in the Federal Government based on sexual orientation.

While the rule makes in order an amendment by the subcommittee ranking member to allow full debate on the issue of the manner in which the year 2000 Census will be conducted, the Committee on Rules did not allow for an amendment which would have aided in the hiring of Census enumerators, who will be necessary to ensure that an accurate count is made of all the residents of this country.

While the bill provides $20 million for programs to combat school violence, the Republican majority did not allow an amendment which would have earmarked $100 million for specific programs which would give schools and communities even greater opportunities to reduce violence in our public schools.

I hope the bill can be improved and that amendments which may trigger a veto can be defeated. I would also like to address the three issues I have just outlined.

To begin, Mr. Speaker, the provisions in the committee bill relating to the year 2000 Census are unreasonable and, quite frankly, unacceptable to Democratic members and to the administration. The committee has only provided for 6 months of funding for this massive and constitutionally required project, and has placed restrictions on planning that will result in delays and disruption in the management of the project.

The Republican majority, in their quest to force a political showdown with the administration over the issue of sampling, is risking not only a veto of this bill, but also a failed Census. The Republican majority's insistence on denying the Census Bureau the option of using statistical sampling as a means to aid in the gathering of an accurate and complete count of the number of individuals who are residing in this country is dangerous.

I am pleased that the rule will allow for the consideration of an alternative amendment to be offered by the gentleman from West Virginia (Mr. MOLLOHAN) which will remove these restrictions on funding, to allow planning for this enormous undertaking to go forward so that the count will be as accurate as possible. Mr. Speaker, we must allow the Census Bureau to go forward in its planning for the year 2000 Census. It is incumbent on the Members of this body to support the Mollohan amendment.

Secondly, Mr. Speaker, it is unfortunate that the Republican majority has seen fit to include in the rule the amendment offered by the gentleman from Colorado (Mr. HEFLEY). The Hefley amendment seeks to reverse Executive Order 13087, which was issued on May 28 by the President. As Members are very well aware, this executive order prohibits discrimination against individuals in Federal hiring because of their sexual orientation.

Mr. Speaker, this amendment is nothing but veto bait, and it is unfortunate that the Republican majority must use this issue as material for campaign brochures and speeches. I am sorry that the extreme agenda of the ultraconservative wing of the Republican Party must use the civil rights of gays and lesbians as a way to hold up funding for the important functions of the Departments of State, Justice, and Commerce.

There are other amendments which, if adopted, could trigger a veto. I urge my colleagues to resist adding language or reducing funding which would jeopardize the timely enactment of this bill.

If this bill is vetoed, Mr. Speaker, we risk providing timely funding for important Justice Department programs, such as providing $25 million to help State and local law enforcement agencies provide bulletproof vests for police officers, which is funded as part of the total $1.4 billion for the hugely successful COPS program.

To date 76,771 additional police have been put on the beat on the streets of our cities and towns since this program began in fiscal year 1994. The funding in this bill will allow for an additional 17,000 officers to be hired. COPS is a successful program, and has played a large part in the reduction of violent crime in this country. Its funding should not be jeopardized.

Mr. Speaker, this bill also includes an important earmark of $20 million for the unobligated balances of the COPS program, to be used for grants to policing agencies and schools for programs aimed at preventing violence in our public schools. This is a fine beginning as we struggle with the issue of violence in our schools. I commend the committee for including these funds.

In June I met with about 30 school administrators and schoolteachers in my congressional district to talk about what can and should be done to instill discipline in the classroom and to combat violence. The times have changed since I grew up in Fort Worth. Listening to these dedicated educators drove home that point.

Mr. Speaker, I was shocked to learn that more than 6,000 students were expelled from schools across the country last year for bringing a firearm to school, just as I had been shocked and deeply saddened by the violence that has taken the lives of 14 students and teachers and injured 47 others since last October.

But I came away from that meeting with a concrete idea of what we can do here in Washington to help schools in our home towns deal with disruptive students, gangs, drugs, and guns, because those concerned educators told me that one of their most pressing needs was more uniformed police officers in schools. They told me that having law enforcement officers in a school not only cuts down on crime, but also gives the students the opportunity to talk to an authority figure about what is happening on campus.

I have introduced H.R. 4224, the Safe Schools Act of 1998, as a follow-up to this forum. My bill would provide $175 million in funding to allow local communities to hire sworn law enforcement officers to patrol in and around their schools. This money will allow up to 7,500 police to be hired, in addition to the 100,000 new police who have been or will be hired under the COPS program.

While these funds are not part of this bill, it is my intention to work to see them included in next year's appropriation.

Mr. Speaker, some schools already have uniformed law enforcement officers. In fact, a number of school districts in my own congressional district already do. I would like to quote Sergeant James Hawthorne of the Arlington Texas Police Department, who has endorsed the continuation and expansion of this idea.

□ 1645

''It is worth every penny. You cannot put a price on a child's life. And above and beyond that, you hope to be a positive influence on kids throughout their lives.'' I could not agree more, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. MCINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of the rule specifically because it includes the Mollohan amendment to restore full, uninterrupted funding for the 2000 Census preparations.

Opponents of the Census Bureau's plans for 2000 say that we ought to take the census the same way we have for the last 200 years. They call the plan a ''radical new approach to conducting the census.'' Nothing could be further from the truth.

The truth is that the census has changed immensely throughout its history because it has had to keep pace with a Nation that itself is changing. Counting the population in 2000 the same way we did in 1960, much less the way we did in 1790, would be simple folly.

In 1790, U.S. Marshals, 600 of them, went out on horseback and counted and tabulated information for about 4 million people in the new Nation. They missed about 100,000. They added enumerators over the year, but by 1850, the number of Americans had quadrupled, far too much information for census takers to add up on their own. So, for the first time, they sent the forms to Washington to count.

Thousands of clerks in hot, sticky rooms leafed through millions of forms by hand, while the population doubled again. By then it took 8 years to tabulate the 1880 census. Fortunately, the punch card arrived in 1890, allowing for automated tabulation. A radical new approach, but it saved time and money.

Our population would nearly triple over the next 50 years. By 1940, punch cards could not keep up and by 1950, crude computers took over the job.

In response to Americans' impatience with the growing response burden, the Bureau developed sampling techniques to gather vital data on everything from education to veterans status. But compiling the numbers was not the only problem. There were too many people in too many households spread out across four times more land area than in 1790. Workers knocking on every door were making more mistakes than the Nation could tolerate.

So, in 1970, the census underwent perhaps the most radical change in its history: counting people by mail, not by enumerator. That worked fairly well for a while. In 1970, 80 percent of the people returned their forms, but by 1990, only 65 percent did. That meant a half a million census workers had to knock on 35 million doors. The cost of the census skyrocketed, while the results worsened badly.

The 1990 census missed more than 8 million Americans, counting 4 million people twice and millions more in the wrong place; not because the Census Bureau did not know how to do its job, but because the methods it developed to count the country in previous decades were outdated by 1990.

So once again in 2000, the Census Bureau will make changes. It will make forms more widely available, pay for first-class advertising, and use widely accepted scientific methods to include all Americans this time around.

Take the census the same way we have done for 200 years? There is no ''same way.'' The census has been changing from its beginning, just as the country has.

A radical new approach in 2000? Nope, just trying to keep up with a growing, changing, and moving Nation, the same way they always have.

Mr. MCINNIS. Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS) who is not only chairman of the committee, but also the sponsor of the bill.

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Colorado (Mr. MCINNIS) for yielding me this time.

Mr. Speaker, I rise in support, obviously, of this rule. It is an open rule, as is usual with appropriations bills. It waives all points of order against the bill as reported.

The important fact, I think I need to say, is that we need to take action on this bill as quickly as we can. This is the bill that provides the funding for our Federal law enforcement agencies: all of the Justice Department agencies, the FBI, the Drug Enforcement Administration, most all of the law enforcement agencies of the Federal Government.

We provide funding to our State and local law enforcement agencies; all of our sheriffs, all of our police departments, all of the local law enforcement folks out there who need the Federal assistance is in this bill.

We fund, of course, the Federal courts, from the Supreme Court all the way down, and most of the agencies that work with the courts, such as the Marshals Service.

We provide the funding for the National Weather Service and the modernization efforts of the National Weather Radar System that is increasingly providing advanced warning to our constituents of dangerous weather.

We provide, of course, in the State Department portion of the bill, all of our diplomacy operations around the globe. We provide assistance to small businesses in our communities and a host of other vital and necessary functions.

So, Mr. Speaker, it is important that this bill proceed and be passed and be signed and become law.

There are some controversial matters in the bill, but let us not lose sight of the fact, Mr. Speaker, that this bill is vitally necessary in so many areas of our national life.

If we set one priority in this bill, it is to provide increased funding for the fight against crime and to empower Federal, State, and local law enforcement with the resources they need to enforce our laws and prevent crime.

Mr. Speaker, thanks to this Congress and the work of this subcommittee and the full Committee on Appropriations, but most importantly the Congress, over the last several years we have fundamentally increased the funding for the law enforcement agencies, which I think is having a major impact on crime. We are seeing reductions of crime for the first time in many years in this Nation, a lot of which I think can be attributable to the fact that we have provided the funding in this bill, not just for the Federal agencies, but perhaps more importantly for the local law enforcement agencies by the billions of dollars. Now, over the last couple of years, we have funded the fight against juvenile crime and juvenile delinquency and juvenile crime prevention in this bill.

We provide in the bill that is before us an increase of over a half billion dollars for the Department of Justice crime programs.

We provide $4.9 billion for State and local law enforcement, $400 million more than was requested by the White House and $47 million more than the current spending.

We restore the Local Law Enforcement Block Grant to give local law enforcement agencies monies to spend for their specific needs. We give them maximum flexibility to spend according to their requirements. That figure is $523 million.

Mr. Speaker, we provide also a juvenile crime block grant to allow States and localities for their needs to prevent juvenile crime, a quarter of a billion dollars. The President proposed to eliminate this in his budget request. We restore it to the bill.

We provide $283 million also for juvenile crime prevention, most important in this era, a $44 million increase over current levels. And for the first time, Mr. Speaker, the Congress passed a bill recently authorizing bulletproof vests for our local police. This bill for the first time provides the money to buy and pay for the bulletproof vests that protect the lives of the people that protect us. That is in this bill.

We provide $104 million in new funding to help States and localities raise their level of preparedness for chemical and biological terrorism. First time funding, first time we have done this so that our local fire departments, rescue squads and local responders now have funds in this bill to train, to educate, to equip themselves to help fight off the awful things that may happen in our cities or localities that we would call terrorism. In this building, we know now what that really means.

We provide more than $8.4 billion for the war on drugs, including a $95 million increase for the Drug Enforcement Administration, $31 million more than they requested. We put $10 million more into the drug courts in localities which are doing wonderful work throughout the country, and $10 million for a new program to help small businesses create drug-free workplaces.

We provide a thousand new Border Patrol agents to guard the border, $216

million more than they have now for controlling illegal immigration. The bill provides a $47 million Interior enforcement initiative to force the INS to respond to State and local police in every State when they find suspected illegal aliens. Now, the INS simply does not answer the phone when the State police calls and says they have a vanload of illegals, and they are turned loose. We put money in here to respond to that, to give State and local police a way to have the INS assist in the removal of the illegal aliens they watch.

This rule will allow us to move forward. I am very appreciative of the Committee on Rules. They have done a wonderful job.

Mr. Speaker, I urge adoption of the rule to allow us to move ahead with this vitally important bill, vitally important to every Member and every district in the country.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise in support of the rule. I would like to take this opportunity to thank the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for his fair consideration of our requests. I also want to thank my good friend, the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, for his guidance and advocacy of our interests in the development of the rule.

Mr. Speaker, let me first say that I am pleased that the Committee on Rules recommended an open rule for the consideration of this bill, for the same reasons our chairman just mentioned. It allows for all Members on both sides of the aisle to debate the issues thoroughly.

Mr. Speaker, I am also pleased that this rule makes in order my 2000 Census amendment, the ''Let's Count Everybody Amendment,'' and allows 2 hours of debate on the issue. It is a very complicated matter, and any less time would not have allowed for a meaningful debate.

First, the 2000 Census is just around the corner, and what does this bill do? It cuts off funding for the census preparation in the middle of the year, putting at risk funding for the census preparation for the rest of the year. That is no way to do business. We cannot plan for a professionally run census with that kind of a funding scheme. My amendment fixes that. It guarantees funding for the whole fiscal year.

Second, I must note the seriousness with which the administration takes its duty to make sure that the 2000 Census is as accurate as possible in accounting for everyone in America: the urban and the rural, majorities and minorities, adults and children, especially the children.

During the 1990 failed census, one-half of those people who were never counted, the missed, the overlooked, the forgotten, were children. The administration is committed to veto this measure unless the Census Bureau is allowed to incorporate the recommendations of the National Academy of Sciences by employing scientific sampling in the conduct of the 2000 Census, so that those who were left out of the 1990 Census will be included in the 2000 Census. Everyone in our country.

If the language contained in the bill is not amended, we will end up with a census that is not credible to anyone. I believe my amendment provides an equitable approach to this issue, and hope that it represents a compromise that at the end of the day, everyone can support.

Our chairman, the distinguished gentleman from Kentucky (Mr. ROGERS) obviously disagrees with the merits of my amendment, but to his credit, he argued for my right to offer the amendment. The gentleman's friendship and bipartisan nature have made working on this subcommittee a pleasure and an honor and we thank him.

The open rule, of course, also allows for consideration of an additional amendment I intend to offer to increase funding for the Legal Services Corporation by $109 million. For the last 2 years, the subcommittee has recommended funding the Legal Services Corporation at $141 million. Consequently, the gentleman from Pennsylvania (Mr. FOX) and I have offered an amendment in each of the last 2 years to increase funding to $250 million. We again find ourselves in a similar situation and I urge my colleagues to vote for that amendment.

Finally, Mr. Speaker, I would like to express my disappointment that this rule makes in order an amendment to be offered by the gentleman from Colorado (Mr. HEFLEY). This amendment would in part prevent funds from being used to enforce an executive order prohibiting employment discrimination based on sexual orientation.

Mr. Speaker, I think the gentleman's amendment is misguided. It plays to fears and prejudices, and I hope the debate on this amendment will not degenerate as it has on similar amendments in the past. In any event, this bill is certainly not the appropriate vehicle for this kind of an amendment.

□ 1700

Additionally, I would like to note that my colleague, the gentleman from Colorado (Mr. HEFLEY), testified before the Committee on Rules on two separate and unrelated amendments, and I regret that the rule makes them in order together.

In conclusion, I think that this is a fair rule, and I urge its support.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

First of all, to respond to the previous speaker, this is a very fair rule. We appreciate his support. We have made it fair because we want open debate on this in regards to the Hefley amendment. This is not where that debate should take place. That debate should take place in the general debate. We are prepared to debate it, but the key here is openness and open debate by the Members of this body.

The gentleman from Colorado (Mr. HEFLEY) is entitled to that open debate, just the same as I am entitled to that debate, just the same as anyone on that side of the aisle is entitled to that debate, so that is why that is in order.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this rule, and I thank the committee for ruling the Mollohan amendment in order.

I would like to take this opportunity to thank the gentleman from West Virginia (Mr. MOLLOHAN) for his extraordinary leadership in working towards achieving an accurate census for 2000. The Nation needs an accurate census of our population, one that includes everybody. The Census Bureau has a modern, comprehensive plan for 2000 to eliminate the undercounting of the population and produce a more accurate census.

We should not be satisfied with a census which underrepresents millions of people, as the census did in 1990. Only with modern improvements in the census will we be able to achieve this.

We should not be satisfied with a census which underrepresents people. The Mollohan amendment allows the Census Bureau to move forward with the census by striking a provision in the bill that fences off half of the 1999 fiscal year appropriation. Americans in every community benefit from having a more accurate census. Census data helped direct Federal spending for schools, health care. Programs for seniors and children, businesses, industry, local governments and local communities all rely on accurate census data to make decisions. Without an accurate census, local communities will not receive their fair share.

We need to fund the census for the whole fiscal year. We cannot cut off funding in the middle of the year. They will not be able to do their job. We owe it to our country to ensure that we have the most fair and accurate census of all of our people that we can produce.

Let us put politics aside and allow the professionals at the Census Bureau to do their job. Let us fund it properly. Let us move forward. Let us support the Mollohan amendment.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of the rule for the Commerce, Justice, State appropriations bill. I most especially want to thank the gentleman from Kentucky (Mr.

ROGERS) for his leadership in bringing forth a bill that is very beneficial to all of the agencies that are affected by this appropriations bill and a bill that is going to be positive for the country.

One of the aspects of the bill that I am proud of is the funding that the gentleman from Kentucky (Mr. ROGERS) has provided for Radio and TV Marti, especially TV Marti. Because year after year this program comes under attack by those who are grabbing at straws, trying to find anything that they can to excuse their longstanding history of supporting excessive government spending and wasting taxpayer funds, and they come and use this bill in order to hide from these attacks. And year after year their target, unfortunately and unfairly, is TV Marti, which is one part of a two-prong strategy to reach the Cuban people, to inform them about the world outside their island prison, and to educate them about the democratic principles through the implementation of some of democracy's most important liberties, which is freedom of expression and freedom of the press, which are denied to them daily in Cuba.

TV and Radio Marti are reaching the Cuban people. If it were not, the Castro regime would not be obsessed with its demise. If it were not effective, Castro officials would not be roaming the halls of Congress lobbying for an end to these transmissions.

I ask my colleagues to remember the immortal words of a leader like Martin Luther King who said, Let freedom ring. Let the Cuban people then hear and see TV and Radio Marti. Let the echoes of democracy reach the enslaved Cuban people. Let them witness firsthand what it means to be free. Through these transmissions they can see what is going on in our country and in other free countries.

The United States has the tools to accomplish these lofty goals, and one of those tools is Radio and TV Marti. If we are truly committed to bringing all of the countries in our hemisphere into our democratic fold, if we are truly committed to helping the Cuban people free themselves from the enslavement, then we must render our full support for the rule and the bill, Commerce, State, Justice appropriations.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I want to commend the gentleman from West Virginia (Mr. MOLLOHAN) for bringing forth this amendment and also the gentleman from Ohio (Mr. SAWYER) for his work on the census and my colleague, the gentlewoman from New York (Mrs. MALONEY).

The fact of the matter is that the Mollohan amendment made in order by the rule will affect the future of everyone living in this country. We can either choose to miss the 8.4 million people residing in the United States, as we did in 1990, or we can make the best effort possible to count them. That is the choice that will be presented to us after the rule. Five percent of Latinos, 4 percent of African Americans and 2.3 percent of Asian Americans were not counted in the last census, and that is simply not right.

The Census Bureau wants to do the best it can to count every American, but this bill, as it exists, does not allow it. Instead, it ties the Census Bureau's hands and renders them ineffective. When some Americans are not counted, all Americans are diminished.

Undercounts affect the decision-making of 100 Federal programs that dispense over $100 billion in funds to our communities. Undercounts negatively affect economic empowerment and the decisions that flow from that undercount. Undercounts negatively affect political enfranchisement and political empowerment. Undercounts negatively affect business decisions, where to invest, what markets to pursue. The lasting effects of undercounts to communities, to Hispanic Americans, to African Americans are devastating in the long run.

So let us count every American in the new millennium. We do that by providing the appropriate resources to the census and by adopting the Mollohan amendment. That is why it is important to vote for the Mollohan amendment. We want to ensure that every American gets counted in this next census, the next census of the new century. It will be important to all of our communities.

Mr. MCINNIS. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I rise in support of the rule and the Commerce, Justice and State appropriation bill that the gentleman from Kentucky (Mr. ROGERS) is presenting and we will be debating next week.

I commend the gentleman from Kentucky (Mr. ROGERS) for the handling of the census issue in this bill. The gentleman from Kentucky (Mr. ROGERS) provides over $100 million more than was provided, requested in the President's budget. Over $100 million more has been provided because we want to count everyone. It is going to cost money to do this. We are going to spend $4 billion.

This is not something we should play around with on polling to do that. We are talking about $4 billion of real money. We are providing $100 million more this year. And we all agree, Republicans and Democrats, that we want to count everybody. We should not miss anyone. It is hard work to do the census. We are prepared to put the resources in there to do the hard work.

This has to be done in a nonpartisan fashion. This should not be a partisan issue. We agree it should not be a partisan issue. There should not be a Democratic census. There should not be a Republican census. There should not be a Clinton census. There should not be a Newt Gingrich census. This has to be done in a bipartisan fashion.

It is very unfortunate that the President interjected politics on to this and said, it is going to be done my way or no way. That Congress is irrelevant in the issue, the President is, in effect, saying. Actually, the Mollohan amendment says the same thing, because he says, only let the President make that decision, that we in Congress have no input to the decision. It is only $4 billion. Let the President decide how to spend that money. Let the President decide whether he wants to have a failed census or not.

Hey, the Constitution says it is Congress' responsibility to design how the census is done. And now the gentleman from West Virginia (Mr. MOLLOHAN) says, no, no, no, no, Congress, you are not relevant anymore. We want to decide, and we are going to do it our way.

What the gentleman from Kentucky (Mr. ROGERS) has proposed is that we are going to make a decision next March. The Census Bureau agrees the decision should be made in March of next year. The President's own budget talks about a March 1 date. At hearings, under oath, they said, we can decide by March 1 of next year. So let us make the decision together then.

And the reason that date was chosen is partly because we have that much time. The other reason is, we will have dress rehearsals. We will not know the results of the dress rehearsals until the end of this year or the first of next year. The monitoring board will give their results, and we will have a report from them early next year. Some court cases will be heard, and maybe we will have some results from them by then.

So there is no reason the decision has to be made today, and there is no reason we should give the President total choice of the plan he wants to do. Why? Because the plan he has proposed is moving towards failure. It is based on this polling idea.

I know the President loves polling. He makes all his decisions on polling. But this is serious business. We all agree this is serious business. This is a basic democratic system which is dependent on this census. It is a trust in our system of government. Most elected officials in America are dependent on the census, whether it is a school board member, a city council person, State legislators and, yes, the House of Representatives, are going to be impacted by the census.

If we do not have a census we can trust, and that means a bipartisan census, it has got to be done together, then we are not going to have one that is going to be trusted by the American people. We must work together to get a census that is not based on polling, that says this will work out best for me.

We have to do everything we can to count everybody, everyone. Let us put the resources into counting everyone, and we are committed to doing that, as the gentleman from Kentucky (Mr. ROGERS) put over $100 million more into the appropriation for the Census Bureau this year alone.

We are moving towards failure. This idea of polling was attempted in the 1990 census. It was a failure in 1990. And now the administration says, we want to totally rely on this failed idea. That is irresponsible, in my opinion.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I know the gentleman is chairman of the House Subcommittee on the Census, in charge of authorization and oversight on the census. Before he came to this body, did the gentleman have any expertise in this field? I know the gentleman does not like to brag. If I may say so, is the gentleman not a professor of statistics?

Mr. MILLER of Florida. Well, I taught at Georgia State University Atlanta, taught statistics for many years. It was the Department of Quantitative Methods up there. I taught at the graduate and undergraduate level, and the MBA. I have taught statistics for years at LSU, University of South Florida, Georgia State University.

I respect statistics. Polling has a relevant role. We all use polling all the time, especially if we do not have the time or money to do something else.

But statistics is a very dangerous thing. My first lecture, whenever I taught statistics, was based on a book, How to Lie with Statistics, because you can use statistics to achieve your point. People use it all the time. The way graphs are designed, what base years are used, there is a whole variety of ways.

Mr. ROGERS. Mr. Speaker, if the gentleman will continue to yield, well, if the Constitution says, as it does, that we have to have an actual enumeration for the purposes of reapportionment of this body, not for business decisions, not for finding out how many people have blue eyes on the third Sunday of every month, but for the reapportionment of the House of Representatives, as a doctor of statistics, what is your opinion that the drafters of the Constitution meant when they said, you must have an actual enumeration?

□ 1715

Mr. MILLER of Florida. We need to have actual counts. We should not use polling. And we need to work together to trust the system of government. It is too important to play politics with this issue. The President is playing politics with it. It is very clear. We need to count everybody. We need to put the resources in. There are a lot of good ideas, from paid advertising this time, and working in outreach programs, whether we need to use the WIC program. Why do we not use the WIC program to help count kids? Why do we not use Medicaid records? We can provide the resources to do that. We can come together and get a good census.

Mr. ROGERS. Does the gentleman say we should do away with this vote board up here and just guess on how the vote is going to go?

Mr. MILLER of Florida. That is right.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. I thank the gentlewoman for yielding time to me.

Mr. Speaker, I am pleased that the Committee on Rules has brought forth an open rule for consideration of the Commerce, Justice, State appropriations bill and I am happy to say that I plan to support that bill. But as a member of the Subcommittee on Census, I would like to express some of my concerns about the portion of the bill which places restrictions on the funding for the Census Bureau.

Withholding or conditioning funds for the Census Bureau places the 2000 census at risk. An inaccurate census affects everyone. More than $100 billion annually in Federal aid is allocated using census data. And when it comes to the census, the fact is if you are not counted, you do not count. You do not count when it comes to Federal dollars for road repair and mass transit. You do not count when it comes to helping public schools or for using Federal funds to fight juvenile crime. Everyone has a stake in making sure that the 2000 census is counted in a way that is fair and accurate. Just as we do when we determine unemployment statistics and the gross domestic product, just as we do when we determine labor statistics and statistics regarding our economy, we need to use the most modern statistics and methods possible. Let us put politics aside and let the professionals at the Census Bureau do their job. The Mollohan amendment helps us do this. I hope that my colleagues will join me in supporting the Mollohan amendment to remove these restrictions and fully fund the Census Bureau.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. I thank the gentlewoman for yielding time.

Mr. Speaker, I would like to thank the chairman of the Committee on Rules for making this rule in order and I would like to thank the gentleman from West Virginia (Mr. MOLLOHAN) for his leadership on this issue. Mr. Speaker, I rise to express my support for the rule which makes in order the Mollohan decennial census amendment. The debate on this amendment will say volumes about the People's House's desire to conduct the census in a fair, accurate, cost-effective and scientifically based way. It will also send a message to the low-income people living in socially and economically isolated urban and rural areas, especially people of color, women and their children, children who were undercounted by 50 percent. They want to know where they stand and whether they count. If you support a census that is fair, that is accurate, and that is inclusive, then support the Mollohan census amendment. I urge its passage for the sake of all the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman for yielding time.

My father used to tell us that half a loaf is better than none. I would say that that is all right, except we are not talking about bread, we are talking about the census. And we are talking about counting all of the people. I can tell Members when it comes to counting the people, one-half is not enough. Three-fifths is not enough. None is not enough. Somebody is going to be miscounted, disenfranchised and left out. I wonder who those are going to be. It is already clear. They are going to be the poor, those in big urban centers, those in rural America, those who need every dime, every cent, every penny, those communities that are on the verge of collapse, who need all of their entitlement moneys, all of their entitlement programs, but even need representation more than they do anything else. We can cure this defect and we can cure it with the Mollohan amendment. We can cure it because we want to say to every American citizen that your dream of citizenship rights does not need to be deferred.

I know what it means to be uncounted, three-fifths of a person. Women know what it means not to count, not to be able to vote, not to be looked at on the landscape. I would urge that we vote for the Mollohan amendment and count all of the American people so that they will know that they do indeed count.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this is a very important subject we are talking about. To set aside sampling and the science is to guess at what the population is.

Let me repeat. In Paterson, New Jersey, in 1995, with two other communities throughout the United States, $30 million was spent by this Congress, the gentlemen here, the ladies here, to absolutely do sampling and test other methodologies. Are you going to have us conclude, after the science has been supported by the National Academy of Sciences, that what the results were in those three tests are to be put aside so we can really go to the methodology that has been chosen by the other side, to guess?

You cannot count every nose in a census. You know it and everybody else on this side of the aisle knows it. We need to come together on this issue. It is critical. There are too many people out there who do not respond to the census questionnaire as it is. What you

are going to do is establish even more questions and more anxiety. Do you want to have wasted $30 million? That is not including what we are spending right now to go through dress rehearsals. This is wrong. We need to accept the science, we need to understand that it was acceptable in 1995 where we prepared for the sampling, where we prepared for the testing and methodology. It was not done helter-skelter. Stop the guessing and support sampling.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, the test in Paterson, New Jersey is a good illustration of why polling does not work. We have got real problems with polling, especially when you get down to census block level. When you get down to census blocks and census tracks, the error rates are too great. We need to count everyone and we need to put the resources into it. It is hard work to count people. You do not count homeless people from 9 to 5 Monday through Friday. You may have to count them at 2 o'clock in the morning on a weekend. You work through homeless shelters. We are willing to put the resources in so everyone should be counted. Everyone should be counted. We should do it in the best way possible, working together. There are a lot of good ideas that have come out of past census tests and we can do that. But sampling or polling is the dangerous one and it will not be trusted by the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, the National Academy of Sciences just turned over. To compare sampling with guessing or to compare sampling with any other methodology, they each are very different. It does not mean polling. Polling is a very different kind of situation. Sampling is science. Polling is not. You show me the definition where they both mean the same thing. What you have done is confused those definitions, on purpose, so that we in arguing sampling are going to fall into your trap about guessing and polling. They are very different.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, polling is based on sampling. We use polling all the time as based on sampling. President Clinton was down in Houston here a couple of months ago saying how great polling is for the purposes of the census. He is the one that used the comparison in Houston, Texas and some of your colleagues were right there in Houston when President Clinton specifically used the analogy of polling. Polling is based on sampling. Sampling is very appropriate where you do not have the time and money to go out and do an actual count. This is a $4 billion thing. This should not be the largest statistical experiment in history. That is what we are talking about, the largest statistical experiment in history. This is not an experiment we should test.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, in one short minute I just want to say to my colleagues, let us not fool ourselves. You cannot count everyone.

Now, you say, ''Well, the Constitution says enumeration.'' The Constitution did not define enumeration. It did not say that you could not use a sampling technique. It is going to be difficult and almost impossible for you to count everyone. Show me how you are going to not have the undercount you had in the last two censuses. You overlooked a great proportion of the African-American community and the Hispanic community. Do you want to do that again? Do you want to send that message to this country that we want an undercount? If you look at this chart, you will see that the census had a big undercount in African-Americans. We do not want that again. We want a good count. Let us be real. You cannot do it by counting every head. That is just impossible. Last of all, you cannot count every head. And because you cannot count every head, let us use some scientific methodology that has been proven and approved by the scientific world so there will not be any more of this guessing. Let us have an accurate census. We are tired of inaccurate censuses.

Mr. Speaker, I include the following table for the RECORD:

MORE BLACKS THAN NON-BLACKS MISSED IN THE CENSUS

[Percent missed]

	Blacks	Non-Blacks
Census:		
1940	8.4	5.0
1950	7.5	3.8
1960	6.6	2.7
1970	6.5	2.2
1980	4.5	0.8
1990	5.7	1.3

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise today in strong support of the Mollohan amendment which provides full funding for the 2000 census, including the use of statistical sampling. Fundamental to our democracy is the notion that everyone counts. In 1990 the census missed millions of people. The Bureau believes it missed 1.8 million Americans. Most of those who were not counted were low-income people living in cities, in rural communities, African-Americans, Latinos, Asian Americans, immigrants and children. Almost 50 percent of the individuals not counted in the 1990 census were children. Are they not a part of this country? Funding for many of our school programs depends on an accurate count of our children. The goal of the Census Bureau is to achieve the most accurate count possible using the most up-to-date scientific methods and the best technology available. We are not talking about polling as you do in political campaigns. The use of statistical sampling will ensure that people who have historically been left out are counted and are included. Our responsibility is to ensure that every American counts. If you are not counted, you are irrelevant. No one in this country should be rendered irrelevant.

I urge passage of the Mollohan amendment.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. Addressing the previous speaker, I am a little surprised by her comments. She says fundamental to our democracy, and I am quoting, everyone counts.

That is exactly why we are going out and counting everybody. That is exactly the benefit. I take it from her comments that she supports our position. So I welcome that. I also would hope that she supports the rule.

In fact, during this debate today, Mr. Speaker, I have not heard anyone say they are going to vote against the rule. That is what we are debating right here. We are going to have, and in fact the Committee on Rules was generous to allocate two full hours to this debate, so I think it is about time that we move rapidly to a vote on the rule. Let us get into the debate.

□ 1730

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, we have heard a good deal of reference to polling. The fact is that the plan for this 2000 census is very different from a poll.

It starts with an effort to contact personally and count virtually every single person in every single household in the country. Sampling is then used to further improve the results, but with a far larger sample than is ever used in political polls.

Sampling would be used to supplement that basic count in two ways. One is in following up on households that do not respond; and, second, sampling would be used to help check on those who might still have been missed even with these new procedures.

A very large, scientifically-selected sample of blocks would be drawn, 125,000 of them across the country, with approximately 750,000 households. If a poll were taken this way, with a major effort to contact everyone in the district, followed by a very large sample to account for those who did not respond, followed by another large sample of the whole district to further account for nonrespondents and errors, the results would be extremely accurate indeed, vastly more accurate than the failed techniques employed in the 1990 census.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, let me correct what is being proposed this year by this polling plan of the President.

He is intentionally not going to count 10 percent of the people initially. He is not going to go out and count everyone.

In 1990, they tried to count everyone. They got 98.4 percent of the people. And, yes, we are not going to count everyone, we are going to miss a few people, but we need to do everything that we can to reach that 100 percent level.

But this time around they are only going to count 90 percent of the people intentionally. They are intentionally going to not count 10 percent of the people. Then they are going to do this second sample. That is correct. They are going to count 90 percent of the people.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I appreciate the gentleman's courtesy. Every effort will be made to reach 100 percent of the people more times than ever done in the past.

Mr. MILLER of California. No, that is not true. Reclaiming my time, that is absolutely not true. They are intentionally, intentionally going to not count 10 percent of the people and then use this ICM, this sample, to try to impute what the numbers are. That is where the problem of sampling is. They are going to have 60,000 separate samples to get to that 90 percent number. It is extremely complex. GAO, Inspector General are both saying it is a high-risk plan.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of the Mollohan amendment because it restores full funding for a fair and an accurate Year 2000 census.

The goal is to count 100 percent of the people. That is what we are talking about here on our side of the aisle, and let me just tell my colleagues what census data does:

It determines the distributions of 170 billion Federal dollars every single year. The dollars go to basic programs: Social Security, Medicare, better roads, child care for low-income families and middle-income families, school lunches. An accurate census will ensure sufficient funds to protect the well-being of American families, to protect child care, healthy meals for kids and security for our seniors in their golden years.

This should not be a political issue, but my Republican colleagues do not seem to get the message. Instead, they declare war against accuracy.

These tactics are not surprising. They have played politics with campaign finance, with tobacco, with health care and now with the census.

Stop the political games. Put families in this country first. Vote for a fair and accurate census with a hundred percent of the people counted in this country.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is interesting to hear the preceding speaker make the statement we are declaring war against accuracy by saying that we want to count everyone. It kind of does not make much sense, and the statement, I think, would probably would be appropriate if it were clarified.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, on the last gentlewoman's statement:

They can sample all they want on all of the decisions that they just talked about, such as for Social Security, funding for States and localities—sample all they want. All we are talking about here is not sampling for purposes of the reapportionment of the House of Representatives. We are only talking about prohibiting sampling on the apportionment of who represents whom in this body. We are not limiting sampling on all of the other aspects of the census. Only on the decennial census for the purposes of the apportionment of the House of Representatives do we require actual enumeration.

Mr. MCINNIS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from West Virginia (Mr. MOLLOHAN).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from West Virginia is recognized for 2 minutes.

Mr. MOLLOHAN. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I would like to engage the gentleman from Florida if I might. I am very impressed with his credentials, and I appreciate his position in this argument and his learned debate. It does puzzle me, though, how the gentleman, and he is a member of the American Statistical Association?

Mr. MILLER of Florida. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I taught statistics in the School of Business at Georgia State University on quantitative methods, MBA program.

Mr. MOLLOHAN. I am sorry. I misunderstood that.

It puzzles me how he can develop a position with his learned background that is so at odds with not only the National Academy of Sciences, which has had three panels look at this issue and in a very scientific way with lots of, I think the gentleman would concede, learned people, had a lot of learned people look at this and conclude after the 1990 failed census, when the Congress asked the National Academy of Sciences to look at it and come up with a better technique and they recommended scientific sampling, how the gentleman's position can line up against the National Academy of Sciences' three panels and about six or seven scientific statistic organizations on the issue, all of whom recommended using this new science in trying to count everyone in this country.

Mr. MILLER of Florida. If the gentleman would yield further, I respond there is real division within the academic community, and we have had academics, prominent academics, before our committee, and we are going to have another hearing in September.

Mr. MOLLOHAN. Reclaiming my time on that point, indeed I am sure we can get individual academicians and statisticians to come up with any view. The thing that impresses me so much is that these associations have come up with a consensus position supporting sampling.

I yield to the gentleman from Florida.

Mr. MILLER of Florida. The Academy of Sciences is a respected organization, but not beyond politics, and sadly I think they have been used.

The SPEAKER pro tempore. All time of the gentlewoman from New York (Ms. SLAUGHTER) has expired.

Mr. MCINNIS. Mr. Speaker, it is my understanding that I have about 4½ minutes remaining.

The SPEAKER pro tempore. The gentleman is correct.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, the Academy of Sciences is generally a respected organization, but it has been politically used. It was a hand-picked panel. For example, the chairman of the panel was a very partisan Democrat, Mr. Schultz, who, as my colleagues know, was head of the Council of Economic Advisors under Jimmy Carter and Lyndon Johnson.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Which organization is that?

Mr. MILLER of Florida. The Academy of Sciences study. It was a very partisan Democrat that led the study. There is a division within the academic community, and if I was a statistician looking at this, I would say, wow, the largest statistical experiment in history? Statisticians love to have experiments; statisticians love to play around with numbers. This is their opportunity, this is a golden opportunity for them to run some tests. That is what they are in favor of.

But let us run a test, and let us conduct a count of everyone to start with. At least use the model of 1990 as a minimum where we try, as the gentleman

from Ohio (Mr. SAWYER) was saying, count everyone and then do a study on a statistical sample for test purposes or an ICM of some type.

So there are ways to do that, but we have to start basically with counting everyone first, and I yield.

Mr. MOLLOHAN. The gentleman, Mr. Speaker, is suggesting that the one panel was compromised in some political way. Is he suggesting that the other two at the National Academy of Sciences was politically compromised? And what about all these other organizations?

Mr. MILLER of Florida. Reclaiming my time, they were a hand-picked panel. We can create a panel of prestigious academics, will come up with a different study.

Mr. MOLLOHAN. It is quite a conspiracy.

Mr. MILLER of Florida. I have the time, if I might say, so the thing is we need to trust the system. It has to be done where we work together, Republican and Democrats, and we should not delegate it. It is something we do not delegate to some hand-picked group of academics over at the Academy of Sciences. It is our responsibility, not their responsibility.

It is our responsibility to do that. We need the input and advice of all the sources, but it is not going to be trusted if we turn it over to a group of academics who want to have this great statistical experiment, and I think I am excited for them to have this great statistical experiment, but let us just count everyone.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

It is obvious from the discussion we are going to have a lively evening, and we have got some real substance here as we have two very well-educated gentlemen going back and forth.

I think, in regards to the census part of this rule, I think it was best summarized by the gentlewoman from California (Ms. LEE), and that is, as my colleagues know, it is fundamental, and I quote her again because I think it was an excellent quote, fundamental to our democracy that everyone counts.

That is exactly the point that the gentleman from Florida is making, and that is this is not the time for a census experiment. This is not the time to put experimental aircraft in the side of this count. This aircraft has to fly and has to fly for a long time. Let us do it, and let us do it right. Sure, it is going to cost a little more money, sure we have got to count everybody, but that is what the Constitution demands.

That issue aside, the issue of the gentleman from Colorado (Mr. HEFLEY):

His amendment is certainly to bring up some lively debate that it is in order that that debate be allowed on this floor.

And finally, in conclusion, Mr. Speaker, it is important to note that throughout the number of speakers that we have had today in regards to this rule I have not heard anyone that objects to the rule. The gentleman from Texas (Mr. FROST), my good friend from the Committee on Rules, said, I think, and I quote that he reluctantly supported it. We have got the support for the rule. It is time to move the rule. It is time to get on with the general debate.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3736, WORKFORCE IMPROVEMENT AND PROTECTION ACT OF 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–660) on the resolution (H. Res. 513) providing for consideration of the bill (H.R. 3736) to amend the Immigration and Nationality Act to make changes relating to H–1B nonimmigrants, which was referred to the House Calendar and ordered to be printed.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1744

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

□ 1745

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. SHIMKUS). When the Committee of the Whole House rose on Monday, July 20, 1998, the request for a recorded vote on the amendment by the gentlewoman from Washington (Mrs. LINDA SMITH) to the amendment in the nature of a substitute No. 13 by the gentleman from Connecticut (Mr. SHAYS) had been postponed.

AMENDMENT OFFERED BY MR. SALMON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. SALMON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment is as follows:

Amendment offered by Mr. SALMON to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE _____—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

SEC. 01. REQUIREMENT THAT NAMES OF PASSENGERS ON AIR FORCE ONE AND AIR FORCE TWO BE MADE AVAILABLE THROUGH THE INTERNET.

(a) IN GENERAL.—The President shall make available through the Internet the name of any non-Government person who is a passenger on an aircraft designated as Air Force One or Air Force Two not later than 30 days after the date that the person is a passenger on such aircraft.

(b) EXCEPTION.—Subsection (a) shall not apply in a case in which the President determines that compliance with such subsection would be contrary to the national security interests of the United States. In any such case, not later than 30 days after the date that the person whose name will not be made available through the Internet was a passenger on the aircraft, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives and of the Select Committee on Intelligence of the Senate—

(1) the name of the person; and

(2) the justification for not making such name available through the Internet.

(c) DEFINITION OF PERSON.—As used in this Act, the term ''non-Government person'' means a person who is not an officer or employee of the United States, a member of the Armed Forces, or a Member of Congress.

The CHAIRMAN pro tempore. Pursuant to the previous order of the House, the gentleman from Arizona (Mr. SALMON) and a Member opposed each will control 5 minutes.

PARLIAMENTARY INQUIRY

Mr. SHAYS. Mr. Chairman, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Connecticut may state his parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, I just need to know what list we are following in terms of order. I am not suggesting that the gentleman is out of order. I just do not know.

I thought we were going from the Smith amendment to the Rohrabacher amendment, which is the amendment which eliminates the individual contribution limits. I thought that was the next amendment in order. Is there an order that we are following?

The CHAIRMAN pro tempore. The Chair believes The Committee is following the order under the previous order of the House.

Mr. SHAYS. Right. Do we have that order available so that we could see what that order is?

The CHAIRMAN pro tempore. The order on July 17 was accompanied by a list of amendments in a prescribed order.

Mr. SHAYS. Mr. Chairman, I believe it has the gentleman from California (Mr. ROHRABACHER), which is unanimous consent No. 16 to be followed by the gentleman from Texas (Mr. PAUL), which is unanimous consent No. 17,

again with the gentleman from Texas (Mr. PAUL), unanimous consent No. 18. That is what I had down as the order.

The CHAIRMAN pro tempore. The Chair understood that the gentleman from Arizona (Mr. SALMON) was offering Amendment No. 14.

Mr. SHAYS. Mr. Chairman, I am sorry. The gentleman from Arizona (Mr. SALMON) is next. I am sorry. I thought that amendment had been withdrawn. Okay.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Arizona (Mr. SALMON) for 5 minutes.

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Air Force One and related aircraft have a noble history. These special aircraft were first put into service for President Franklin D. Roosevelt in 1944.

In 1961, the designation Air Force One was first used on behalf of President John F. Kennedy. President Lyndon Johnson took the oath of office on Air Force One in 1963.

Air Force One also provides all presidents with the security and the communications equipment they would need in case of an international crisis, a noble history now sullied.

President Clinton and Vice President GORE created a new use for Air Force One and Air Force Two, taxpayer-funded boondoggles for fat-cat contributors and toys for special interests.

According to the Boston Globe, President Clinton flew aboard Air Force One with 56 major contributors during 1996 and 1997, often with government picking up the tab. Donors who gave $5,000 or raised at least $25,000 for the Clinton-Gore campaign accompanied Clinton aboard the presidential aircraft.

Mr. Chairman, my amendment is very straightforward. It requires the President to make available via the Internet the name of any nongovernment person who is a passenger on an aircraft designated as Air Force One or Air Force Two no later than 30 days after that person is a passenger.

An exception is made if there are national security concerns. In such cases, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House and Select Committee on Intelligence of the Senate the name of the person and the justification for not making the name available through the Internet.

It is time the American people, our constituents, know which special interests are flying on taxpayer-funded aircraft. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is the gentleman from Massachusetts (Mr. MEEHAN) rising in opposition to the amendment?

Mr. MEEHAN. Mr. Chairman, I am rising in opposition. I would like to reserve the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN) for 5 minutes.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just by way of explanation, what is the intent of the amendment? Because perhaps we can work out an agreement on it.

Mr. Chairman, I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, the intent of the amendment is simply disclosure. It is not just for this administration, for any administration in the future. I have a concern that there are possibly people who are contributors to either of the parties or to candidates who may be rewarded by flying on Air Force One.

I am simply wanting to make sure that any nongovernmental person that flies aboard Air Force One or Air Force Two, those are the two specified in the amendment, would be disclosed via the Internet so that we would have full disclosure of who those people might be.

If there is a national security concern which would preclude them from disclosing that information, then that would be granted. That would waive them from that requirement.

Mr. MEEHAN. Reclaiming my time, right now the names of the people who fly on Air Force One would be of public record; is that correct?

Mr. SALMON. According to my understanding, not necessarily so, and not necessarily in a timely manner. I am asking that, through my amendment, that it be done within 30 days, just like we do in our campaigns. When we get contributions from special interests, we have to publish that information and fully disclose it to the public. I am simply asking that the White House live by the same standards when it comes to possible perks for contributors.

Mr. MEEHAN. Reclaiming my time, what specifically would be the provisions with regard to something that was in the national security interest not to disclose a name?

Mr. SALMON. That would be determined by members on the Committee on National Security. As I mentioned, they would be required to submit in writing to the chairman of the committee, the Permanent Select Committee on Intelligence, and the ranking member. If they concur there is a national security reason for not disclosing that information, then it is not disclosed.

Mr. MEEHAN. Reclaiming my time, the Pentagon would not be able to make those determinations, or the State Department would not be able to make those determinations?

Mr. SALMON. I am sure that they would work in tandem with those members. If they feel that there is a valid concern, absolutely, their input would be, I am sure, paramount, as it always is. If they feel that there is a literal reason that national security might be compromised by disclosing those names, that would be a compelling reason enough to not have to disclose that information, and that is included in the amendment.

Mr. MEEHAN. Mr. Chairman, we would accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SHAYS. Mr. Chairman, will the gentleman from Arizona yield to me?

Mr. SALMON. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would like to agree that this is an amendment that we can accept, and I apologize to the gentleman. I thought he had withdrawn it, but I think this amendment does no harm to the bill.

Mr. SALMON. Mr. Chairman, I thank both gentlemen.

Mr. SHAYS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. ROHRABACHER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. ROHRABACHER to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PARTIAL REMOVAL OF LIMITATIONS ON CONTRIBUTIONS TO CANDIDATES WHOSE OPPONENTS USE LARGE AMOUNTS OF PERSONAL FUNDS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) If a candidate for Federal office makes contributions or expenditures from the personal funds of the candidate totaling more than $1,000 with respect to an election, the candidate shall so notify the Commission and each other candidate in the election. The notification shall be made in writing within 48 hours after the contribution or expenditure involved is made.

''(2) In any case described in paragraph (1), any person who is otherwise permitted under this Act to make contributions to such other candidate may make contributions in excess of any otherwise applicable limitation on such contributions, to the extent that the total of such excess contributions accepted by such other candidate does not exceed the total of contributions or expenditures from personal funds referred to in paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after January 1999.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday,

July 17, 1998, the gentleman from California (Mr. ROHRABACHER) and a Member opposed, the gentleman from Connecticut (Mr. SHAYS) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise to introduce a nonpartisan amendment that will level the campaign playing field. Currently, the campaign playing field is heavily weighted to the advantage of wealthy Americans. By lifting the $1,000 limit a candidate may raise when a candidate is being faced with a wealthy opponent, this cap will be raised, which will make it possible to match the amount his or her wealthy opponent contributes to his or her own campaign.

In other words, and I know this sounds a little complicated, if my amendment passes, if my wealthy competitor writes a $1 million check to his or her own campaign, I will no longer be faced with the impossible task of raising the same amount of money that my opponent has donated to his or her campaign in $1,000 increments. Instead, the cap will be lifted so that it is possible for me to match the amount that my own opponent has spent on his or her own campaign.

As current campaign law stands, wealthy candidates can spend an unlimited amount of their own money, while their unfortunate opponents are stuck with raising small amounts of money in order to match that amount that their wealthy opponent has contributed to their own campaign. This has given the wealthy a tremendous advantage over their opponents.

It is the most glaring inequity of our current campaign finance system, and it has resulted in a spectacle that no one would have predicted. It is the unintended consequence of limiting contributions to political campaigns.

Instead of opening up our elections to the American people, today politics is becoming the arena of the rich, rich candidates who have nonwealthy opponents at a tremendous disadvantage. The rich pour resources into their own campaigns. This means most of us are in a position of getting steamrolled by a wealthy opponent.

So I urge my colleagues to level the campaign playing field and to update our campaign finance laws and give nonwealthy Americans a chance to be elected to Congress. Rather than having to worry and have the parties out always recruiting wealthy people, let us level this field so that if someone is wealthy and pumps $1 million into their campaign, a nonwealthy opponent can raise an equal amount to have an equal race.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment which was, frankly, one of my amendments. I do think that Congress needs to deal with how we respond to those who have unlimited wealth, and one way is to do it the way the gentleman from California (Mr. ROHRABACHER) has suggested.

Unfortunately, his amendment, an amendment that I offered on another bill, would kill the coalition that exists for passing bipartisan reform.

Let me explain to my colleagues that the Meehan-Shays bill does three basic things. It bans soft money, the unlimited sums from individuals, corporations, labor unions, and other interest groups that go to the political parties and then get rerouted right back down to individual candidates.

It secondly calls the sham issue ads what they truly are, campaign ads, which means we cannot use corporate money or dues money from labor 60 days from an election. It means that we have to report our expenditures.

The third thing we do is we have FEC enforcement, Federal Election Commission enforcement, and disclosure by way of electronic means in the Internet.

This amendment seeks to do something beyond the scope of our basic bill. I will also say that our basic bill includes the commission bill, the commission bill brought forward on a bipartisan basis. We would suggest that the very issue that the gentleman is presenting to this Congress should be dealt with by the commission.

We have 37 amendments, if no more are withdrawn before we deal with the Meehan-Shays substitute and deal with the various amendments. Sixteen are poison pills, seven are ''no'' votes in our view, four are leaning ''no'', seven are neutral, three are ''yes''.

The bottom line to the amendment of the gentleman from California (Mr. ROHRABACHER), he is one of the 16 poison pill amendments that will kill our coalition. On that basis, I have to encourage defeat of it.

Mr. Chairman, I reserve the balance of my time.

□ 1800

Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining; the gentleman from Connecticut (Mr. SHAYS) has 3 minutes.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

I hope everyone is listening very closely to this argument. Supposedly, this will kill the whole purpose of this bill. That is a lot of baloney. If we are talking about campaign finance reform and we are going to leave the whole campaign arena to rich people, what good is that reform?

In fact, without my amendment, the good work of the gentleman from Connecticut (Mr. SHAYS) is going to do nothing but further give very wealthy Americans the leverage to take control of the political process in America. So what is all this reform about if we are not going to handle that problem?

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, the problem with this amendment is we are trying to find a way to reduce the influence of money in American politics; we are not trying to find a way to allow hundreds of thousands of dollars of additional money into the process.

This amendment would potentially create a huge loophole through which wealthy individuals could funnel hundreds of thousands of dollars in contributions to a single candidate through the hard money system. The reason why the Shays-Meehan bill bans soft money is to put an end to the notion of these enormous contributions from private individuals.

This amendment would provide a new way for special interests to influence the legislative process. That is why I would urge my colleagues to oppose this amendment. Even when we have a wealthy candidate putting his or her own money into it, that is an excuse for a private individual to then begin to funnel hundreds of thousands of dollars into a campaign.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Obviously, if we just listen very closely to what is being said here, these gentlemen are trying to cut off other avenues for ordinary Americans to raise money for their campaigns, leaving the political arena in the control of such wealthy Americans that every Member of this body who is not rich shudders at the thought of having a wealthy candidate in their district step forward and pump so much money in that he or she will be eliminated just because they just cannot raise the money in small increments.

The Shays-Meehan supposed reform is making this problem worse, and by not accepting this amendment, I am afraid that they are disclosing themselves at just how effective they think their own bill is going to be

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, how much time remains for both individuals?

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) has 2 minutes remaining; the gentleman from California (Mr. ROHRABACHER) has 1½ minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS), our distinguished colleague.

Ms. RIVERS. Mr. Chairman, there is a very interesting debate going on here, because the arguments are being put forward as if there is currently a provision within the system that allows for an offset of one individual, if a wealthy individual runs against them.

The law is very clear right now that if someone chooses to fund their campaign on their own dollars, they are allowed to do that, and a candidate who is running against them can raise money through a variety of ways to do it. They are not limited in how much money they can raise.

Nothing in Shays-Meehan limits the ability of people to raise money. So the argument that Shays-Meehan has to be amended to deal with a problem created by that proposal is ludicrous. It leaves the system exactly as it is now. Someone who is using their own money is free to use as much of that wealth as they would like to. Individuals who rely on contributions can raise as much as they wish, but this is not necessary.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Of course, anyone listening to this debate must wonder what bill we are really discussing after listening to that last statement.

The purpose of this bill, as we have heard from the authors of this bill, is to reduce the avenues of money coming into political campaigns. Let us restrict it.

What I am saying is that today, with an unintended consequence of similar legislation in the past, we have given a tremendous advantage to rich people. Both of our parties are going out enlisting very wealthy Americans, rich people, in order to run for office, and more and more millionaires are coming here, because we are restricting the avenues in which ordinary Americans can raise money for political campaigns. My amendment would correct that unintended consequence of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

With the 1 minute I have remaining, I would just like to acknowledge the fact that the amendment that our colleague wants to offer is offering an amendment that would allow unlimited contributions from an individual; he can raise $1 million from one individual. This is contrary to the reform measure that we are bringing forward.

We ban soft money that goes to the political parties, the unlimited sums from individuals, corporations, labor unions and other interest groups. We call the sham issue ads what they truly are, campaign ads, and we have FEC disclosure and enforcement. We are against allowing unlimited sums from individuals, and that is why we oppose this, and that is why it would break apart the coalition that exists between Republicans and Democrats to pass this bill.

This amendment is offered in good faith by my colleague, but the bottom line is, it will kill Meehan-Shays.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

First and foremost, this does not permit unlimited contributions, the gentleman is absolutely wrong, and I hope people are paying attention to the debate. The unlimited contributions that we are setting is the limit which a wealthy person puts into his or her own campaign. That is stated very clearly. There is a limit. Why should we permit wealthy Americans to buy these seats because we have not given a fair chance for nonwealthy Americans to have a shot at the election process?

This is not fair, and that is what we are trying to do. I thought that is what this bill was all about. I guess it is not.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, how much time do I have left?

The CHAIRMAN pro tempore. The gentleman has 15 seconds remaining.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

The bottom line is if a wealthy person spends $1 million under my colleague's proposal, he could raise $1 million from another wealthy individual.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from California (Mr. ROHRABACHER) has 15 seconds remaining.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Obviously we would like to be fair to all Americans, and that is not what this bill is all about, if we prevent nonwealthy Americans from raising the funds they need to deter these attacks on wealthy citizens trying to steal these elections for themselves.

Let us make sure we open up the system, make sure there is more money available to all candidates, not just to the rich.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Texas (Mr. PAUL).

AMENDMENT OFFERED BY MR. PAUL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. PAUL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. PAUL to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ___—BALLOT ACCESS RIGHTS

SEC. ___01. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Voting participation in the United States is lower than in any other advanced industrialized democracy.

(2) The rights of eligible citizens to seek election to office, vote for candidates of their choice and associate for the purpose of taking part in elections, including the right to create and develop new political parties, are fundamental in a democracy. The rights of citizens to participate in the election process, provided in and derived from the first and fourteenth amendments to the Constitution, have consistently been promoted and protected by the Federal Government. These rights include the right to cast an effective vote and the right to associate for the advancement of political beliefs, which includes the ''constitutional right . . . to create and develop new political parties.'' Norman v. Reed, 502 U.S. 279, 112 S.Ct. 699 (1992). It is the duty of the Federal Government to see that these rights are not impaired in elections for Federal office.

(3) Certain restrictions on access to the ballot impair the ability of citizens to exercise these rights and have a direct and damaging effect on citizens' participation in the electoral process.

(4) Many States unduly restrict access to the ballot by nonmajor party candidates and nonmajor political parties by means of such devices as excessive petition signature requirements, insufficient petitioning periods, unconstitutionally early petition filing deadlines, petition signature distribution criteria, and limitations on eligibility to circulate and sign petitions.

(5) Many States require political parties to poll an unduly high number of votes or to register an unduly high number of voters as a precondition for remaining on the ballot.

(6) In 1983, the Supreme Court ruled unconstitutional an Ohio law requiring a nonmajor party candidate for President to qualify for the general election ballot earlier than major party candidates. This Supreme Court decision, Anderson v. Celebrezze, 460 U.S. 780 (1983) has been followed by many lower courts in challenges by nonmajor parties and candidates to early petition filing deadlines. See, e.g., Stoddard v. Quinn, 593 F. Supp. 300 (D.Me. 1984); Cripps v. Seneca County Board of Elections, 629 F. Supp. 1335 (N.D.Oh. 1985); Libertarian Party of Nevada v. Swackhamer, 638 F. Supp. 565 (D. Nev. 1986); Cromer v. State of South Carolina, 917 F.2d 819 (4th Cir. 1990); New Alliance Party of Alabama v. Hand, 933 F. 2d 1568 (11th Cir. 1991).

(7) In 1996, 34 States required nonmajor party candidates for President to qualify for the ballot before the second major party national convention (Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming). Twenty-six of these States required nonmajor party candidates

to qualify before the first major party national convention (Arizona, California, Colorado, Connecticut Florida, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Washington, and West Virginia).

(8) Under present law, in 1996, nonmajor party candidates for President were required to obtain at least 701,089 petition signatures to be listed on the ballots of all 50 States and the District of Columbia—28 times more signatures than the 25,500 required of Democratic Party candidates and 13 times more signatures than the 54,250 required of Republican Party candidates. To be listed on the ballot in all 50 States and the District of Columbia with a party label, nonmajor party candidates for President were required to obtain approximately 651,475 petition signatures and 89,186 registrants. Thirty-two of the 41 States that hold Presidential primaries required no signatures of major party candidates for President (Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin). Only three States required no signatures of nonmajor party candidates for President (Arkansas, Colorado, and Louisiana; Colorado and Louisiana, however, required a $500 filing fee).

(9) Under present law, the number of petition signatures required by the States to list a major party candidate for Senate on the ballot in 1996 ranged from zero to 15,000. The number of petition signatures required to list a nonmajor party candidate for Senate ranged from zero to 196,788. Thirty-one States required no signatures of major party candidates for Senate (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for Senate, provided they were willing to be listed on the ballot without a party label (Louisiana, although a $600 filing fee was required, and to run with a party label, a candidate was required to register 111,121 voters into his or her party).

(10) Under present law, the number of petition signatures required by the States to list a major party candidate for Congress on the ballot in 1996 ranged from zero to 2,000. The number of petition signatures required to list a nonmajor party candidate for Congress ranged from zero to 13,653. Thirty-one States required no signatures of major party candidates for Congress (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for Congress, provided they are willing to be listed on the ballot without a party label (Louisiana, although a $600 filing fee was required).

(11) Under present law, in 1996, eight States required additional signatures to list a nonmajor party candidate for President on the ballot with a party label (Alabama, Arizona, Idaho, Kansas, Nebraska, North Dakota, Ohio, Tennessee). Thirteen States required additional signatures to list a nonmajor party candidate for Senate or Congress on the ballot with a party label (Alabama, Arizona, Arkansas, California, Idaho, Hawaii, Kansas, Louisiana, North Dakota, Nebraska, Ohio, Oregon, Tennessee). Two of these States (Ohio and Tennessee) required 5,000 signatures and 25 signatures, respectively, to list a nonmajor party candidate for President or Senate on the ballot in 1996, but required 33,463 signatures and 37,179 signatures, respectively, to list the candidate on the ballot with her or his party label. One State (California) required a nonmajor party to have 89,006 registrants in order to have its candidate for President listed on the ballot with a party label.

(12) Under present law, in 1996 one State (California) required nonmajor party candidates for President or Senate to obtain 147,238 signatures in 105 days, but required major party candidates for Senate to obtain only 65 signatures in 105 days, and required no signatures of major party candidates for President. Another State (Texas) required nonmajor party candidates for President or Senate to obtain 43,963 signatures in 75 days, and required no signatures of major party candidates for President or Senate.

(13) Under present law, in 1996, seven States required nonmajor party candidates for President or Senate to collect a certain number or percentage of their petition signatures in each congressional district or in a specified number of congressional districts (Michigan, Missouri, Nebraska, New Hampshire, New York, North Carolina, Virginia). Only three of these States impose a like requirement on major party candidates for President or Senate (Michigan, New York, Virginia).

(14) Under present law, in 1996, 20 States restricted the circulation of petitions for nonmajor party candidates to residents of those States (California, Colorado, Connecticut, District of Columbia, Idaho, Illinois, Kansas, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, Wisconsin). Two States restricted the circulation of petitions for nonmajor party candidates to the county or congressional district where the circulator lives (Kansas and Virginia).

(15) Under present law, in 1996, three States prohibited people who voted in a primary election from signing petitions for nonmajor party candidates (Nebraska, New York, Texas, West Virginia). Twelve States restricted the signing of petitions to people who indicate intent to support or vote for the candidate or party (California, Delaware, Hawaii, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Oregon, Utah). Five of these 12 States required no petitions of major party candidates (Delaware, Maryland, North Carolina, Oregon, Utah), and only one of the six remaining States restricted the signing of petitions for major party candidates to people who indicate intent to support or vote for the candidate or party (New Jersey).

(16) In two States (Louisiana and Maryland), no nonmajor party candidate for Senate has qualified for the ballot since those States' ballot access laws have been in effect.

(17) In two States (Georgia and Louisiana), no nonmajor party candidate for the United States House of Representatives has qualified for the ballot since those States' ballot access laws have been in effect.

(18) Restrictions on the ability of citizens to exercise the rights identified in this subsection have disproportionately impaired participation in the electoral process by various groups, including racial minorities.

(19) The establishment of fair and uniform national standards for access to the ballot in elections for Federal office would remove barriers to the participation of citizens in the electoral process and thereby facilitate such participation and maximize the rights identified in this subsection.

(20) The Congress has authority, under the provisions of the Constitution of the United States in sections 4 and 8 of article I, section 1 of article II, article VI, the thirteenth, fourteenth, and fifteenth amendments, and other provisions of the Constitution of the United States, to protect and promote the exercise of the rights identified in this subsection.

(b) PURPOSES.—The purposes of this title are—

(1) to establish fair and uniform standards regulating access to the ballot by eligible citizens who desire to seek election to Federal office and political parties, bodies, and groups which desire to take part in elections for Federal office; and

(2) to maximize the participation of eligible citizens in elections for Federal office.

SEC. ___02. BALLOT ACCESS RIGHTS.

(a) IN GENERAL.—An individual shall have the right to be placed as a candidate on, and to have such individual's political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar voting materials to be used in a Federal election, if—

(1) such individual presents a petition stating in substance that its signers desire such individual's name and political party, body or group affiliation, if any, to be placed on the ballot or other similar voting materials to be used in the Federal election with respect to which such rights are to be exercised;

(2) with respect to a Federal election for the office of President, Vice President, or Senator, such petition has a number of signatures of persons qualified to vote for such office equal to one-tenth of one percent of the number of persons who voted in the most recent previous Federal election for such office in the State, or 1,000 signatures, whichever is greater;

(3) with respect to a Federal election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, such petition has a number of signatures of persons qualified to vote for such office equal to one-half of one percent of the number of persons who voted in the most recent previous Federal election for such office, or, if there was no previous Federal election for such office, 1,000 signatures;

(4) with respect to a Federal election the date of which was fixed 345 or more days in advance, such petition was circulated during a period beginning on the 345th day and ending on the 75th day before the date of the election; and

(5) with respect to a Federal election the date of which was fixed less than 345 days in advance, such petition was circulated during a period established by the State holding the election, or, if no such period was established, during a period beginning on the day after the date the election was scheduled and ending on the tenth day before the date of the election, provided, however, that the number of signatures required under paragraph (2) or (3) shall be reduced by 1/270 for each day less than 270 in such period.

(b) SPECIAL RULE.—An individual shall have the right to be placed as a candidate on, and to have such individual's political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar

voting materials to be used in a Federal election, without having to satisfy any requirement relating to a petition under subsection (a), if that or another individual, as a candidate of that political party, body, or group, received one percent of the votes cast in the most recent general Federal election for President or Senator in the State.

(c) SAVINGS PROVISION.—Subsections (a) and (b) shall not apply with respect to any State that provides by law for greater ballot access rights than the ballot access rights provided for under such subsections.

SEC. ___03. RULEMAKING.

The Attorney General shall make rules to carry out this title.

SEC. ___04. GENERAL DEFINITIONS.

As used in this title—

(1) the term ''Federal election'' means a general or special election for the office of—

(A) President or Vice President;

(B) Senator; or

(C) Representative in, or Delegate or Resident Commissioner to, the Congress;

(2) the term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States;

(3) the term ''individual'' means an individual who has the qualifications required by law of a person who holds the office for which such individual seeks to be a candidate;

(4) the term ''petition'' includes a petition which conforms to section ___02(a)(1) and upon which signers' addresses and/or printed names are required to be placed;

(5) the term ''signer'' means a person whose signature appears on a petition and who can be identified as a person qualified to vote for an individual for whom the petition is circulated, and includes a person who requests another to sign a petition on his or her behalf at the time when, and at the place where, the request is made;

(6) the term ''signature'' includes the incomplete name of a signer, the name of a signer containing abbreviations such as first or middle initial, and the name of a signer preceded or followed by titles such as ''Mr.'', ''Ms.'', ''Dr.'', ''Jr.'', or ''III''; and

(7) the term ''address'' means the address which a signer uses for purposes of registration and voting.

(Participation by presidential candidates in debates with candidates with broad-based support)

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes in support of his amendment.

POINT OF ORDER

Mr. PAUL. Mr. Chairman, point of order.

THE CHAIRMAN. The gentleman will state it.

Mr. PAUL. Mr. Chairman, I believe this is a perfecting amendment, it is not in the nature of a substitute, and that has been cleared in the Committee on Rules.

The CHAIRMAN pro tempore. The Clerk designated it as an amendment to the amendment in the nature of a substitute.

Mr. PAUL. Mr. Chairman, both amendments that I have should be perfecting amendments, and if permissible, I ask unanimous consent that they both be accepted as such.

The CHAIRMAN pro tempore. It is an amendment to the amendment in the nature of a substitute. The gentleman is amending the Shays-Meehan amendment in the nature of a substitute as permitted by the rules.

Mr. PAUL. I thank the Chair for the clarification.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple. It is an amendment that deals with equity and fairness, so I would expect essentially no opposition to this.

It simply lowers and standardizes the signature requirements and the time required to get signatures to get a Federal candidate on the ballot. There are very many unfair rules and regulations by the States that make it virtually impossible for many candidates to get on the ballot.

Mr. Chairman, I want to make 4 points about the amendment. First, it is constitutional to do this. Article I, section 4, explicitly authorizes the U.S. Congress to, ''At any time by law make or alter such regulations regarding the manner of holding elections.'' This is the authority that was used for the Voters Rights Act of 1965.

The second point I would like to make is an issue of fairness. Because of the excess petition requirements put on by so many States and the short period of time required, many individuals are excluded from the ballot, and for this reason, this should be corrected. There are some States, take, for instance, Georgia, wrote a law in 1943. There has not been one minor party candidate on the ballot since 1943, because it cannot meet the requirements. This is unfair. This amendment would correct this.

Number 3, the third point. In contrast to some who would criticize an amendment like this by saying that there would be overcrowding on the ballot, there have been statistical studies made of States where the number of requirements, of signature requirements are very low, and the time very generous. Instead of overcrowding, they have an average of 3.3 candidates per ballot.

Now, this is very important also because it increases interest and increases turnout. Today, turnout has gone down every year in the last 20 or 30 years, there has been a steady decline in interest. This amendment would increase the interest and increase the turnout.

The fourth point that I would like to make is that the setup and the situation we have now is so unfair, many are concerned about how money is influencing the elections. But in this case, rules and regulations are affecting minor candidates by pushing up the cost of the election, where they cannot afford the money to even get on the ballot, so it is very unfair in a negative sense that the major parties penalize any challengers. And the correction would come here by equalizing this, making it more fair, and I would expect, I think, just everybody to agree that this is an amendment of fairness and equity and should be accepted.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I request the time in opposition to the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment, but the real purpose is to focus my remarks on the need for the Shays-Meehan substitute rather than the specifics of this particular amendment, which are not the real issue.

The reason we need Shays-Meehan is quite simple and quite stark. The legitimacy of the American political process is being undermined.

I do not use these words lightly or as a mere rhetorical flourish. We can try to convince ourselves that all is well, salving ourselves with polls showing the approval for Congress is relatively high. Ironically, some argue that all is well because money is flowing into our campaign covers. This is like saying that a cancer patient is in better shape than someone without cancer, because that person might have more cells.

But in any event, a closer look tells a less rosy story. Polls show that many Americans do not know the first thing about Congress, the names of their representatives, which party is in control, and so forth. Discussions with average Americans uncover a deep cynicism about the political process; and looking at what in other circumstances we call the only poll that truly counts, Americans are simply abandoning the election booth.

□ 1815

Turnout is at an alltime low. Alienation from the political system is at an historical high. There could be no greater danger in a democracy. We are in the midst of a silent crisis.

Campaign finance reform does not rank high as a concern in polls simply because no one believes we can truly do it. They believe we are hapless and that the situation is hopeless, so they just continue to turn away. This is as corrosive a disease for the body politic as can be imagined. It is no less serious because the symptoms do not appear fully until it is too late to fashion a cure. So I congratulate the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for designing a cure while there is still time.

Some people have said that the side effects of this cure are so severe that we should just let the disease take its course, but that is simply wrong. The cure is as mild as sunshine, ensuring that everyone can see who is spending money to influence the political system. Shays-Meehan is, quite literally, the very least we can do.

Let us look at some of the concerns opponents of this bill raise. They say that, like previous efforts at reform, it

has many loopholes and unintended consequences. Yet, their solution is to have no system at all; in short, to get rid of individual loopholes by having a regime that is one giant void. That hardly seems like a positive alternative.

Opponents also raise the specter of a system overrun by Federal bureaucrats, their favored bugaboo, but this is really another way of saying that they do not want any limits on the flow of money into the political system.

Mr. Chairman, George Bernard Shaw once said, ''A society's morals are like its teeth; the more decayed they are, the more it hurts to touch them.'' It is no accident that it hurts so much to discuss our political morality. It is time to correct it at its roots. I urge my colleagues to vote down this amendment and to support the Shays-Meehan substitute.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

My amendment, once again, lowers and standardizes the required signatures to get Federal candidates on the ballot. There is a great deal of inequity among the States, and it works against the minor candidates and prevents many from even participating in the process.

For this reason, many individuals have lost interest in politics. They are disinterested, and every year it seems that the turnout goes down. This year is no exception. Forty-two percent of the American people do not align themselves with a political party. Twenty-nine percent, approximately, align themselves with Republicans and Democrats. Yet, the rules and the laws are written by the major party for the sole purpose of making it very expensive and very difficult, and sometimes impossible, to get on the ballot.

If we had more competition and more openness, we would get more people out to vote. It would not clutter the ballot, it would not have overcrowding, but it would allow discourse, and it would be beneficial to the process.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my problem with this amendment is that it would prohibit States from erecting excessive ballot access barriers to candidates for Federal office. It would set ballot petition signature limits for the President, the Vice President, United States Senate, and House candidates. In addition, it would set ballot petition time limitations.

Protections are important, but individual States should be allowed to control their campaign laws. Assuring there are no undue barriers to prevent individuals from running for Federal office is imperative to keeping our political process fair, but I am concerned with the Federal Government imposing limitations on the States for how they govern ballot access.

This deals with an important set of issues, and should be dealt with not solely with this amendment, but rather, should be fully debated in the House after the Shays-Meehan substitute has passed.

One of the things that the Shays-Meehan bill does is to provide for an opportunity for debate and discussion through the Commission. This is an issue that I think there should be hearings on, I think we should have a dialogue about. But I just do not think that an amendment to the Shays-Meehan bill is the appropriate place to deal with this issue.

Mr. Chairman, I yield back the balance of my time.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

The gentleman suggests we should leave this to the States. I quoted and cited the constitutional authority for this. It is explicit. We have the authority to do this. There are many, many unfair laws.

Dealing with the President, for instance, the minor candidates, on average, to get on the ballot, are required to get 701,000 signatures. A major candidate gets less than 50,000. To get on an average Senate seat ballot, 196,000 signatures are required for the Senate, 15,000 for the major candidates. In the House, on the average for the minor candidate, it is more than 13,000, where it is 2,000 for a major candidate.

There is something distinctly unfair about this. This is un-American. We have the authority to do it. This is the precise time to do it. We are dealing with campaign reform, and they are forcing these minor candidates to spend unbelievable amounts of money. They are being excluded. They are 42 percent of the people in this country. They are the majority, when we divide the electorate up. They deserve representation, too.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant House Resolution 442, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Texas (Mr. PAUL).

AMENDMENT OFFERED BY MR. PAUL TO AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. PAUL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. PAUL to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —DEBATE REQUIREMENTS FOR PRESIDENTIAL CANDIDATES

SEC. —01. REQUIREMENT THAT CANDIDATES WHO RECEIVE CAMPAIGN FINANCING FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND AGREE NOT TO PARTICIPATE IN MULTICANDIDATE FORUMS THAT EXCLUDE CANDIDATES WITH BROAD-BASED PUBLIC SUPPORT.

(a) IN GENERAL.—In addition to the requirements under subtitle H of the Internal Revenue Code of 1986. In order to be eligible to receive payments from the Presidential Election Campaign Fund, a candidate shall agree in writing not to appear in any multicandidate forum with respect to the election involved unless the following individuals are invited to participate in the multicandidate forum:

(1) Each other eligible candidate under such subtitle.

(2) Each individual who is qualified in at least 40 States for the ballot for the office involved.

(b) ENFORCEMENT.—If the Federal Election Commission determines that a candidate—

(1) has received payments from the Presidential Election Campaign Fund; and

(2) has violated the agreement referred to in subsection (a); the candidate shall pay to the Treasury an amount equal to the amount of the payments so made.

(c) DEFINITION.—As used in this title, the term ''multicandidate forum,'' means a meeting—

(1) consisting of a moderated reciprocal discussionnn of issues among candidates for the same office; and

(2) to which any other person has access in person or through an electronic medium.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple. The major candidates receive a lot, a million dollars, to run their campaigns. Then they have national debates, and then they can purposely exclude other candidates. I am not talking about 10 or 20 or 30 very minor candidates, I am talking about candidates who spend weeks, months, years, hundreds of thousands of dollars, just to get on the ballot. Some will not even take the money, but some qualify to be on 40 and 50 ballots, and they are purposely excluded.

This amendment does not dictate to those who hold debates, but it would require that those major party candidates who take the taxpayers' money, they take it with the agreement that anybody else who qualifies for taxpayers' funding, campaign funds, or gets on 40 ballots, would be allowed in the debate.

I cannot think of anything that could boost the interest in the debates more. Fewer and fewer people are watching debates. There was the lowest turnout, the lowest listening audience to the debates in the last-go around. It was the

lowest since we have had these debates on television.

Forty-two percent of the people turned out and were interested in the debates prior to the election in 1992, and we had a major candidate, Ross Perot. Of course, the only reason he was able to achieve a significant amount of attention was because he happened to be a billionaire. That is not fair. In 1996, they did a poll right before the election to find out who was paying attention. We were getting ready to pick the President of the United States. It dropped to 24 percent.

If we want people to be civic-minded, interested in what we are doing, feeling like they have something to say about their government, we ought to allow them in. We should not exclude this 42 percent that have been excluded. I think opening up the debates in this way would only be fair and proper. It would be the American way to do it. I strongly urge my colleagues to support this fair-minded amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to take the 5 minutes in opposition to this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes in opposition.

Mr. MEEHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR), who has been a leader in our efforts to find a way to pass real campaign finance reform.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding time to me. The gentleman is doing a wonderful job on his bill, along with his colleague, the gentleman from Connecticut (Mr. SHAYS).

Mr. Chairman, I rise on this amendment in deep concern and in opposition to the amendment. I think the sincerity of the author is true, but I think this is the wrong place. This whole bill is about congressional campaign finance reform. It is how we regulate the money that controls our elections, to get elected to this House. It is not about presidential elections.

There might be a great debate about how to do that, but as the gentleman knows, the presidential election process is controlled by each of the 50 States. We have no national primary in the United States. I think there is room for that kind of debate, whether we ought to move in that direction, whether the process for qualifying for a ballot ought to be more uniform, as the gentleman suggests.

But to take the gentleman's ideas about presidential debates and move them into this bill is, I think, the wrong way to go; the wrong place, the wrong time, and frankly, the wrong issue. So I strongly oppose this amendment. I think the gentleman is going to try to confuse what the underlying bill is all about.

We have to keep that in focus. We have to keep it limited to that issue. We cannot build the coalition that we need to build if we try to put everything in this bill, and make it a Christmas tree on all of the ills about lack of voting in America, lack of enough debate for those who wish to run for President of the United States from minor parties.

With all due respect for the gentleman's sincerity, I strongly oppose this amendment, and recommend that all my colleagues oppose the amendment, because it is probably technically germane, but it is not politically germane to what we are trying to accomplish.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

It is always interesting that when we have an appropriate amendment that seems to catch the attention of the Members, that it is probably not the appropriate time to bring it up, and that we should hold hearings and do it some other day.

We have been spending months, and I believe both sides of the aisle have been very sincere in their efforts to clarify and to improve our election process. I think this would be a tremendous benefit to the congressional candidates as well, because there would be more interest. People are not even listening to the debates. If they are not even willing to listen to the presidential debates, how can they get interested in Senate races and in House races?

The rating of the debates in 1996 was the lowest in 36 years. The Vice-Presidential debate, we cannot even get people to listen to the Vice-Presidential debates. It had dropped off 50 percent from 1992. In 1992, there was more interest. It is because we happened to have a billionaire interested, and he was able to stimulate some people in some debates.

All I am asking for is for us to endorse the notion, and we have the authority, the money comes from congressional appropriations. We have written these laws. These are election laws. We have this authority. We have the authority under the Constitution and we have the authority under our laws to do this.

So I would strongly suggest if Members are fair-minded and think they would like more interest, or if they want to continue the way we are going now, we are going to have less and less people interested. People are really tired of it. The American people do not understand this debate, but they do understand they would like to have somebody speak up for them.

Forty-two percent of the people have been essentially disenfranchised, and they are important. Hopefully they are important enough to go to the polls and let us know about it. But they have been disenfranchised because they have lost interest. They have been pushed around, either with ballot access rules and regulations, or not being allowed to appear.

This does not mean those candidates more on the right would happen to be in the debate, or more on the left. It would open it up. This is fair-minded, it is proper, it is a good place to do it. It is a chance to vote on it, and I ask for support on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not use all of my time, but in conclusion, essentially what this does is, a presidential candidate who receives taxpayer-funded matching funds from participating in debates, they will not be able to participate in any debates to which equally qualifying candidates for funds would have participated in.

I agree that there should be more open and free debate, but I am also concerned that the bill might have the opposite effect. It might actually stifle debate, if a candidate who takes matching funds cannot participate in the debate.

Furthermore, Mr. Chairman, it seems to me that the Commission on Presidential Debates was established in 1987 to ensure debates are a permanent part of every general election.

□ 1830

It handles the rules of who participates and how the presidential debates will take place. I am concerned with the fact that if this amendment were to pass, Congress would essentially be setting the rules for who can and who cannot participate in presidential debates. I believe that that decision should remain with the independent commission.

Certainly, this is an item that in another forum that we could discuss, have hearings on, and I think that would be in our interest. But in any event, I feel, Mr. Chairman, that we should vote ''no'' on this amendment and take it up at another point in time.

Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I agree with the gentleman from Massachusetts (Mr. MEEHAN) on this. And in a way I have a lot of sympathy for the amendment, because I am one who feels that everyone should have a right to participate in these debates and opportunities.

But, Mr. Chairman, there are times in almost any election, particularly at the presidential level, in which we need to focus on the candidates who are going to be the major candidates who the majority of people by far in this country are going to vote on.

I think it should be up to the independent commission to make that decision so that they can formulate it, come forward with it, and make absolutely sure that everyone in this country who is going to be voting for the

most important person in the United States has the opportunity to focus on how well those individuals know the issues, can handle themselves and deal with one another. So, I rise with some reluctance in opposition to this, but I do feel it should be opposed.

In addition, I would just like to take this moment to thank the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) for the extraordinary work which they have done on this piece of legislation. It really has been an exceptional effort by them, and I think that they deserve all the credit we can possibly give them.

Indeed, at some later point perhaps an amendment like this should be considered, but I think in the context of this particular bill, and with the language which is in this amendment, we should rise in opposition to it and I would encourage us all to oppose it.

Mr. MEEHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceeding on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider the amendment offered by the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I ask unanimous consent that amendments Nos. 27 and 28 offered by me be withdrawn, and my amendments Nos. 25 and 26 be considered one after another, immediately after amendment No. 19, and the text of amendment No. 85 as submitted to the desk today be substituted for amendment No. 29.

Mr. SHAYS. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair cannot entertain the third element of the gentleman's request.

Is there objection?

Mr. SHAYS. Mr. Chairman, reserving the right to object. I first did not understand what the Chair cannot entertain.

The CHAIRMAN. The request had three parts.

Mr. SHAYS. Mr. Chairman, I would respectfully request that we have an understanding. We are eager to try to comply with the distinguished gentleman from Texas (Mr. DELAY), the majority whip, and also to welcome him back into the Chamber, because he has had some very difficult things to deal with with the death of our two colleagues who guard this place. But I would like to take each of those items so we can see what does not remain.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's questions. What I am attempting to do is to group three amendments together. The first amendment would deal with what we call issue alerts, or what I call issue alerts. The second amendment deals with background music. And the third amendment deals with coordination.

And in order to do that, in my unanimous-consent request I am withdrawing completely amendments Nos. 27 and 28. Then I am taking Nos. 25 and 26 and moving them up to this point in time. Mr. Chairman, amendments 25 and 26 are the background music and the coordination amendment.

I am taking the text of an amendment way down below, No. 85 as pointed out in the rules, and submitting that language and substituting that language for amendment No. 29, which was my limit express advocacy communications.

So, I would take out the limit advocacy communications amendment completely and substitute the amendment that deals with issue alerts, if that makes any sense.

Mr. MEEHAN. Mr. Chairman, what is No. 85?

Mr. SHAYS. Mr. Chairman, I yield to the gentleman.

Mr. MEEHAN. We would need to know——

The CHAIRMAN. The gentleman will suspend. The Committee of the Whole cannot entertain a request to change the form of one of the amendments.

Mr. SHAYS. Then should there be two unanimous consent motions?

The CHAIRMAN. If the gentleman would offer amendment 19, maybe the staff——

Mr. DELAY. Mr. Chairman, if I could withdraw my unanimous consent request and make a new one. That would be that I would ask unanimous consent that amendments 27 and 28 be withdrawn completely, and 25 and 26 be considered one after another immediately after amendment 19.

To save confusion, I will go on to amendment 19 and we will work it out with the Parliamentarian.

AMENDMENT OFFERED BY MR. DELAY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. DELAY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substiute..

The CHAIRMAN. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end of section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(b) of the substitute, the following:

(C) Exception for legislative alerts: The term ''express advocacy'' does not include any communication which—

(i) deals solely with an issue or legislation which is or may be the subject of a vote in the Senate or House of Representatives; and

(ii) encourages an individual to contact an elected representative in Congress in order to exercise the right protected under the first amendment of the Constitution to inform the representative of the individual's views on such issue or legislation.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. DELAY), and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I apologize for confusing the Committee. Mr. Chairman, I am offering this amendment in order to ensure issue-oriented citizens groups their first amendment right to urge like-minded citizens to contact their elected representatives about upcoming votes in Congress.

The Shays-Meehan substitute, in my opinion, would restrict communications that express viewpoints to incumbent lawmakers during the period of time that this House could be in session. Now, these communications are intended to encourage like-minded citizens to express themselves regarding upcoming votes on the floor of the House. My amendment makes a distinction between communications that address upcoming votes and communications that endorse candidates for elections, two very real differences.

Due to the time limit, I will concentrate on just one of these restrictions. Under section 201 of Shays-Meehan, if a group sends out a communication at any time of the year, this would include flyers or newspaper ads or any other printed communications, that explain that Congressman Doe, for instance, voted incorrectly on a given issue the last time it came up and the same issue is coming up, say, again the next week. And if voters are interested in Congressman Doe reconsidering his vote, they should give him a call.

Under the onerous provisions of Shays-Meehan, Congressman Doe would regard this as an attack on him and, therefore, an example of impermissible express advocacy. Congressman Doe's reason would lie in section 201 of the bill which states a given communication is express advocacy if it contains words that can have no reasonable meaning other than to advocate support or defeat, or if it contains words that express unmistakable and unambiguous opposition. These are the words in the bill.

Now, maybe the citizens groups' words are like, ''Do you know that Congresswoman SMITH has voted time and again in favor of brutal partial-

birth abortion procedures and has repeatedly described partial-birth abortion as a godsend?''

Maybe the words are, and I quote, ''Congressman JONES voted to strip women of their constitutional right to choose and call it a great stride for mankind,'' closed quote.

It does not matter what the issue is. It does not matter what side of the issue a group is on. These groups have a right, a constitutionally protected right, to inform like-minded constituents to contact their representative, to let their representative know how his constituents may feel.

Simply put, issue-oriented citizens' groups have a first amendment right to express their opinions. These citizens deserve an unfettered, unobstructed right, not only to be informed of political issues but also to enjoy freedom of political speech.

I think that section 201 of Shays-Meehan prohibits any citizen group, other than, say, a Federal PAC, from even mentioning the name of a Member of Congress in a broadcast communication for 60 days before a primary election and again for 60 days before a general election, easily the most critical periods in the American electoral process. These are the times during which citizens are frantically seeking to inform and educate themselves as to what candidates stand for and against, and this provision undermines and subverts the entire electoral process.

So my amendment, I think, is a necessary measure to protect and secure free speech and the integrity of our electoral process and allow citizens' groups to participate in the legislative process. So I ask support for my amendment and support for freedom of speech.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, this amendment is once again an effort to really undermine and cancel out the so-called issue ads and all of the express advocacy and issue advocacy provisions in this bill.

If you look at the language of the amendment of the gentleman from Texas (Mr. DELAY), you see that there is an exception, an entire exception, to the issue advocacy provisions in case of any communication which deals solely with an issue or legislation which is or may be subject to a vote in the Senate or House of Representatives.

It does not say when. It could be next year. It could be 3 years from now. It could be anything. It encourages an individual to contact an elected representative in Congress in order to exercise the right protected under the first amendment.

So that once again opens the door to these so-called issue ads that attack a candidate in a clear campaign manner and does not say ''defeats so and so,'' but says, after attacking him, after vilifying him or her, after making it clear that that person should be defeated, does not use the term ''defeat'' but says, contact so and so.

So, the amendment of the gentleman from Texas (Mr. DELAY) goes far beyond this instance of where we may be in session and where perhaps a group is truly not trying to campaign against that person but get a message to that person or to his or her constituents about something that is immediately pending.

Also I would urge that the protections we have in here are more than adequate to take care of the problem that the gentleman from Texas (Mr. DELAY) says he is trying to address. This is the effort of the gentleman from California (Mr. DOOLITTLE), all over again to take out of Shays-Meehan the issue advocacy provisions that attempt to get at ads that proclaim or parade as noncampaign ads but are truly nothing but that.

□ 1845

There would be no other reasonable interpretation. So this is bigger than driving a Mack truck through Shays-Meehan. This is one of these amendments that has a huge truck with a lot of poison pills in them which will sink Shays-Meehan. I think it is bad policy in and of itself. It goes way beyond its pretended purpose.

The momentum is now on the side of campaign finance reform. We should defeat amendments, the purpose of which is to throw a huge barrier in front of our reaching the promised land. We can reach it. There are some in this body who want to destroy it by any means. This is one such instance. We do not have to be worried about freedom of speech, in our judgment. We have carefully drafted this.

Defeat the DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me the time.

If I heard the previous speaker correctly, and Shays-Meehan already allows this in all probability, why do we not just be specific about it? This really just says that you can contact, you can encourage others to contact a Member of the House or a Member of the Senate during this 60-day blockout period, if in fact there is an issue before the Congress or likely to come before the Congress, and encourage that they be contacted on how they would vote. When we come back in September, everything we deal with would be in that 60-day period, where it is arguable whether you could contact, whether you could encourage the contact of a Member of Congress.

I think it is probably not arguable that you could call a Member of Congress and say, we would like you to do this. It is probably not arguable that you could write your own letter. But Shays-Meehan appears to say that you cannot encourage others to do that.

We have got appropriations bills that will be coming, that we will send to the Senate, others that will be coming back in conference from the Senate. Are we saying that no group could send out a postcard that says, contact your Member of Congress about this issue that is coming up next week or a specific Member of Congress and mention their name? Are we saying that nobody could send out a postcard and say, last time this issue came up, this Member of Congress voted yes, contact them and encourage them to vote no on the bill that is coming up this week?

I think really this gets down to the very fundamental point of issues before the Congress at a time, if the gentleman from Michigan is correct and it is in there, what does it hurt to make it even more specific?

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Michigan.

Mr. LEVIN. My point is not that the DeLay amendment is in there. The way it is drafted, it refers to all of these sham ads, whenever they are produced, whether 60 days in advance or not. If you read section C, it applies to subsection A and B and all the provisions therein.

Mr. BLUNT. Mr. Chairman, if the gentleman would help me here for a minute, figure this out, if you cannot mention the name of a Member of Congress on anything you pay for, including a postcard, within 60 days of the election, how do you alert others who feel the same way you do about an issue to contact a given Congressman who may be, a given Member of Congress who may be thinking about which way they want to vote on that issue?

Mr. LEVIN. Mr. Chairman, if the gentleman will continue to yield, first of all, again, I urge that anyone who is thinking of supporting this amendment read it. It applies to all of the provisions on express advocacy, whenever an ad would be launched, whether it is 60 days, 90 days, 120 days or whatever. It destroys the entire issue advocacy provisions. That is number one.

Mr. BLUNT. Reclaiming my time, the amendment says that this deals solely with an issue or legislation which is or may be the subject of a vote in the Senate or House of Representatives.

Mr. LEVIN. But, if the gentleman will continue to yield, that could be 120 days before, it could be any time and something that is subject to a vote that could be a year away. So I just urge that the gentleman read the amendment.

Number two, in relation to the 60-day provision, that only relates to paid advertisements transmitted through radio or television 60 days preceding an election. And if it is a notification through paid media that is truly not an effort to influence a vote but influence an election, then it should come under the same rules and regulations as all

other methods of communication relating to elections and candidates.

Mr. BLUNT. Reclaiming my time, Mr. Chairman, I would just say that if we begin to say that we cannot, with a radio ad or some other communication, some instant communication, try to encourage that specific Members of the Congress be contacted, we are a long way down, I think, the wrong road.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, if we are going to maintain the express advocacy standard championed by the Shays-Meehan legislation, and we need to do that, we cannot go halfway on this. The distinguished whip, the distinguished leader from the other side, the gentleman from Texas (Mr. DELAY) knows that quite well. This is a complex issue. Folks listening and watching are trying to still figure out what is the difference between soft and hard money, maybe like some Members. But there is a very, very severe distinction here.

We are not saying in Shays-Meehan that the candidate or dollars cannot be spent on behalf of the candidate by other groups. What we are saying is it must be hard money or else it is wrong and it is banned. The whole purpose of this legislation is to ban soft money. We know how that has grown. We are talking about two political parties that have raised $67 million between them in the first 3 months of this year.

So we can really boil this down into two very basic things. There are those of us on both sides of the aisle who believe there is too much money in politics, too much money in our campaigns.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. PASCRELL. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, could the gentleman tell me how much money is enough money in politics? Could the gentleman tell me how much money is enough? The gentleman said there is too much money in it. How much money is enough?

Mr. PASCRELL. If the average, Mr. Chairman, if the average campaign costs $660,000, we know that we cannot put a cap on it due to a Supreme Court decision, but working together I am sure we can come to specific advocacy issues of ourselves, such as banning soft money. Because if you have $10 to spend in your campaign and not $660,000, and third-party advocacy groups can spend whatever they wish, that is not controlling expenditures in a campaign. The gentleman knows it, and I know it.

So I believe this Shays-Meehan is simply attempting to ban soft money so that all of the hard money that is spent is disclosed. That is a critical issue, Mr. Chairman.

We want the dollars, we want the names and the addresses of people who contributed to our campaigns. That is a very underlying argument within Shays-Meehan, disclosure, the banning of soft money. And the sooner we do it, the better.

I think that this is what this is all about, what we are going to open up here, and trying to go in the opposite direction. What we are going to open up is more advocacy, more issue advocacy, more spending of money, not only 6 months or 6 weeks but 6 days before a campaign.

I believe Shays-Meehan is on target. I believe we cannot equivocate. This amendment is a poison pill.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, the discussion that we are having right now goes to the very crux of this entire issue of campaign finance reform. Those who have been advocating reform talk about special interest money. One thing is pretty clear, special interest money is the money of any group you do not agree with.

Second of all, too much money, no one has been able to define what is too much money. Third of all, sham ads. What is a sham ad? It is an ad that you do not like. Then fourth of all, disclosure.

Now, I find it ironic that I am up here this evening speaking in favor of the majority whip's amendment to allow groups to take out ads in the newspaper or radio or whatever to express their concern about issues before the Congress; and you all want to stop that, in essence.

Yet a group called Public Campaign ran ads in every newspaper in my district 2 days ago saying that ED WHITFIELD does not think politicians are hooked on special interest money so he wants to triple the dose.

Now, I did not like this. It made me feel bad to read this, every newspaper in my district, but I think this group has a constitutional right to run this ad if they want to run it.

But in your definition of express advocacy, you expand it so far that you are going to eliminate and curtail the rights of groups like Public Campaign to talk about these issues.

In fact, the third way you expand express advocacy, it says, express advocacy is expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events such as proximity to an election.

This ad meets that definition. And under the Shays-Meehan, this ad would be illegal. So here I am, up here defending the right of this third party, independent group to run these ads, and all that the majority whip's amendment does is to be sure that they have a right to do that.

I might further say that the third way you expand the definition of express advocacy, the Supreme Court already, in a case FEC versus Maine Right to Life, has declared that specific language, not approximate language, but specific language unconstitutional.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

First off, we do not ban anything. This is just totally a misstatement. The issue is whether it is an issue ad or a campaign ad. The issue is whether you come under campaign rules or do not come under campaign rules.

First and foremost, Mr. Chairman, we ban soft money. I do not think that there is any amendment to try to deal with that, so that is off the table.

The issue is dealing with sham issue ads that are truly campaign ads. It is not that they do not have a right to do it, but they are campaign ads and should come under the campaign rules. Organizations and labor unions and other interest groups have tried to get around the campaign laws by simply pretending that they are issue ads, by not saying vote for or vote against, but mentioning the name of the candidate and showing a picture. We have the bright line test expanded by the name of the picture or the name of the candidate. That is for radio and TV.

□ 1900

This is not radio or TV. This does not ban it based on the issue of 60 days before an election.

Now, there is the issue of unambiguous and unmistakable support for or opposition to a clearly identified Federal candidate can run at any time. Telling an individual that he should vote for something or vote against to me does not meet that test at all. It does not meet the unambiguous and unmistakable test that would affect this paper.

So the bottom line is radio and TV, yes. Name or the picture of the candidate 60 days to an election, that is right. We are trying to get at these campaign ads so people do not get around disclosure of them and are not able to use corporate and dues money. That is the purpose of it.

The bottom line to the gentleman's amendment is it is an exemption that totally swallows the rule. He basically abolishes by this amendment any attempt to deal with the whole issue of not dealing with the recognition of sham issue ads. It basically allows for this loophole because all you have to do is say, ''Contact your representative,'' and then two days before the election you can then say, ''Contact your representative and say whatever you want,'' which is the reason why I have objection to it.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. I would just say to the gentleman that I think he has confirmed my concern and his third method of expanding express advocacy can be by newspaper, radio, television or whatever. Reasonable minds can disagree about what is unmistakable and

what is unambiguous, and that is the reason that the court has adopted a bright line test. Your expansion of express advocacy is going to end up right back in the courts.

Mr. SHAYS. The bright line test is emphatically what we do have, and the name or the picture of the candidate has been what is expanded to it.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, the previous speaker said that this issue goes to the crux of what this bill is about and it does.

A couple of weeks ago I very facetiously read a little poem by Dr. Seuss or in a Dr. Seuss like manner and I said that what this bill was about was about calling what waddles and quacks a duck, and that is what this bill is about. It is about ending the ability of some individuals and some groups to do an end run around the laws that we have in place for electing candidates.

This seems like a very innocent proposal. But frankly to pass it would allow some very pernicious political behavior to continue. This proposal includes a huge loophole, and the gentleman from Michigan did mention this to some extent. But I want to be very clear. The provision that the majority whip proposes would include not just issues that are scheduled to come up in front of a legislative body but issues that might or may be scheduled in the future. This is a huge issue. This means that any issue, any issue that conceivably could be put in front of a legislative body should fall within this particular exemption.

A couple of weeks ago when I spoke on issue advocacy, I read from the New York Times and other newspapers the express script of a campaign ad, really a whole series of campaign ads that ran in Staten Island. But they had similar gists to them. They went like this. Because one of the candidates was a member of the New York legislature, the ads ran talking about the number of times that that legislator had raised taxes, a number of things that he had done as a State legislator, they finished up by saying, even though there was no vote scheduled in the New York legislature on taxes, ''Call Representative A and tell him to stop raising your taxes.''

Would that fit within the exemption that the majority whip is proposing? Absolutely. Are we dealing with an express attempt to influence the election or defeat of a particular candidate? Yes. Are we talking about a legislative issue that just might at some time be in front of the legislative body that this individual belongs to? Yes. But this is the sort of behavior we are trying to stop. We are trying to make the rules clear and we are trying to make sure that everyone follows them. If you are attempting to elect or defeat a candidate, there are clear laws with which you must comply. What the majority whip tries to do is to blur those rules and to continue to provide an end run opportunity for those people who do not wish to follow the laws.

Please do not accept this. Let us do what I said a couple of weeks ago. Let us make sure that we call what waddles and quacks a duck.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume. This is exposing Shays-Meehan for what it is. The opposition to my amendment is trying to confuse the Members. In one section of 202, they do talk about 60 days before an election. But in other sections in 202, they talk about other parts of the year. And 60 days it is radio or television communication. But in other parts of the year it could be the kind of ad that the gentleman from Kentucky was talking about.

My amendment is very, very simple. It simply states that an exemption to the express advocacy part of their bill that deals solely with an issue or legislation. I do not understand why the proponents of Shays-Meehan are scared to death to have ads run against them dealing with issues while we are in session or the next week of the session.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, there is one thing that I did want to clarify. Obviously if you have an ad that is running and under the new definition of express advocacy of Shays-Meehan that ad is included and, as I said, I think it is so broad and so ambiguous and subject to so many interpretations, the Supreme Court has already declared part of this language unconstitutional. But obviously you can run those ads. The gentleman was correct. You can run the ads, but the group would have to form a PAC, the group would have to have an attorney, the group would have to file all those reports with the FEC and that is precisely the type of chilling effect that the Supreme Court has repeatedly said you cannot require.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their extraordinary commitment to this issue and their hard work on it for many years.

Many of the amendments that come before us tonight collectively serve only one purpose, and, that is, to sidetrack reform. We have the power to change that today by passing and voting for Shays-Meehan, voting down absolutely every single amendment. We have a commission that is attached to it that can review all of these. The Shays-Meehan as we have said bans soft money and it also prevents the so-called independent groups from running sham issue advocacy ads whose true aim is to elect or defeat a particular candidate. This particular amendment really would create a sham legislative alert. Whether it is a sham issue advocacy ad or a sham legislative alert, all we are saying is disclose who is paying for it. Let the American public know who is wooing whom and pay for it, not with the huge loophole of soft money but with hard money.

I think that all of us have been attacked by these so-called independent groups in our campaigns. What is very troubling, in many cases I believe these independent groups are spending more money than the candidates themselves. But I am all for free speech. We all support free speech. Just let the American public know who is paying for it. Is that too much to ask? But the real point is that we have before us a very carefully crafted bill that has what I call the fragile flower of consensus. We have a majority of Members in this Congress that support Shays-Meehan. We can pass it and enact it into law. We can consider other important amendments in the commission bill. That is what we should be doing tonight.

What I find particularly troubling is that I suspect that many of the Members who have offered amendments this evening have absolutely no intention for voting for Shays-Meehan. Their real agenda is to try to destroy it with poison pills or with amendments that disrupt the balance that we have created.

Vote for Shays-Meehan. Vote against all amendments.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding time. I would like to get back to the original intent of the maker of the amendment which I think is to preserve the right to give legislative alerts. I do not quarrel with the gentleman's motivation. I think the motivation is proper. I do think that the bill protects that right, because there is clearly a voting record or voting guide exception. The term express advocacy does not include printed communication that presents information in an educational manner solely about the voting record or positions on a campaign issue. I think that the gentleman's concern is well covered in the bill.

Let me tell Members the problem I think we are trying to solve with this legislation. I think the laws of this land with regard to campaign finance and campaign communication worked pretty well until the relatively recent number of years. And the intensity of the fight across the country for this Congress, for this House in particular, has been such that it has distorted the laws. It troubles me that whenever there is a special election in America now, we no longer rely upon the people of that community to listen to a good debate among the candidates, to identify who stands for which issue, participate in the campaign and they go

vote. Instead, immediately out rushes Planned Parenthood, out rushes the Family Research Council, out rushes the AFL–CIO, out rushes the business organizations, term limits, every organization in America rushes out and starts dumping millions and millions of dollars into these sham ads which are just sham ads. They are sham ads not because, as my friend from Kentucky said, we do not agree with them, because they masquerade as something they are not. They masquerade as information when in fact they are the most clever and deceptive and nonproductive and nonsubstantive attacks on character and the record of the candidates, and they need to be managed as free speech does throughout our society.

I ask for a negative vote on the DeLay amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN), a distinguished freshman Member of Congress.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, this amendment like others is a poison pill. It is designed to undermine campaign reform. It is designed to change the Shays-Meehan bill in a way to reduce its support.

I simply want to raise a couple of things, go back to a couple of things that have been said here. This is not about denying any group its right to speak in American politics. This is not about preventing groups from sending postcards. It is not about preventing people from communicating about their representatives. What it is about is saying, if you are going to communicate in a way that pretends to be about an issue but in fact is meant to influence an election, we need to know who is paying for the ads. We need to get disclosure. That is what this is about.

There are those on the other side who preach disclosure, disclosure, disclosure as one approach to the abuses of this campaign season, except when it comes to outside groups running ads. And then they say, ''Oh, no, we can't have disclosure.'' We need disclosure when it comes to issue advocacy. That is why I think this is an amendment that needs to be defeated.

The second point I will make is just this. It was asked earlier how much money is too much money in politics. Well, this is not about free speech. It is about big money. It is not about protecting the free speech of a constituent. It is about preserving big money in this system. Too much money is unlimited money flowing to the national parties to run ads. Too much money in politics is unlimited money with no disclosure of who it is that is spending that money by outside groups.

The Shays-Meehan bill is a good approach to campaign reform. I believe there are other approaches.

Mr. BLUNT. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Missouri.

Mr. BLUNT. I would just like to ask the gentleman whom I think is well motivated and well intentioned in this debate, in your sense of an effort to persuade someone on an issue or to encourage a vote on the issue but you said that masquerades as that when it is really something else, who decides that is I think really my concern. Who draws the line between what masquerades as an ad or what is really clearly encouraging a result on an issue?

□ 1915

What we do not want to do here is shut the door on people's ability to rightly influence the legitimate debate of the Congress. And who decides where that line is? What is the standard?

Mr. ALLEN. I believe that in this, as in many other areas of law, that the law, the standard, will be developed. It will be developed by the FEC, it will be developed by the courts over time until we have a fairly clear understanding of what that standard is.

And we do this all the time. We write standards into law, and we hope they are clear enough to be effectively enforced.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Meehan-Shays substitute bans soft money, and then what we also do is we recognize that the sham issue ads are truly campaign ads, and that is the key point. They are not sham in the sense that they do not have a right to speak, but they are not issue ads, they are campaign ads, and we call them such. One of our provisions is obviously already in existing law. Vote for or vote against it; it makes it a campaign ad. And people get around the sham issue ads by not saying vote for or vote against, but they might as well based on what they say. When they mention the name or show a picture of a candidate by radio or TV, we call them campaign ads; that is true. The fact is, though, that these voter alerts, we do not impact the voter alerts through that process of the picture or the name.

The bottom line is, this is an amendment that is an exemption that truly does swallow the rule. It abolishes any attempt whatsoever to deal with sham issue ads. It is a gigantic loophole that is intending to deal with something that is not a problem.

Now my colleague used the word ''manage.'' I do not agree it is managed. I think it is simply saying playing by the same rules. People have a right to speak out. They can do their legislative alerts. But if they are on radio or TV 60 days to an election, it is going to be a campaign ad and they come under the campaign rules with all the voice that is allowed under that process.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the opponents to my amendment are very upset with this amendment because this amendment may pass, and they are upset with this amendment and oppose this amendment because it exposes the biggest part of the Shays-Meehan bill that we object to, and that is the part that manages free speech.

The gentleman from Pennsylvania used the term we need to ''manage'' free speech. To me, that is an oxymoron. We cannot manage free speech, particularly in the part of political advocacy and political participation that my amendment addresses.

My amendment is very simple. It just exempts from the section of the bill any ads or alerts sent out by groups that deal solely with an issue or legislation which is or may be subject to a vote in the Senate or the House of Representatives. Now why would they be afraid of issue ads that express opposition for or support for a vote in the House of Representatives or the Senate?

And it also exempts any communication that encourages an individual to contact an elected representative in Congress in order to exercise the right protected under the first amendment of the Constitution to inform the representative of the individual's views on such an issue of legislation.

Now, if we look at some of the opponents and what they have actually been saying, I am going to dissect a little of it. Number one, they confuse the whole issue by talking about bigger issues, smaller issues, loopholes, sham ads. In fact, the gentlewoman from New York has turned a new term of art in addition to the term of art ''sham ads'' that has been started by the Shays-Meehan. Now we have sham issue alerts.

Can my colleagues imagine in this country of free speech, free speech guaranteed by the Constitution of the United States, we are talking about sham issue alerts in the House of Representatives? We want to manage the free speech of groups that may want to tell the American people how we vote? This is what we have been talking about all along. The proponents of Shays-Meehan are proponents, number one, that are incumbents, and they are sick and tired of people around America revealing, using our communication services in this country to reveal how they vote, and so they want to get rid of these sham ads. Or they want to manage them in such a way as to discourage them.

The gentleman from New Jersey was talking about capping spending. The gentleman from Maine was talking about we need to know who these subversive people are that are writing ads that may tell the American people how we vote. And we need to know who is we? Who decides? Is we the big-brother government at the Federal Election Commission? Of course it is. They want

big-brother government to manage free speech, if we put all the opponents' speech together. That is what they have been saying here.

What we are saying is very simple: As the gentleman from Connecticut has said, we take care of issue alerts in our bill. It is no problem. Of course, we cannot find it in their bill, but they just arbitrarily say we take care of it. Well, if they take care of it, why are they afraid of my amendment? They are afraid of my amendment because they are afraid for people to gather together, raise some money, send out an ad, do a radio spot that tells the American people and District 22 of Texas how the gentleman from Texas (Mr. TOM DELAY) votes.

Mr. Chairman, I am not afraid of how I vote, and I am not afraid to stand up and stand toe-to-toe and debate those groups that are against the way that I vote. That is the American process. What Shays-Meehan does in its limitation of free speech and its now-management of free speech is wants to shut down organizations' abilities and rights to freely express themselves in the political process because in their bill they say communications, radio and TV, that is run 60 days before an election, which means when we get back from the August recess in September, if my colleagues run a radio spot that happens to say, ''Tom DeLay voted to ban partial-birth abortions and he is a bad dude for doing it,'' that organization could come under attack by the Federal Election Commission, and they have no defense to say we are just advocating a vote on the floor of the House during a pre-election period. But in my amendment that group, whether it be Planned Parenthood or others, could stand up and say, no, in the law it says that we are dealing with a vote on the floor of the Senate and the House of Representatives.

It just amazes me every time I debate this campaign reform why people want to limit people's freedom of speech to participate in the political process, and it all comes back to the same reason: They are afraid for the American people to know what is going on in this town, to know what is going on on the floor of this House, and they are uncomfortable sometimes by some of the ads that groups run, and they want to do away with them once and for all.

So I just ask the Members to look at my amendment, digest it, understand it and vote for it.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. DELAY) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

Mr. DELAY. Mr. Chairman, I ask unanimous consent that Amendments 27 and 28 offered by me be withdrawn and my amendments 25 and 26 in the order of July 17 on H.R. 2183 may be considered in the sequence at this point and that 26 be modified by the form at the desk.

The CHAIRMAN pro tempore. The Chair cannot entertain that request in the Committee of the Whole.

Mr. DELAY. Mr. Chairman, I withdraw the unanimous consent, and I have Amendment No. 25 at the desk.

The CHAIRMAN pro tempore. Does the gentleman intend to offer Amendment No. 20?

Mr. DELAY. No, Mr. Chairman. No. 25, I ask unanimous consent to take No. 25 out of order and consider it.

The CHAIRMAN pro tempore. That being the case, it is now in order to consider the amendment by the gentleman from Pennsylvania (Mr. PETERSON). The Committee of the Whole may not entertain a request to consider an amendment that deviates from the previous order of the House.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania to the amendment in the nature of a substitute offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION

SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

PARLIAMENTARY INQUIRY

Mr. SHAYS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, I just need to know. We have gone from Amendment 19, and now we are going to Amendment 21. Does that mean Amendment 20 has been dropped?

The CHAIRMAN pro tempore. The gentleman from Texas did not offer Amendment 20.

Mr. MEEHAN. Mr. Chairman, I seek to take the time in opposition to the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts (Mr. MEEHAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer today is an amendment that is a pilot program. It would allow the Attorney General, in consultation with the Commissioner of Social Security and the Immigration and Naturalization Service, to establish a pilot program to test a confirmation system through which they respond to inquiries made by State and local officials, including local voting registrars with responsibility for determining an individual's qualification to vote in a Federal or State or local election, to verify the citizenship of an individual who has submitted a voter registration application and maintain such record of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

This is a pilot project that would expire in 2001. It would give State and local officials the option, only an option if they want to use it, to verify the citizenship of voters using Social Security and INS records. It is totally voluntary. It is not a State mandate. It is a pilot program to be used in five States that already are testing an employee verification program for noncitizens: California, Florida, Illinois, New York and Texas. And this expires in the year 2001, and then a report would be written on how this system worked and if it was effective.

Currently, the law requires citizenship to vote. The Federal law requires it. All 50 States require it. I guess the question is, should we enforce the law? Or should we repeal the law and not require citizenship if one does not agree

with this pilot? Currently, I would ask the question: Do we have the ability to enforce this law? And the answer is no.

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Can local election officials currently stop the fraud that is far too common? Not often enough. So why do we have the requirement for citizenship? Elections are the very lifeblood of democracy. Fraud in election poisons our electorial system and undermines the trust that is essential to democracy.

Under this amendment we are introducing today, State and local election officials would be able to make inquiries to the Social Security Administration, which has a record of citizenship when they assign a Social Security number, and to the Immigration Naturalization Service which can also help verify people who have submitted to naturalization and citizenship. This would be set up by the Attorney General.

Voting, as I suggested, is the most fundamental act of citizenship. The people who administer our elections ought to have the access to the information they need to ensure integrity at the ballot box.

Mr. Chairman, I reserve the remainder of my time.

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, I rise in strong opposition to this amendment. It is perhaps the most significant poison pill amendment that has been offered to the underlying Shays-Meehan reform bill.

The motor voter law which passed this Congress in the early 1990s has proven to be a helpful way of bringing new people to the political process. If there is a need in this country, it is to engage people in the public debate, to bring them on to the voter rolls and to get them to participate.

People across the country have chronicled the decline in voter participation in primary elections and general elections. The public interest is not served when less than a third of the American people take the opportunity to participate in the elections that keep this representative form of democracy vibrant.

The motor voter law was established with broad bipartisan support so that we would remove impediments to becoming registered voters. By all accounts, it is working. In fact, there are even those who would argue that it is probably working far more to the benefit of Members of the other party than many anticipated when Republicans lead the opposition to this law.

This amendment would take on motor voter by setting up a very difficult and unworkable voter eligibility system using Social Security and the INS. The amendment would have, I think, a chilling effect on the effort to bring more people into the political process and would, as well, raise serious questions, not only of individual privacy, but of administrative workability.

All it would take would be a brief recollection of the difficulty we had in the case of my colleague from California Rep. LORETTA SANCHEZ, attempting to get information from the INS in any timely fashion to give Members an impression that this proposal is a recipe for potential disaster.

There is no need for us at the moment to make any significant change in the motor voter law. There has been an outpouring of support for it from the League of Women Voters and many other groups who strive to introduce new participants to the American political process.

There has been no justification offered for this amendment. To the degree that we have people voting inappropriately, I know of no reason why our district attorneys, our State election officials, and others responsible at the State and local level do not have the authority today to step in and eliminate whatever minor amount of voter fraud may exist.

So this is really a solution in search of a problem. But in real terms, it threatens the passage of reform in this Congress, which we all know is far more important than tinkering with the motor voter law that, by all odds, has been implemented successfully.

If we were to take this amendment tonight and put it into this bill, we would destroy the coalition, the bipartisan coalition that is on the verge of enacting one of the most significant reforms in the last 25 years and under the guise of doing something to solve a problem that I believe no one can attest to in terms of the reality of its existence in any significant way anywhere in the country, including my home State of California.

It goes far beyond the scope of campaign finance reform. It would override innumerable anti-discrimination safeguards which must remain in the law to make sure that all Americans, regardless of birth place or appearance, ethnicity, race, creed, have equal access to the voter rolls.

Mr. Chairman, I am in strong opposition to the Peterson amendment. I would hope Members who care about the enactment of Shays-Meehan, who want to go right at the heart of the dilemma we face today, and that is that voters are opting out of the process because they do not believe that they can impact it. They think it is only for those with money who control our political system.

The Shays-Meehan campaign reform bill will do more to instill confidence in the average American that it still matters if they bother to vote. That is something that we ought to be working on, not this fictitious problem, which I know some people on the other side of the aisle are fixated on, that holds that there are somehow illegal voters determining the outcome of the elections.

If we really want to make sure that elections are fought fair and square, we ought to be encouraging more people to vote, not suppressing their interest, as this amendment does.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield 10 seconds to me?

Mr. BLUNT. Mr. Chairman, I yield 10 seconds to my friend, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I am most grateful. I would simply ask that, at some point, the author might give me 30 seconds to ask a question, and that could come after the gentleman's prepared remarks.

Mr. BLUNT. Mr. Chairman, I would be pleased to hear the gentleman's question.

Mr. CAMPBELL. Mr. Chairman, that is very polite. I just wanted to ask about the bill's provision of what is called a final confirmation. If the Social Security or the INS does not have a record of you, as, for example, if you do not have a Social Security card, or you are born here so you do not have an INS record, the bill specifies that there must be what is called a ''secondary verification,'' and it must provide ''final confirmation.'' I just wonder what that might be. I appreciate the gentleman yielding to me.

Mr. BLUNT. Mr. Chairman, let me talk about the bill a little bit while the gentleman from Pennsylvania is getting that answer for the gentleman from California (Mr. CAMPBELL).

Let me also say that I think this is essentially the same kind of campaign reform that the House voted for on February 12, a bill that the gentleman from California (Mr. HORN) introduced, a bill that the chief election official from California said he thought was an improvement and an important addition to the ability of States to be able to, once again, manage the election process.

Until motor voter, with the exception of establishing age qualifications for voting for Federal office, which almost always, then, for reasons of practicality required the States to adopt that same age, we have left election administration to the States. This just simply allows the States to look at this to see if, in their State, this would work.

A majority of Members of this body said just a few months ago, on February 12, that this kind of thing was a good idea. It was a good addition to campaign reform.

I rise in support of the concept of the gentleman from Pennsylvania (Mr. PETERSON), that if we are going to reform campaigns, let us reach campaigns. A number of States already require that citizens give the Social Security number for registration.

So in Georgia, in Hawaii, in Kentucky, in New Mexico, in South Carolina, and Tennessee and Virginia, the

only change in this law would be that we also would have access to INS records. We would only have access to those records until 2001 to see if this concept is helpful or harmful.

It allows a pilot project for the States that want to do it. It does not require a single State to do a single thing. It was approved by a majority of voters that voted on the floor of this House in February.

The gentleman from Pennsylvania (Mr. PETERSON) brings it as an additional element of campaign reform. It is not a mandate. It is a pilot program. I would suggest it is the kind of thing that we ought to return back to the States while we are talking about election reform.

Mr. Chairman, I yield back my time to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield to the gentleman from California (Mr. CAMPBELL) to answer his question.

Mr. CAMPBELL. Mr. Chairman, I would be so grateful. Of course it is the gentleman's time. If he would yield to me, I have a follow-up.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I heard the gentleman's question. It is my understanding that, if the INS records and the Social Security records did not prove one to be a citizen, then the body requiring that information could, if they choose, remove one from the rolls or refuse to enroll one as a voter.

Mr. CAMPBELL. Mr. Chairman, would the gentleman yield to me just a second longer?

Mr. PETERSON of Pennsylvania. Sure.

Mr. CAMPBELL. Mr. Chairman, let me say at the start, the gentleman has been very courteous to me and also my good friend, the gentleman from Missouri (Mr. BLUNT).

The gentleman says, at least as I read it, that if one is not going to be picked up by INS, which is going to be the case for those of us born in the United States, and, for some reason, one is not picked up by Social Security, which might be the case if one has not worked yet, it may be true for an 18 year old, then it says the Attorney General shall specify a secondary verification process to confirm the validity of information provided and to provide final confirmation or nonconfirmation.

So my question, if someone does not have a Social Security card because that person has not started working, and is born in this country, so there is no INS record, what would the secondary verification process be?

Mr. PETERSON of Pennsylvania. Well, I think, one, if one has some record as a person to prove that one is a citizen, and one should have if one is, then one would provide that; and that serves the bill. Or the Attorney General could come forth with other means that he felt was ample proof.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield just for two seconds further?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman's answer. I will not use his time to make a comment about it.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I reserve the remainder of my time.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, 5 years ago, as a new Member of the House of Representatives, I was so proud to support the motor voter bill, a bill which made it easier for people to vote. It made it easier by allowing more convenient access to voter registration for new voters or for voters who had moved to a new area.

The motor voter bill is a symbol of our country's belief that it is every citizen's right to have access to the ballot box, every citizen's right, not just some citizens.

Today, I am ashamed that some in this body would turn the clock back, back to a time when the Federal Government would make it more difficult, not less difficult, for every person to vote in this country, every legitimate person.

For example, the amendment by the gentleman from Pennsylvania (Mr. PETERSON) would unreasonably burden some would-be voters by requiring them to show proof of citizenship at the polls on election day. Because of what? Their appearance? The color of their skin? That they have an accent?

I would ask my colleagues, at a time when voter turnout is embarrassingly low in this democratic country of ours, do we really want to make it more difficult for citizens to exercise the right to vote? Of course the answer is no, which is exactly how we should vote on this ill-conceived amendment: ''No'' on the Peterson amendment, ''yes'' on the Shays-Meehan bill.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself what time is needed to respond.

It is interesting. A few moments ago, we were told that this was the most significant poison that is being attempted to be added to this bill. That is a pretty significant statement, that it is poison to try to eliminate fraud. I have a hard time understanding that.

I am going to say it again. It has been said that this is the most significant poison that will be offered to this bill that only has a pilot program that allows States, if they choose, to try to eliminate fraud. I find that hard to understand.

Someone else just said that it was unthinkable to amend motor voter. Motor voter had some problems and has some problems today because there is no system of verification. I could register my dog ''Ralph'' by calling him Ralph Peterson, and he would be registered. I could register my cat. I do not happen to have one, but I could.

Motor voter has opened the registration process to fraud. That is one of the weaknesses of motor voter. Just to share with you, a Committee on House Oversight task force uncovered serious voter fraud in California during the 1996 election.

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They conducted an exhaustive yearlong examination and found 820 individuals who were not citizens at the time of registration that likely voted. In 1996 the California Secretary of State found over 700 noncitizens on the California voter rolls and invalidated their registrations, and he would like this legislation to help him do that more effectively.

Texas Deputy Assistant Secretary of State Tom Harrison reports that 750 resident aliens from Guadalupe, Texas filed applications for absentee ballots in November of 1994 elections, after campaign workers told them that their green cards enabled them to vote by mail.

The Los Angeles Times reported in May of 1994 that Jay McKama, an undocumented immigrant, was sentenced to 16 months in State prison for registering noncitizens to vote. The bounty hunter worked for Steve Martinez, a Los Angeles political activist who paid $1 per registration. The practice of paying bounty hunters to register individuals to vote has contributed to an increase in noncitizen voting. In some cases noncitizens have been targeted by those bounty hunters.

Every time someone votes illegally, they cancel our vote. They cancel a good vote.

Mr. BLUNT. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Chairman, I am glad the gentleman made that point, because our colleague from California just made the point that every legitimate voter, that is exactly the statement she made, should be allowed to register to vote and should be allowed to vote, and that is certainly right, and they should be allowed to do that with as little encumbrance as is reasonably possible. The least encumbrance would be no registration at all.

We tried that for generations in America, and finally we found out that that did not work, because people voted more than once, they voted at more than one location. We decided we had to have voter registration, and every legitimate voter should be allowed to register, every legitimate voter should be allowed to vote. But every time we let someone cast a ballot who is not a legitimate voter, who does not meet the requirements to vote in that election or in this country, we do just exactly what the sponsor of the amendment said; we cancel out the vote of voters who had a right to vote. That is every bit as big a problem as

any other problem we could have in this process.

If people begin to think that there is no reason to go to the polls because their vote is going to be canceled by somebody who should not have been allowed to register because they were not a citizen, they stop going to the polls for that reason as well. Every legitimate voter should be able to vote.

This amendment, which the House has already passed in the form of a bill one other time and needs to be included in this reform package, merely says to the States, if the States want to try this as a way to verify that, in fact, the people who are casting ballots at your election have a right to do that as American citizens, give it a try until 2001 and we will see if that produces better results.

Mr. GREENWOOD. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Mr. Chairman, I would like to convey to the gentleman that I rise to support the gentleman's idea and to oppose his amendment, and let me say why and why it is we call it a poison pill.

I think it was in 1995 when we voted for motor voter legislation. I voted against it and I drafted legislation to change it, not because I did not want to encourage Americans to register and to vote, but because I was afraid that we would never be able to purge people who should not vote, that, in fact, it would become a system too easily defrauded; and it does need to be changed, and I agree entirely with the gentleman and his proposal here.

It is a poison pill because the coalition that we need to pass this legislation consists of a lot of Democrats, and the motor voter bill is based on relatively party lines. What we do not want to happen, those of us who are just determined to do away with soft money in these sham ads, what we do not want to do is let the perfect become the enemy of the good.

We think that the gentleman's proposal, while it is a good one, becomes the enemy of the passage of our bill. It is not the idea that is poison, it is the way that it breaks up our coalition. I am sure that is not the gentleman's purpose.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank my colleague for yielding. I have a warning to libertarians. Libertarians, please be worried, be very worried about a bill that creates, and I quote, ''. . . the Attorney General shall specify . . . an available secondary verification process . . . to provide final confirmation,'' regarding citizenship status.

I do not see how this can be done without a new federal record system on individuals. ''Secondary'' means if one cannot prove citizenship by INS records, cannot prove it by Social Security records. I do not see how this can lead to anything but a national I.D. system. That is in the gentleman's amendment. Therefore, I oppose it.

Mr. MEEHAN. Mr. Chairman, I thank the gentleman from California for that warning to all of the libertarians and others. I appreciate that very articulate presentation.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY), another leader in the bipartisan effort to pass campaign finance reform.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, I rise regretfully in opposition to this amendment. I do not rise in opposition to the intention and the spirit of the amendment.

I think that, quite appropriately, the gentlewoman from California pointed out that qualified voters should vote. I think that the gentleman from California who spoke in opposition to this motion probably made his point clear, by saying that we want people to vote. We want people to be able to vote. We want people to be able to register to vote.

In all fairness, I agree with the gentleman from Pennsylvania that citizens should be able to vote. Qualified citizens, not just any person. I strongly support the intention of the gentleman's amendment.

I think that, sadly, as somebody who was a county supervisor and supervised the electoral process for over 2.7 million people, that too often we talk about quantity, and not the quality of the process. The fact is that the integrity of our electoral process needs to be defended.

But tonight I must speak in opposition to this special vehicle, which is asking Shays-Meehan to carry this burden, while trying to keep enough votes together to be able to pass comprehensive campaign finance reform. There are people on both sides of the aisle who will use this as an excuse to oppose our campaign finance reform, Shays-Meenhan, if we at this point require the system to require people to basically prove that they are qualified voters, that they are over 18, that they are a citizen of the United States.

I strongly support the intention that the gentleman is trying to make with his amendment. It is just that the vehicle, at this time, will kill campaign finance reform, because there are people in this Congress who will adamantly kill any piece of campaign finance legislation, no matter how good it is, if it means that we will address this problem of unqualified people being able to register and vote.

So I sadly have to oppose this, and I would ask the gentleman to join with those of us on both sides of the aisle that believe that the integrity of finance campaign reform and the integrity of our electoral process needs to be finally addressed one way or the other.

Campaign finance reform. We are trying to do it with this bill. I hope that, at the appropriate time in the future, Democrats will come across the aisle and join us in supporting the gentleman's thoughtful effort to ensure for the integrity of the electoral vote.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The gentleman from Massachusetts (Mr. MEEHAN) has 10½ minutes remaining; the gentleman from Pennsylvania (Mr. PETERSON) has 5½ minutes remaining and the right to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Chairman, if a national I.D. card is what we are concerned about, take some of those aspects out in conference. I heard some Members say this is good, but it is so good, it might hurt the bill.

Bob Dole cannot write a check in a supermarket without proving his identity. One cannot get on a plane without proving some identity. One cannot get a driver's license in America without proving some identity.

What is more important, and I always hear, ''This is good, but not now, do not do it now.'' This is campaign finance reform. If we do not do it now, this turkey is dead in the future. If we are going to do it, do it now, if this thing is going to fly. I support it.

Citizens should vote. Noncitizens should not vote. We insult no one by ensuring that an illegal vote does not cancel out our legal votes. In America the people govern. There is nothing more important in this bill than foreign money influence, attempts to corrupt us for foreign interests and illegal votes cast in elections.

Mr. Chairman, I took a lot of heat on the Democrat side, the only one who took a parliamentary stand in the matter of the Dornan-Sanchez race, and I think the gentlewoman has done a great job. But I think that should be straightened out, and we should have the facts before we certify anybody's election, especially when there is a taint of illegal votes.

So look, if Bob Dole cannot write a check in a supermarket without proving that check with some identification, if one cannot get a driver's license, if one cannot get on a plane, then by God, in America, one should be able to do some reasonable identification to prove one is a citizen. Citizens govern.

Mr. CAMPBELL's concerns are very important, and Mr. Chairman, let me say this. We keep making it easy for illegal citizens and illegal votes in campaigns, and we will have done nothing with campaign finance reform. All we do is massage the politics of the American theater as far as politics is concerned.

Mr. CAMPBELL has a legitimate concern. He is a very astute man. That could be worked out in conference, but the concept of illegal votes not in elections must be determined. If we do not do it this way, how the hell do we do it?

Mr. MEEHAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this amendment has nothing to do with campaign finance reform, absolutely nothing to do with campaign finance reform. This bill, as we are on the verge of passing, is not an excuse for anyone who has any idea about anything to come into this House floor and try to defeat this bill. This has nothing to do with campaign finance reform. We are on the verge of making history with the most significant campaign finance reform bill in 20 years. Let us get on and pass this bill.

Mr. Chairman, I yield 4½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time. I thank him for all of his hard work on this issue.

Mr. Chairman, the gentleman from Ohio (Mr. TRAFICANT), my friend, says that in America people govern, and that is true. All of the people govern, including those who have surnames such as mine, and who were born in this country. And they do not deserve the right to be discriminatorily applied against, which is in essence what this amendment does.

I heard before the suggestion of the fact that what is wrong with the pilot program? Well, nothing is wrong with a pilot program, but even abridging rights in a pilot program does not make it constitutionally firm, it makes it constitutionally infirm.

I also heard the discussion about cancelling out of a vote, but what happens to the American citizen who, through your process, is denied the ability to vote because of some problem with the INS, some problem with Social Security; is not their cancellation of their vote equal to the cancellation we are so worried about?

For members of my family who live in Cuba and others throughout the world who do not have the right to vote for this, basic freedom is only a cherished dream. Well, what the author of this amendment, however, forgot about is that in America, voting is not a dream, it is not just another government benefit or program to be means tested, it is a constitutional guarantee, what all who came to this Chamber were sworn to uphold.

□ 2000

Americans should not be subjected to a government background check when they register to vote. But that is just what this amendment does, it turns the ballot box into an interrogation zone, where Americans are guilty until they have proven themselves innocent.

Imagine going to vote, myself going to vote, having been born in this country, a member of the United States Congress, and having to be interrogated at the ballot box to try to prove that I should be able to vote. Particularly, I would urge some of my colleagues to look at the history of what has happened in different States where ballot security squads were created to disenfranchise minority voters. The application at that table by those election judges will be discriminatorily applied, if they wish to do so.

What will be the guarantee? How will Members ensure that my vote is not annulled, as the gentleman is concerned about his being annulled? And to show they are citizens, Republicans want the Social Security Administration and the Immigration and Naturalization Service to run background checks and share private information on American voters.

If it is not to be discriminatorily applied, everyone who seeks to register would have all of their private information given to electoral officials. Is that what they want, Big Brother? I have heard so many of them rail against that.

Now, where is this test going to take place? This test of this security checkout program will take place in California, Florida, Texas, New York, and Illinois, States with large minority populations, especially Americans with Hispanic descent.

We already know the problems with identical names and dates of birth, especially among minority voters, that caused many legal voters to be targeted by what is now the discredited Dornan investigation. If this new program goes forward, many, many other innocent Americans may find government officials targeting them, too.

Clearly, the right to vote in this Nation should not be subject to government intrusion, and I say specifically that Hispanic American voters will not forget Members' continuing persecution of their rights. Vote against the Peterson amendment and keep Shays-Meehan in order.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA), a leader in our bipartisan effort.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a person who was one of the strong supporters of the pilot program of the gentleman from California (Mr. HORN), and I not only voted for it, I promoted it back in March, that would deal with the eligibility of voters and the reforms that the gentleman from New Jersey (Mr. MENENDEZ) was just referring to, and to the essence of the proposal of the gentleman from Pennsylvania (Mr. PETERSON), here, I have to say that this is only an effort to really sabotage this bill.

We are so close. I am not going to let us take victory from the jaws of defeat, or defeat from the jaws of victory, either way that you want to say it. We must stick with Shays-Meehan. This is the golden opportunity in this Congress to get genuine campaign finance reform. The other issue is entirely separate, and we can take that up in a separate matter. I will be strongly supportive of that. But for now, we cannot sabotage Shays-Meehan. We must defeat the Peterson amendment.

Mr. Chairman, I rise in reluctant—yet clear-eyed opposition—to the amendment offered by my Colleague from Pennsylvania, Mr. PETERSON.

I want my Colleagues to know that I support the substance of this amendment. The events of the past several years have uncovered a disturbing trend in elections.

Without referring to a specific election or a specific state or a specific region, there is more than anecdotal evidence that more than a few of our elections are being tainted.

Tainted by voters who should not be voters. As Mr. PETERSON has reported—but this is not new. That's why we have had these legal actions.

Voters who have no right to participate in our electoral process.

My Colleagues, the very foundation of our representative democracy is ''one man-one vote.'' We—in this body—have a solemn responsibility to preserve that foundation by protecting the integrity of the electoral process.

In this regard, I think it is a worthwhile exercise that we test new methods to verify the eligibility of all voters in all elections. Indeed, I voted for Rep. HORN'S pilot program back in March.

And I have never been an enthusiastic supporter of the various motor-voter programs. I think they present an engraved invitation for fraud and abuse.

So I would support this legislation. But not here, Not now. Not on this bill. The clear purpose of this amendment is to undermine and divide support for this major reform that goes to the heart of abuses.

As you know, I have been an original cosponsor of the Shays-Meehan campaign finance reform bill—in all of its various iterations. I think the lack of comprehensive campaign reform has been one of the most glaring failures of this Congress . . . the last Congress . . . the Congress before that . . . and several Congresses before that.

It just reinforces the cynicism of the American people about our motives and our actions.

We have here in the Shays-Meehan substitute a golden opportunity to snatch victory from the jaws of defeat. We have a real opportunity to pass genuine campaign reform.

Unfortunately, the Peterson amendment threatens our efforts here.

I support the goals of the Peterson amendment and would pledge to work with the gentleman from Pennsylvania to pass this amendment as a free-standing bill. But I cannot support it as an amendment to Shays-Meehan.

Defeat the Peterson amendment.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I oppose this amendment on two grounds. I first oppose this amendment on the logic that says, because when you go to the

supermarket and pay money, you sometimes have to show your license; and I oppose it on the logic that says when we go to get an airplane ride and we pay money, we have to show our license. Good grief, this is a constitutionally protected right. We do not have to pay money to vote, and why should we have to show a picture to vote?

On that ground, the logic of comparing this to airline traffic, or when we go to supermarkets, is beyond me. This is a constitutionally protected right. We should not have to pay money and we should not have to show our picture.

But I oppose it on other grounds, as well. The bottom line is, this is campaign finance reform we are debating. This legislation does not deal with campaign finance reform, it deals with motor voter. We are in the majority as Republicans, and we are pushing this proposal, this amendment. Just bring it out on its own separate merit and vote it up-or-down. Do not tie it in with campaign finance reform.

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to another leader in our bipartisan effort, the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, the operative word is ''finance.'' This is about campaigns, this amendment. I agree, frankly, with the intent of the author of this amendment. I agree so many times with my friend, the gentleman from Ohio (Mr. TRAFICANT). But campaign finance is about raising money and spending money and reelecting Federal candidates. That is what we have been working on here.

This actually is a legitimate issue. It is like combining school vouchers with a higher education bill. They are both education, but they do not belong together. This issue does not belong in this bill. We need to pass this bill clean, and we need to vote down this amendment, even though I agree with the intent of the author, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, the people that come before us and say they are for campaign finance changes say it will protect the integrity of elections. What about protecting the integrity of elections? Why do they want to so narrowly define it that they only stick to the subject areas they want to?

Kentucky is one of the States where we have to have a Social Security number to register. We did not do that to discriminate, we did that with a Democratic Party legislature, because we had such fraud in our voting process. We did it to protect the integrity of the election.

What the people who oppose this today say is that, we would rather make our bed and pass a law with people who do not want to protect certain portions of the integrity of the election process in order to pass our own version. This is exactly what I fear about campaign finance reform, that we will pass laws that certain people will not want enforced, they will not pursue, they will not really protect the election process.

If they are not willing to protect the laws that say only citizens can vote, I would never want to be on their team to pass any other laws.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

I would point out that the gentlewoman has no intentions of supporting campaign finance reform, Mr. Chairman.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. BECERRA).

The CHAIRMAN pro tempore. The gentleman from California (Mr. BECERRA) is recognized for 3½ minutes, the balance of time.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me, but more, I thank him for his efforts to get this to the floor and finally get it passed. I think we are going to get there.

Mr. Chairman, this is truly a poison pill, but it is a poison bill for a number of different reasons. Perhaps the most important to a number of people is the fact that it poisons the well to people who wish to become for the first time ever participants in our democracy, because they have just become U.S. citizens.

Let us make no mistake, this is not an effort to try to make sure that only American citizens vote. This is an effort to try to exclude those who are our newest American citizens from participating. Because if it were an effort to try to address the issue of all of our citizens, all of the people who live in this country being eligible to vote, then it would not target just the States where the most new citizens happen to reside, States like mine in California.

If we look at page 2 of the bill, there it is, States of California, New York, Texas, Florida, and Illinois. If I were to name the five States with the highest Latino population in the Nation, they would be States like California, New York, Texas, Florida, Illinois. What a coincidence that this bill goes after those States where the most Hispanics happen to reside. That is where there are a lot of new Hispanic voters.

What else does this bill do? It tells us that somehow, through the Social Security Administration and the INS, we are going to be able to determine the citizenship of the 267 some-odd million people who live in this country.

Wake up. Social Security has never been able to determine citizenship for anyone. Wake up, the INS cannot determine the citizenship for even all the folks who have immigrateed into this country. Wake up, they are targeting only those who were not born in this country, and somehow in their mind they are not eligible to vote. Wake up, how will someone determine if this individual should or should not be checked in terms of citizenship?

Tell me how a county registrar of voters is supposed to determine which individual to ask, ''Can I get your Social Security number?'' How will someone at the Motor Vehicle Department, when someone is filling out an application for registration for voting, say, ''Wait a minute, you have passed your license test to drive, but can I see your Social Security number? Because I need to check to find out if you are a citizen''?

What will determine when someone gets asked whether or not they are citizens or not? Will it be the way they speak or the way they look, or will it be by the spelling on the last name? When that official tries to check with the INS and SSA and finds out that they cannot do this, what happens to that person's eligibility to vote? This is a targeted effort, unfortunately, at people who are beginning to participate. It scares some people. I am sorry that it does. The intentions may be good, but the mechanics of this amendment are totally wrong.

Someone said, let us protect the integrity of elections. Absolutely, let us do that. Let us do so. But let us protect the integrity of the Bill of Rights. Let us protect the integrity of the right to privacy. Let us protect the integrity of the right to freedom. Let us protect the integrity of this effort to reform our campaign finance laws.

Let us not get involved in this whole debate about how we tell which of the 267 million people who reside in this country are or not citizens through a process that we know cannot work, because the Social Security Administration and the INS have told us they cannot give us that information.

Please defeat this amendment. This is not the way to do it, and certainly we send the wrong message to our newest citizens who are trying to live in this greatest of democracies.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

I want to respond to two issues first. Someone talked about safeguards. It says right in the bill, to have reasonable safeguards against the pilot program resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of this pilot program.

Someone else said a national ID card. Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards, or the establishment of a national identification card. Those are false, bogus arguments against this bill.

Is Shays-Meehan perfect? We are being told it is perfect. I get mail every day that says it is not perfect. I get phone calls every day that say it is not perfect. This is only a pilot program. If it works, we expand it. If it does not

work in 2001, we throw it away. Why are we afraid about stopping voter fraud?

In my view, the two worst problems we face about elections are illegal foreign money and noncitizen voting, and Shays-Meehan does not do anything about either of them. The States that we have listed, many of them are asking for help. Local registrars are asking for help. How do they know if people are citizens when they register them? They are begging for us to help.

Mr. Chairman, this is an argument, and those who think we should not stop voter fraud, those who think we should not require citizenship, then should stand up and support a bill that does away with it, that you do not have to be a citizen to vote, that you just have to be here.

Mr. Chairman, this is a simple pilot project that makes sense, that can work. I urge all the Members to support it.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 9 offered by the gentleman from Virginia (Mr. GOODLATTE), amendment No. 10 offered by the gentleman from Mississippi (Mr. WICKER); amendment No. 13 offered by the gentleman from California (Mr. CALVERT); an amendment offered by the gentlewoman from Washington (Mrs. LINDA SMITH); amendment No. 16 offered by the gentleman from California (Mr. ROHRABACHER); amendment No. 17 offered by the gentleman from Texas (Mr. PAUL); amendment No. 18 offered by the gentleman from Texas (Mr. PAUL); amendment No. 19 offered by the gentleman from Texas (Mr. DELAY); amendment No. 21 offered by the gentleman from Pennsylvania (Mr. PETERSON).

AMENDMENT NO. 9 OFFERED BY MR. GOODLATTE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment No. 9 offered by Mr. GOODLATTE to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ____—VOTER REGISTRATION REFORM

SEC. ____01. REPEAL OF REQUIREMENT FOR STATES TO PROVIDE FOR VOTER REGISTRATION BY MAIL.

(a) IN GENERAL.—Section 4(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2) is amended—

(1) in paragraph (1), by adding ''and'' at the end;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) CONFORMING AMENDMENTS RELATING TO UNIFORM MAIL VOTER REGISTRATION FORM.—(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking section 9.

(2) Section 7(a)(6)(A) of such Act (42 U.S.C. 1973gg–5(a)(6)(A)) is amended by striking ''assistance—'' and all that follows and inserting the following: ''assistance a voter registration application form which meets the requirements described in section 5(c)(2) (other than subparagraph (A)), unless the applicant, in writing, declines to register to vote;''.

(c) OTHER CONFORMING AMENDMENTS.—(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking section 6.

(2) Section 8(a)(5) of such Act (42 U.S.C. 1973gg–6(a)(5)) is amended by striking ''5, 6, and 7'' and inserting ''5 and 7''.

SEC. ____02. REQUIRING APPLICANTS REGISTERING TO VOTE TO PROVIDE CERTAIN ADDITIONAL INFORMATION.

(a) SOCIAL SECURITY NUMBER.—

(1) IN GENERAL.—Section 5(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–3(c)(2)) is amended—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(F) shall require the applicant to provide the applicant's Social Security number.''.

(2) CONFORMING AMENDMENT.—Section 5(c)(2)(A) of such Act (42 U.S.C. 1973gg–3(c)(2)(A)) is amended by inserting after ''subparagraph (C)'' the following: '', or the information described in subparagraph (F)''.

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1999, and shall apply with respect to applicants registering to vote in elections for Federal office on or after such date.

(b) ACTUAL PROOF OF CITIZENSHIP.—

(1) REGISTRATION WITH APPLICATION FOR DRIVER'S LICENSE.—Section 5(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–3(c)) is amended by adding at the end the following new paragraph:

''(3) The voter registration portion of an application for a State motor vehicle driver's license shall not be considered to be completed unless the applicant provides to the appropriate State motor vehicle authority proof that the applicant is a citizen of the United States.''.

(2) REGISTRATION WITH VOTER REGISTRATION AGENCIES.—Section 7(a) of such Act (42 U.S.C. 1973gg–5(a)) is amended by adding at the end the following new paragraph:

''(8) A voter registration application received by a voter registration agency shall not be considered to be completed unless the applicant provides to the agency proof that the applicant is a citizen of the United States.''.

(3) CONFORMING AMENDMENT.—Section 8(a)(5)(A) of such Act (42 U.S.C. 1973gg–6(a)(5)(A)) is amended by striking the semicolon and inserting the following: '', including the requirement that the applicant provide proof of citizenship;''.

(4) NO EFFECT ON ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—Nothing in the National Voter Registration Act of 1993 (as amended by this subsection) may be construed to require any absent uniformed services voter or overseas voter under the Uniformed and Overseas Citizens Absentee Voting Act to provide any evidence of citizenship in order to register to vote (other than any evidence which may otherwise be required under such Act).

SEC. ____03. REMOVAL OF CERTAIN REGISTRANTS FROM OFFICIAL LIST OF ELIGIBLE VOTERS.

(a) IN GENERAL.—Section 8(d) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3)(A) At the option of the State, a State may remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence if—

''(i) the registrant has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the day after the date of the second previous general election for Federal office held prior to the date the confirmation notice described in subparagraph (B) is sent and ending on the date of such notice;

''(ii) the registrant has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in any of the first two general elections for Federal office held after the confirmation notice described in subparagraph (B) is sent; and

''(iii) during the period beginning on the date the confirmation notice described in subparagraph (B) is sent and ending on the date of the second general election for Federal office held after the date such notice is sent, the registrant has failed to notify the State in response to the notice that the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction.

''(B) A confirmation notice described in this subparagraph is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which a registrant may state his or her current address, together with information concerning how the registrant can continue to be eligible to vote if the registrant has changed residence to a place outside the registrar's jurisdiction and a statement that the registrant may be removed from the official list of eligible voters if the registrant does not respond to the notice (during the period described in subparagraph (A)(iii)) by stating that the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction.''.

(b) CONFORMING AMENDMENT.—Section 8(i)(2) of such Act (42 U.S.C. 1973gg–6(d)) is amended by inserting ''or subsection (d)(3)'' after ''subsection (d)(2)''.

SEC. ___04. PERMITTING STATE TO REQUIRE VOTERS TO PRODUCE ADDITIONAL INFORMATION PRIOR TO VOTING.

(a) PHOTOGRAPHIC IDENTIFICATION.—Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

''(j) PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE PHOTO IDENTIFICATION.—A State may require an individual to produce a valid photographic identification before receiving a ballot (other than an absentee ballot) for voting in an election for Federal office.''.

(b) SIGNATURE.—Section 8 of such Act (42 U.S.C. 1973gg–6), as amended by subsection (a), is further amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

''(k) PERMITTING STATES TO REQUIRE VOTERS TO PROVIDE SIGNATURE.—A State may require an individual to provide the individual's signature (in the presence of an election official at the polling place) before receiving a ballot for voting in an election for Federal office, other than an individual who is unable to provide a signature because of illiteracy or disability.''.

SEC. ___05. REPEAL OF REQUIREMENT THAT STATES PERMIT REGISTRANTS CHANGING RESIDENCE TO VOTE AT POLLING PLACE FOR FORMER ADDRESS.

Section 8(e)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(e)(2)) is amended—

(1) by striking ''(2)(A)'' and inserting ''(2)''; and

(2) by striking ''election, at the option of the registrant—'' and all that follows and inserting the following: ''election shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.''.

SEC. ___06. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to elections for Federal office occurring after December 1999.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote of this series.

The vote was taken by electronic device, and there were—ayes 165, noes 260, not voting 9, as follows:

[Roll No 358]

AYES—165

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lucas
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Redmond
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Spence
Stearns
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—260

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Gonzalez
Istook
Linder
McDade
Moakley
Rangel
Riggs
Towns
Young (FL)

☐ 2035

Messrs. CRAPO, LAZIO of New York, WAXMAN, MCGOVERN, and HALL of Texas changed their vote from ''aye'' to ''no.''

Messrs. HILLEARY, WAMP, and LEWIS of California changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings. The chair would request Members to remain in the chamber and to vote in the allotted time.

AMENDMENT OFFERED BY MR. WICKER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE, NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. WICKER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. WICKER to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —PHOTO IDENTIFICATION REQUIREMENT FOR VOTERS

SEC. 01. PERMITTING STATE TO REQUIRE VOTERS TO PRODUCE PHOTOGRAPHIC IDENTIFICATION.

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

''(i) PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE PHOTO IDENTIFICATION.—A State may require an individual to produce a valid photographic identification before receiving a ballot for voting in an election for Federal office.''.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 231, not voting 11, as follows:

[Roll No. 359]

AYES—192

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—231

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Turner
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Bateman
Gonzalez
Istook
Kennedy (MA)
McDade
Moakley
Rangel
Riggs
Scarborough
Towns
Young (FL)

□ 2042

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CALVERT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BLUNT). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CALVERT) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. CALVERT to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

TITLE ___—RESTRICTIONS ON NONRESIDENT FUNDRAISING

SEC. ___01. LIMITING AMOUNT OF CONGRESSIONAL CANDIDATE CONTRIBUTIONS FROM INDIVIDUALS NOT RESIDING IN DISTRICT OR STATE INVOLVED.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1) A candidate for the office of Senator or the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to an election from persons other than local individual residents totaling in excess of the aggregate amount of contributions accepted from local individual residents (as determined on the basis of the information reported under section 304(d)).

''(2) In determining the amount of contributions accepted by a candidate for purposes of this subsection, the amounts of any contributions made by a political committee of a political party shall be allocated as follows:

''(A) 50 percent of such amounts shall be deemed to be a contributions from local individual residents.

''(B) 50 percent of such amounts shall be deemed to be contributions from persons other than local individual residents.

''(3) As used in this subsection, the term 'local individual resident' means—

''(A) with respect to an election for the office of Senator, an individual who resides in the State involved; and

''(B) with respect to an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an individual who resides in the congressional district involved.''.

(b) REPORTING REQUIREMENTS.—Section 304 of such Act (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(d) Each principal campaign committee of a candidate for the Senate or the House of Representatives shall include the following information in the first report filed under subsection (a)(2) which covers the period which begins 19 days before an election and ends 20 days after the election:

''(1) The total contributions received by the committee with respect to the election involved from local individual residents (as defined in section 315(i)(3)), as of the last day of the period covered by the report.

''(2) The total contributions received by the committee with respect to the election involved from all persons, as of the last day of the period covered by the report.''.

(c) PENALTY FOR VIOLATION OF LIMITS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

''(4)(A) Any candidate who knowingly and willfully accepts contributions in excess of any limitation provided under section 315(i) shall be fined an amount equal to the greater of 200 percent of the amount accepted in excess of the applicable limitation or (if applicable) the amount provided in paragraph (1)(A).

''(B) Interest shall be assessed against any portion of a fine imposed under subparagraph (A) which remains unpaid after the expiration of the 30-day period which begins on the date the fine is imposed.''.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 278, not voting 9, as follows:

[Roll No. 360]

AYES—147

Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Blunt
Boehner
Bono
Brady (TX)
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fawell
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hoekstra
Horn
Hulshof
Hunter
Inglis
Jenkins
Jones
Kingston
Klug
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Linder
Lipinski
Livingston
Lucas
Luther
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McKeon
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Paxon
Pease
Peterson (PA)
Petri
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Rohrabacher
Royce
Salmon
Saxton
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Smith (MI)
Smith (TX)
Snowbarger
Souder
Spence
Stearns
Stump
Stupak
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Wolf
Young (AK)

NOES—278

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Campbell
Capps
Cardin
Carson
Castle
Christensen
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Pickett
Pitts
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaefer, Dan
Schumer
Scott
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Sununu
Tanner
Tauscher
Thompson
Thornberry
Thurman
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Buyer
Fox
Gonzalez
Istook
McDade
Moakley
Riggs
Towns
Young (FL)

☐ 2050

Mr. PICKERING changed his vote from ''aye'' to ''no.''

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MRS. LINDA SMITH OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BLUNT). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington (Mrs. LINDA SMITH) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. Shays) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LINDA SMITH of Washington to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

In Section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(a) of the substitute, strike subparagraph (b) and add the following:

''(B) Voting Record and Voting Guide Exception—The term ''express advocacy'' does not include a communication which is in printed form or posted on the Internet that—

''(1) presents information solely about the voting record or position on a campaign issue of 1 or more candidates, provided however, that the sponsor of the voting record or voting guide may state its agreement or disagreement with the record or position of the candidate and further provided that the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates,

(ii) is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent; provided that nothing herein shall prevent the sponsor of the voting guide from directing questions in writing to candidates about their position on issues for purposes of preparing a voter guide, and the candidate from responding in writing to such questions, and

''(iii) does not contain a phrase such as 'vote for,' 're-elect,' 'support,' 'cast your ballot for,' '(name of candidate) for Congress,' '(name of candidate) in 1997.' 'vote against,' 'defeat,' or 'reject,' or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.''

In Section 301(8) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, strike paragraph (D) and insert:

''(D) For purposes of subparagraph (C), the term 'professional services' means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)(B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office.''

In Section 301(8)(C)(v) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, add at the end thereof,

'', provided however that such discussions shall not include a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or consisting of similar lobbying activity in the case of a candidate holding State or elective office.''

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 343, noes 84, not voting 7, as follows:

[Roll No. 361]

AYES—343

Abercrombie
Ackerman
Allen
Andrews
Archer
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bunning
Buyer
Calvert
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)

NOES—84

Aderholt
Armey
Baker
Barr
Bartlett
Barton
Bateman
Bilirakis
Bono
Brown (FL)
Bryant
Burr
Burton
Callahan
Camp
Cannon
Chambliss
Chenoweth
Cox
Deal
DeLay
Doolittle
Dreier
Ehrlich
Gephardt
Goode
Goodling
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hoekstra
Hulshof
Hutchinson
Johnson, Sam
Jones
King (NY)
Kingston
Knollenberg
Lewis (CA)
Manzullo
Martinez
McCollum
McInnis
Meek (FL)
Mollohan
Moran (KS)
Murtha
Northup
Norwood
Obey
Oxley
Packard
Pappas
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Riley
Rogers
Royce
Ryun
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Solomon
Stearns
Stump
Sununu
Waters
Weldon (FL)
Whitfield
Wicker
Woolsey

NOT VOTING—7

Gonzalez
Istook
McDade
Moakley
Riggs
Towns
Young (FL)

□ 2057

Mr. KINGSTON, Mr. SCARBOROUGH and Mrs. NORTHUP changed their vote from ''aye'' to ''no.''

Mr. BLAGOJEVICH changed his vote from ''no'' to ''aye.''

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROHRABACHER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 272, not voting 7, as follows:

[Roll No. 362]

AYES—155

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Bartlett
Bateman
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Bunning
Burton
Callahan
Calvert
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clay
Coble
Coburn
Collins
Combest
Conyers
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Ensign
Everett
Fossella
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Granger
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Holden
Hostettler
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
King (NY)
Klink
Kolbe
Kucinich
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mink
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Norwood
Packard
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pombo
Pryce (OH)
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Sabo
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Wicker
Wilson
Young (AK)

NOES—272

Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Buyer
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Condit
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton

Harman
Hastert
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klug
Knollenberg
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Lee
Levin
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mollohan
Morella
Nadler
Neal
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—7

Gonzalez
Istook
McDade
Moakley
Riggs
Towns
Young (FL)

□ 2105

Mr. CONYERS changed his vote from ''no'' to ''aye.''

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAUL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 17 offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore (Mr. BLUNT). A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 62, noes 363, not voting 9, as follows:

[Roll No. 363]

AYES—62

Abercrombie
Armey
Bartlett
Bilirakis
Boswell
Campbell
Chenoweth
Coble
Cook
Cooksey
Crane
Cunningham
Davis (IL)
Deal
Doggett
Doyle
Ehlers
Filner
Foley
Fox
Goodling
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Largent
LaTourette
Leach
McIntosh
Metcalf
Mica
Mink
Moran (KS)
Moran (VA)
Murtha
Nadler
Nethercutt
Norwood
Pastor
Paul
Pombo
Rahall
Redmond
Roemer
Rogan
Royce
Sanders
Sanford
Schaefer, Dan
Sessions
Sherman
Shimkus
Smith, Linda
Sununu
Taylor (NC)
Tiahrt
Torres
Traficant
Watts (OK)
Weller
Young (AK)

NOES—363

Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mollohan
Morella
Myrick
Neal
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—9

Bateman
Gonzalez
Herger
Istook
McDade
Moakley
Riggs
Towns
Young (FL)

□ 2112

Mr. DICKEY changed his vote from ''aye'' to ''no.''

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAUL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 18 offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 337, not voting 9, as follows:

[Roll No. 364]

AYES—88

Abercrombie
Barcia
Bartlett
Bilirakis
Camp
Campbell
Chambliss
Chenoweth
Coble
Coburn
Collins
Conyers
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (IL)
Deal
DeFazio
DeGette
Doolittle
Duncan
Ensign
Filner
Foley
Gibbons
Hayworth
Hill
Hilleary
Hobson
Hoekstra
Hooley
Hulshof
Hunter
Jackson-Lee (TX)
Kasich
LaTourette
Leach
Luther
Maloney (CT)
McCarthy (MO)
McHugh
McIntosh
Metcalf
Mink
Moran (KS)
Nethercutt
Neumann
Ney
Norwood
Pappas
Pastor
Paul
Pease
Pombo
Pryce (OH)
Rahall
Redmond
Regula
Rivers
Royce
Salmon
Sanders
Sanford
Scarborough
Schaefer, Dan
Sessions
Shadegg
Sherman
Shimkus
Shuster
Smith, Linda
Snowbarger
Sununu
Taylor (NC)
Thune
Tiahrt
Torres
Traficant
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weller
Whitfield
Young (AK)

NOES—337

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Christensen
Clay
Clayton
Clement
Clyburn
Combest
Condit
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (VA)
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Paxon
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Ramstad
Rangel
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thurman
Tierney
Turner
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weygand
White
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn

NOT VOTING—9

Gonzalez
Istook
McDade
Moakley
Riggs
Towns
Wexler
Yates
Young (FL)

□ 2119

Mr. KASICH and Mr. SCARBOROUGH changed their vote from ''no'' to ''aye.''

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELAY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BLUNT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore (Mr. BLUNT). A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 241, not voting 8, as follows:

[Roll No. 365]

AYES—185

Aderholt
Archer
Armey
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klink
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (AK)

NOES—241

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse

Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn

NOT VOTING—8

Gonzalez
Istook
McDade
Moakley
Riggs
Towns
Yates
Young (FL)

□ 2127

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 260, not voting 9, as follows:

[Roll No. 366]

AYES—165

Aderholt
Archer
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Jenkins
Johnson, Sam
Jones
Kasich
Kingston
Klug
Knollenberg
Lazio
Lewis (CA)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—260

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Campbell
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wise
Woolsey
Wynn

NOT VOTING—9

Fox
Gonzalez
Istook
McDade
Moakley
Riggs
Towns
Yates
Young (FL)

□ 2134

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 366, I was inadvertently detained. Had I been present, I would have voted ''no.''

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BLUNT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. BURR of North Carolina. Mr. Speaker, earlier today, I missed rollcall votes 356 and 357 because I was unavoidably detained in my district. Had I been present, I would have voted ''no'' on rollcall vote 356 and ''aye'' on rollcall vote 357.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ISTOOK (at the request of Mr. ARMEY) for today, July 31 and August 3 on account of personal reasons.

Mr. BURR of North Carolina (at the request of Mr. ARMEY) for today until 6 p.m. On account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WEYGAND) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. METCALF) to revise and extend their remarks and include extraneous material:)

Mr. COLLINS, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. THOMAS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. METCALF) and to include extraneous material:)

Mr. BEREUTER.

Mr. WOLF.

Mr. RADANOVICH.

Mr. DAVIS of Virginia.

Mr. TAYLOR.

Mr. BLILEY.

Mr. BUYER.

Mr. HOUGHTON.

Mr. BRYANT.

Mr. OXLEY.

(The following Members (at the request of Mr. WEYGAND) and to include extraneous material:)

Mr. NEAL of Massachusetts.

Mr. KIND.

Mr. TURNER.

Mr. VENTO.

Mr. PALLONE.

Mr. POSHARD.

Mr. BERMAN.

Mr. LANTOS.

Ms. ESHOO.

Mr. DOYLE.

Mr. CONYERS.

Mr. CLEMENT.

Mr. MCDERMOTT.

Mr. ROEMER.

Mr. KUCINICH.

Mr. SKELTON.

Mr. SANDERS.

Ms. JACKSON-LEE of Texas.

Mr. BARCIA.

Mr. DAVIS of Illinois.

SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 97. Concurrent resolution. Expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan; to the Committee on International Relations.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 29 minutes a.m.), under its previous order, the House adjourned until today, Friday, July 31, 1998, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10394. A letter from the Secretary of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's (''Ginnie Mae's'') authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 nt.; to the Committee on Banking and Financial Services.

10395. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Department's final rule—Authority to Approve Federal Home Loan Bank Bylaws [No. 98–32] (RIN: 3069–AA70) received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10396. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Land Disposal Restrictions for Newly Identified Wastes; And CERCLA Hazardous Substance Designation and Reportable Quantities [SWH-FRL 6122–7] (RIN: 2050–AD88) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10397. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Additional Ozone Areas Attaining the 1–Hour Standard and to Which the 1–Hour Standard is No Longer Applicable [FRL—6126–8] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10398. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Revision of Part 2 of the Commission's Rules Relating to the Marketing and Authorization of Radio Frequency Devices [ET Docket No. 94–45 RM–8125] received July 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10399. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fowler, Indiana) [MM Docket No. 98–38 RM–9223] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10400. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Israel [DTC 78–98] received July 29, 1998, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10401. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Belgium [RSAT 3–98] received July 17, 1998, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10402. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

10403. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

10404. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

10405. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Helium Contracts [WO–130–1820–00–24 1A] (RIN: 1004–AD24) received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10406. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Restrictions on Frequency of Limited Entry Permit Transfers; Sorting Catch by Species; Retention of Fish Tickets [Docket No. 971208294–8154–02; I.D. 103097B] (RIN: 0648–AJ20) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10407. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Compensation for Collecting Resource Information [Docket No. 980501115–8160–02; I.D. 032498A] (RIN: 0648–AK86) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10408. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes [Docket No. 971229312–7312–01; I.D. 062698A] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10409. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Revision of Patent Fees for Fiscal Year 1999 [Docket No. 980713170–8170–01] (RIN: 0651–AA96) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10410. A letter from the Secretary, Naval Sea Cadet Corps, transmitting the Annual Audit Report of the Naval Sea Cadet Corps for the fiscal year ending 31 December 1997, pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

10411. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Organic Pesticide Chemicals Manufacturing Industry—Pesticide Chemicals Point Source Category [FRL–6126–6], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10412. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revisions to Part 1813 of the NASA FAR Supplement [48 CFR Parts 1801, 1812, 1813] received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10413. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Provision of Drugs and Medicines to Certain Veterans in State Homes (RIN: 2900–AJ34) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10414. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98–36] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10415. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies [Revenue Ruling 98–38] received July 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10416. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the report providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter, pursuant to Public Law 105—100; jointly to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 513. Resolution Providing for consideration of the bill (H.R. 3736) to amend the Immigration and Nationality Act to make changes relating to H–1B nonimmigrants (Rept. 105–660). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 2921. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution; with an amendment (Rept. 105–661, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2921. Referral to the Committee on the Judiciary extended for a period ending not later than September 11, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself and Mr. OXLEY):

H.R. 4353. A bill to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes; to the Committee on Commerce.

By Mr. GINGRICH (for himself, Mr. ARMEY, Mr. DELAY, Mr. HASTERT, Mr. BOEHNER, Ms. DUNN of Washington, Ms. PRYCE of Ohio, Mr. THOMAS, Mr. GEPHARDT, Mr. BONIOR, Mr. FAZIO of California, Mrs. KENNELLY of Connecticut, Mr. GEJDENSON, Mr. DAVIS of Virginia, and Mr. WYNN):

H.R. 4354. A bill to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mr. HORN, Mrs. MORELLA, Mr. DAVIS of Virginia, Mr. SANFORD, Mr. KUCINICH, Mr. WAXMAN, Mr. SENSENBRENNER, Mr. BARCIA of Michigan, Mr. DINGELL, Mr. LEACH, Mr. LAFALCE, Mr. BOUCHER, Mr. GORDON, Ms. MCCARTHY of Missouri, Mr. BLUMENAUER, Mr. LUTHER, Mr. BROWN of California, Ms. DELAURO, Mr. CUMMINGS, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, Mrs. CAPPS, Ms. LOFGREN, Mr. DOYLE, and Mr. LAMPSON):

H.R. 4355. A bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania:

H.R. 4356. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to assure that the full amount deposited in the Abandoned Mine Reclamation Fund is spent for the purposes for which the Fund was established; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 4357. A bill to establish the Fort Presque Isle National Historic Site in Erie, Pennsylvania; to the Committee on Resources.

By Mr. HOUGHTON (for himself and Ms. SLAUGHTER):

H.R. 4358. A bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. LAFALCE, Mr. CASTLE, and Ms. WATERS):

H.R. 4359. A bill to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes; to the Committee on Banking and Financial Services.

By Mr. POMBO (for himself and Mr. PETERSON of Minnesota):

H.R. 4360. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to establish a pilot program under which milk producers and cooperatives will be permitted to enter into forward price contracts with milk handlers; to the Committee on Agriculture.

By Mr. SHAW (for himself, Mr. BILIRAKIS, Mr. BOYD, Mr. CANADY of Florida, Mr. DEUTSCH, Mrs. FOWLER, Mr. GOSS, Mr. HASTINGS of Florida, Mr. MCCOLLUM, Mrs. MEEK of Florida, Mr. MICA, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Mr. STEARNS, Mrs. THURMAN, Mr. WELDON of Florida, and Mr. WEXLER):

H.R. 4361. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 4362. A bill to authorize the Secretary of Veterans Affairs to conduct Stand Down events and to establish a pilot program that will provide for an annual Stand Down event in each State; to the Committee on Veterans' Affairs.

By Mr. WATT of North Carolina (for himself and Mr. BERMAN):

H.R. 4363. A bill to provide for the restructuring of the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. KING of New York, Mr. MORAN of Virginia, and Mrs. KELLY):

H. Con. Res. 313. Concurrent resolution expressing the sense of the Congress with respect to self-determination for the people of Kosova, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BRADY of Pennsylvania, Mr. STRICKLAND, Mr. SMITH of New Jersey, and Ms. MILLENDER-MCDONALD.

H.R. 164: Mr. DOYLE.

H.R. 457: Mr. HILLIARD and Mr. PETRI.

H.R. 754: Mr. TOWNS.

H.R. 986: Mr. WAMP.

H.R. 1050: Mr. STARK.

H.R. 1063: Mr. BONIOR, Mrs. CUBIN, Mr. COOK, and Ms. STABENOW.

H.R. 1126: Mr. BRADY of Texas, Mrs. LINDA SMITH of Washington, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1173: Mr. LEVIN.

H.R. 1283: Mr. ENSIGN.

H.R. 1321: Mr. LUTHER.

H.R. 1382: Mr. MATSUI and Mr. BALDACCI.

H.R. 1401: Mr. SALMON.

H.R. 1525: Mr. ALLEN, Mr. MORAN of Kansas, and Mr. LATHAM.

H.R. 1712: Mr. SUNUNU.

H.R. 1995: Mr. ALLEN, Mr. PORTER, and Mr. LUTHER.

H.R. 2224: Mrs. KELLY.

H.R. 2275: Ms. NORTON and Ms. MILLENDER-MCDONALD.

H.R. 2504: Ms. BROWN of Florida.

H.R. 2701: Mr. KILPATRICK.

H.R. 2723: Mr. FOSSELLA.

H.R. 2733: Ms. BROWN of Florida, Mr. MARKEY, Mr. NUSSLE, Mr. NEAL of Massachusetts, Mr. THORNBERRY, Ms. ESHOO, Mr. KNOLLENBERG, and Mr. MEEHAN.

H.R. 2849: Mrs. MEEK of Florida, Ms. CARSON, Mr. ADAM SMITH of Washington, Mr. YATES, and Mr. UPTON.

H.R. 2921: Mr. EVANS.

H.R. 2955: Mr. JACKSON and Mr. PASTOR.

H.R. 3001: Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. DEAL of Georgia, Mr. MARTINEZ, Mrs. THURMAN, and Mr. MANTON.

H.R. 3031: Mr. MARKEY, Mr. CUMMINGS, Mr. WAXMAN, Mr. MCNULTY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. FROST, Mr. FORD, Mr. ENGLISH of Pennsylvania, Mr. ACKERMAN, Ms. DANNER, Mr. BERMAN, Mr. TALENT, and Mr. RANGEL.

H.R. 3077: Mr. FROST, Mr. GOODE, Mr. KILDEE, and Mr. RAHALL.

H.R. 3248: Mr. JENKINS.

H.R. 3251: Mr. MALONEY of Connecticut and Mr. LANTOS.

H.R. 3320: Mr. POSHARD.

H.R. 3622: Ms. LEE, Mrs. MALONEY of New York, Ms. KILPATRICK, and Mrs. MINK of Hawaii.

H.R. 3629: Mr. BENTSEN.

H.R. 3632: Mr. FOSSELLA.

H.R. 3684: Mr. LATOURETTE.

H.R. 3688: Mr. SMITH of Texas.

H.R. 3774: Ms. STABENOW and Mr. WATKINS.

H.R. 3790: Mr. BECERRA, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BONIOR, Mr. BORSKI, Mr. BOSWELL, Mr. BROWN of Ohio, Mr. BUNNING of Kentucky, Mr. CLYBURN, Mr. COLLINS, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DEGETTE, Mr. DOOLEY of California, Mr. EDWARDS, Ms. ESHOO, Mr. FAWELL, Mr. FILNER, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GORDON, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINOJOSA, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mr. KASICH, Mr. KIND of Wisconsin, Mr. KLECZKA, Mr. LAFALCE, Mr. LAHOOD, Mr. LAMPSON, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LUTHER, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCKEON, Ms. MCKINNEY, Mr. MCNULTY, Mr. MATSUI, Mr. MENENDEZ, Mr. MORAN of Virginia, Mrs. MORELLA, Mrs. NORTHUP, Mr. NORWOOD, Mr. OBEY, Mr. PACKARD, Mr. PALLONE, Mr. PASTOR, Mr. PETRI, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAMSTAD, Mr. REYES, Mr. RODRIGUEZ, Mr. ROEMER, Mr. RUSH, Mr. SAWYER, Mr. SHAW, Mr. SKEEN, Ms. STABENOW, Mr. STUPAK, Mr. SUNUNU, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. THOMPSON, Mr. TOWNS, Mr. WYNN, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. PELOSI, Mr. FARR of California, Mr. LIVINGSTON, Mr. STARK, Mr. SOLOMON, Mr. WHITFIELD, Mr. BILBRAY, Mrs. CHENOWETH, Mrs. ROUKEMA, Mr. TAUZIN, Mr. WATKINS, Mr. GOODLATTE, Mr. WELLER, Mr. GUTKNECHT, Mr. TALENT, Mr. CRAPO, Mr. YOUNG of Alaska, Mr. OXLEY, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. PETERSON of Pennsylvania, Mr. NETHERCUTT, Mr. ARMEY, Mrs. CUBIN, Mr. MILLER of Florida, Mr. METCALF, Mr. ROGAN, Mr. HEFLEY, Mr. GOSS, Mr. MCCRERY, Mr. ROGERS, Mr. BRYANT, Mr. LATHAM, Mr. TIAHRT, Mr. WELDON of Florida, Mr. HASTINGS of Washington, Mr. CAMP, Mr. EHRLICH, Ms. PRYCE of Ohio, Mr. DIAZ-BALART, Mrs. FOWLER, Mr. COX of California, Mr. COOKSEY, Mr. FORBES, Mrs. EMERSON, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mrs. WILSON, Mr. GEKAS, Mr. BARTON of Texas, Mr. PORTMAN, Mr. BARR of Georgia, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. KNOLLENBERG, Mr. PAXON, Mr. SCARBOROUGH, Mr. BUYER, Mr. HERGER, Mr. HOBSON, Mr. LEACH, Mr. SMITH of Oregon, Mr. BARTLETT of Maryland, Mr. SALMON, Mr. HOEKSTRA, Mr. KOLBE, Mr. KIM, Mr. THUNE, Mr. LUCAS of Oklahoma, Mrs. KELLY, and Mr. POMBO.

H.R. 3792: Mr. COLLINS and Mr. SHIMKUS.

H.R. 3815: Mrs. THURMAN and Mr. HULSHOF.

H.R. 3831: Mr. SHERMAN and Mrs. LOWEY.

H.R. 3879: Mr. Paxon and Mr. THOMPSON.

H.R. 3956: Mr. HOYER and Ms. WOOLSEY.

H.R. 3976: Mr. THORNBERRY.

H.R. 3995: Mr. ENGEL.

H.R. 4031: Mr. COYNE and Ms. KILPATRICK.

H.R. 4037: Mr. PETERSON of Pennsylvania.

H.R. 4053: Mr. COYNE.

H.R. 4121: Mrs. CAPPS, Mr. KIND of Wisconsin, Mrs. KELLY, and Mr. MATSUI.

H.R. 4132: Mr. CAMPBELL.

H.R. 4175: Mr. CUMMINGS, Mr. PAYNE, and Mr. ENGEL.

H.R. 4188: Mr. ENGLISH of Pennsylvania.

H.R. 4196: Mr. WELDON of Florida and Mr. BACHUS.

H.R. 4197: Mrs. LINDA SMITH of Washington and Mr. CALLAHAN.

H.R. 4209: Ms. CARSON.

H.R. 4220: Mr. BISHOP.

H.R. 4224: Mr. STARK.

H.R. 4232: Mr. INGLIS of South Carolina, Mr. HEFLEY, Mr. BARRETT of Nebraska, Mr. GOODLATTE, Mr. ROGAN, and Mr. WELDON of Florida.

H.R. 4235: Mr. HILLIARD, Mr. BOEHLERT, and Mr. ABERCROMBIE.

H.R. 4246: Mr. BLUNT and Mr. EWING.

H.R. 4283: Mr. LAMPSON and Mr. WAXMAN.

H.R. 4298: Mrs. FOWLER.

H.R. 4302: Mr. HILLIARD and Mr. STARK.

H.R. 4308: Mr. MCGOVERN and Mr. MILLER of California.

H.R. 4309: Mr. MCGOVERN and Mr. MILLER of California.

H.R. 4339: Mr. FROST and Mr. MURTHA.

H.R. 4344: Mr. HINOJOSA, Mr. CUMMINGS, Ms. PELOSI, Mr. FRANKS of New Jersey, and Mr. FORBES.

H. Con. Res. 52: Mr. SANDLIN, Mr. BACHUS, and Mr. LAMPSON.

H. Con. Res. 251: Mr. GEJDENSON.

H. Con. Res. 295: Mr. PALLONE, Mr. WEXLER, Mr. BERMAN, Mr. HAMILTON, Mr. FROST, Mr. ENGEL, and Ms. KILPATRICK.

H. Con. Res. 304: Mr. GILMAN.

H. Res. 171: Mr. RANGEL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

(Omitted from the Record of July 29, 1998)

H.R. 1515: Mr. DAVIS of Illinois.

H.R. 2801: Mr. STABENOW.

H.R. 3000: Mr. FORD.

H.R. 3396: Mr. DAVIS of Illinois and Mr. MORAN of Virginia.

H. Res. 375: Mr. FAZIO of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3736

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Workforce Improvement and Protection Act of 1998''.

SEC. 2. TEMPORARY INCREASE IN SKILLED FOREIGN WORKERS; TEMPORARY REDUCTION IN H–2B NONIMMIGRANTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) by amending paragraph (1)(A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b), subject to paragraph (5), may not exceed—

''(i) 95,000 in fiscal year 1998;

''(ii) 105,000 in fiscal year 1999;

''(iii) 115,000 in fiscal year 2000; and

''(iv) 65,000 in fiscal year 2001 and any subsequent fiscal year; or'';

(2) by amending paragraph (1)(B) to read as follows:

''(B) under section 101(a)(15)(H)(ii)(b) may not exceed—

''(i) 36,000 in fiscal year 1998;

''(ii) 26,000 in fiscal year 1999;

''(iii) 16,000 in fiscal year 2000; and

''(iv) 66,000 in fiscal year 2001 and any subsequent fiscal year.'';

(3) in paragraph (4), by striking ''years.'' and inserting ''years, except that, with respect to each such nonimmigrant issued a visa or otherwise provided nonimmigrant status in each of fiscal years 1998, 1999, and 2000 in excess of 65,000 (per fiscal year), the period of authorized admission as such a nonimmigrant may not exceed 4 years.''; and

(4) by adding at the end the following:

''(5) The total number of aliens described in section 212(a)(5)(C) who may be issued visas or otherwise provided nonimmigrant status during any fiscal year (beginning with fiscal year 1999) under section 101(a)(15)(H)(i)(b) may not exceed 5,000.''.

SEC. 3. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS.

(a) IN GENERAL.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following:

''(E)(i) Except as provided in clause (iv), the employer has not laid off or otherwise displaced and will not lay off or otherwise displace, within the period beginning 6 months before and ending 90 days following the date of filing of the application or during the 90 days immediately preceding and following the date of filing of any visa petition supported by the application, any United States worker (as defined in paragraph (3)) (including a worker whose services are obtained by contract, employee leasing, temporary help agreement, or other similar means) who has substantially equivalent qualifications and experience in the specialty occupation, and in the area of employment, for which H–1B nonimmigrants are sought or in which they are employed.

''(ii) Except as provided in clause (iii), in the case of an employer that employs an H–1B nonimmigrant, the employer shall not place the nonimmigrant with another employer where—

''(I) the nonimmigrant performs his or her duties in whole or in part at one or more worksites owned, operated, or controlled by such other employer; and

''(II) there are indicia of an employment relationship between the nonimmigrant and such other employer.

''(iii) Clause (ii) shall not apply to an employer's placement of an H–1B nonimmigrant with another employer if the other employer has executed an attestation that it satisfies and will satisfy the conditions described in clause (i) during the period described in such clause.

''(iv) This subparagraph shall not apply to an application filed by an employer that is an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965), or a related or affiliated nonprofit entity, if the application relates solely to aliens who—

''(I) the employer seeks to employ—

''(aa) as a researcher on a project for which not less than 50 percent of the funding is provided, for a limited period of time, through a grant or contract with an entity other than the employer; or

''(bb) as a professor or instructor under a contract that expires after a limited period of time; and

''(II) have attained a master's or higher degree (or its equivalent) in a specialty the specific knowledge of which is required for the intended employment.''.

(b) DEFINITIONS.—

(1) IN GENERAL.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended by adding at the end the following:

''(3) For purposes of this subsection:

''(A) The term 'H–1B nonimmigrant' means an alien admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b).

''(B) The term 'lay off or otherwise displace', with respect to an employee—

''(i) means to cause the employee's loss of employment, other than through a discharge for cause, a voluntary departure, or a voluntary retirement; and

''(ii) does not include any situation in which employment is relocated to a different geographic area and the employee is offered a chance to move to the new location, with wages and benefits that are not less than those at the old location, but elects not to move to the new location.

''(C) The term 'United States worker' means—

''(i) a citizen or national of the United States;

''(ii) an alien lawfully admitted for permanent residence; or

''(iii) an alien authorized to be employed by this Act or by the Attorney General.''.

(2) CONFORMING AMENDMENTS.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by striking ''a nonimmigrant described in section 101(a)(15)(H)(i)(b)'' each place such term appears and inserting ''an H–1B nonimmigrant''.

SEC. 4. RECRUITMENT OF UNITED STATES WORKERS PRIOR TO SEEKING NONIMMIGRANT WORKERS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 3, is further amended by inserting after subparagraph (E) the following:

''(F)(i) The employer, prior to filing the application, has taken, in good faith, timely and significant steps to recruit and retain sufficient United States workers in the specialty occupation for which H–1B nonimmigrants are sought. Such steps shall have included recruitment in the United States, using procedures that meet industry-wide standards and offering compensation that is at least as great as that required to be offered to H–1B nonimmigrants under subparagraph (A), and offering employment to any United States worker who applies and has the same qualifications as, or better qualifications than, any of the H–1B nonimmigrants sought.

''(ii) The conditions described in clause (i) shall not apply to an employer with respect to the employment of an H–1B nonimmigrant who is described in subparagraph (A), (B), or (C) of section 203(b)(1).''.

SEC. 5. LIMITATION ON AUTHORITY TO INITIATE COMPLAINTS AND CONDUCT INVESTIGATIONS FOR NON-H–1B-DEPENDENT EMPLOYERS.

(a) IN GENERAL.—Section 212(n)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

(1) in the second sentence, by striking the period at the end and inserting the following: '', except that the Secretary may only file such a complaint respecting an H–1B-dependent employer (as defined in paragraph (3)), and only if there appears to be a violation of an attestation or a misrepresentation of a material fact in an application.''; and

(2) by inserting after the second sentence the following: ''Except as provided in subparagraph (F) (relating to spot investigations during probationary period), no investigation or hearing shall be conducted with respect to an employer except in response to a complaint filed under the previous sentence.''.

(b) DEFINITIONS.—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), as added by section 3, is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (E), respectively;

(2) by inserting after ''purposes of this subsection:'' the following:

''(A) The term 'H–1B-dependent employer' means an employer that—

''(i)(I) has fewer than 21 full-time equivalent employees who are employed in the United States; and

(II) employs 4 or more H–1B nonimmigrants; or

''(ii)(I) has at least 21 but not more than 150 full-time equivalent employees who are employed in the United States; and

(II) employs H–1B nonimmigrants in a number that is equal to at least 20 percent of the number of such full-time equivalent employees; or

''(iii)(I) has at least 151 full-time equivalent employees who are employed in the United States; and

(II) employs H–1B nonimmigrants in a number that is equal to at least 15 percent of the number of such full-time equivalent employees.

In applying this subparagraph, any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer. Aliens employed under a petition for H–1B nonimmigrants shall be treated as employees, and counted as nonimmigrants under section 101(a)(15)(H)(i)(b) under this subparagraph.''; and

(3) by inserting after subparagraph (C) (as so redesignated) the following:

''(D) The term 'non-H–1B-dependent employer' means an employer that is not an H–1B-dependent employer.''.

SEC. 6. INCREASED ENFORCEMENT AND PENALTIES.

(a) IN GENERAL.—Section 212(n)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended to read as follows:

''(C)(i) If the Secretary finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B) or (1)(E), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(F), or a misrepresentation of material fact in an application—

''(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

''(ii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an application, or a violation of clause (iv)—

''(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

''(iii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1) or a willful misrepresentation of material fact in an application, in the course of which failure or misrepresentation the employer also has failed to meet a condition of paragraph (1)(E)—

''(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 2 years for aliens to be employed by the employer.

''(iv) It is a violation of this clause for an employer who has filed an application under this subsection to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this clause, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of this subsection or any rule or regulation pertaining to this subsection.''.

(b) PLACEMENT OF H–1B NONIMMIGRANT WITH OTHER EMPLOYER.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following:

''(E) Under regulations of the Secretary, the previous provisions of this paragraph shall apply to a failure of an other employer to comply with an attestation described in paragraph (1)(E)(iii) in the same manner as they apply to a failure to comply with a condition described in paragraph (1)(E)(i).''.

(c) SPOT INVESTIGATIONS DURING PROBATIONARY PERIOD.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C.

1182(n)(2)), as amended by subsection (b), is further amended by adding at the end the following:

''(F) The Secretary may, on a case-by-case basis, subject an employer to random investigations for a period of up to 5 years, beginning on the date that the employer is found by the Secretary to have committed a willful failure to meet a condition of paragraph (1) or to have made a misrepresentation of material fact in an application. The preceding sentence shall apply to an employer regardless of whether the employer is an H–1B-dependent employer or a non-H–1B-dependent employer. The authority of the Secretary under this subparagraph shall not be construed to be subject to, or limited by, the requirements of subparagraph (A).''.

SEC. 7. PROHIBITION ON IMPOSITION BY IMPORTING EMPLOYERS OF EMPLOYMENT CONTRACT PROVISIONS VIOLATING PUBLIC POLICY.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), as amended by section (6), is further amended by adding at the end the following:

''(G) If the Secretary finds, after notice and opportunity for a hearing, that an employer who has submitted an application under paragraph (1) has requested or required an alien admitted or provided status as a nonimmigrant pursuant to the application, as a condition of the employment, to execute a contract containing a provision that would be considered void as against public policy in the State of intended employment—

''(i) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate; and

''(ii) the Attorney General shall not approve petitions filed by the employer under section 214(c) during a period of not more than 10 years for H–1B nonimmigrants to be employed by the employer.''.

SEC. 8. COLLECTION AND USE OF H–1B NONIMMIGRANT FEES FOR STATE STUDENT INCENTIVE GRANT PROGRAMS AND JOB TRAINING OF UNITED STATES WORKERS.

(a) IMPOSITION OF FEE.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(9)(A) The Attorney General shall impose a fee on an employer (excluding an employer described in subparagraph (A) or (B) of section 212(p)(1)) as a condition for the approval of a petition filed on or after October 1, 1998, and before October 1, 2002, under paragraph (1) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(i)(b). The amount of the fee shall be $500 for each such nonimmigrant.

''(B) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(t).

''(C)(i) An employer may not require an alien who is the subject of the petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

''(ii) Section 274A(g)(2) shall apply to a violation of clause (i) in the same manner as it applies to a violation of section 274A(g)(1).''.

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

''(t) H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account which shall be known as the 'H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(9).

''(2) USE OF HALF OF FEES BY SECRETARY OF EDUCATION FOR HIGHER EDUCATION GRANTS.—Fifty percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available until expended to the Secretary of Education for additional allotments to States under subpart 4 of chapter 8 of title IV of the Higher Education Act of 1965 but only for the purpose of assisting States in providing grants to eligible students enrolled in a program of study leading to a degree in mathematics, computer science, or engineering.

''(3) USE OF HALF OF FEES BY SECRETARY OF LABOR FOR JOB TRAINING.—Fifty percent of amounts deposited into the deposits into such Account shall remain available until expended to the Secretary of Labor for demonstration programs described in section 104(d) of the Temporary Access to Skilled Workers and H–1B Nonimmigrant Program Improvement Act of 1998.''.

(c) CONFORMING MODIFICATION OF APPLICATION REQUIREMENTS FOR STATE STUDENT INCENTIVE GRANT PROGRAM.—Section 415C(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(11) provides that any portion of the allotment to the State for each fiscal year that derives from funds made available under section 286(t)(2) of the Immigration and Nationality Act shall be expended for grants described in paragraph (2)(A) to students enrolled in a program of study leading to a degree in mathematics, computer science, or engineering.''.

(d) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

(1) IN GENERAL.—Subject to paragraph (3), in establishing demonstration programs under section 452(c) of the Job Training Partnership Act (29 U.S.C. 1732(c)), as in effect on the date of enactment of this Act, or demonstration programs or projects under a successor Federal law, the Secretary of Labor shall establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

(2) GRANTS.—Subject to paragraph (3), the Secretary of Labor shall award grants to carry out the programs and projects described in paragraph (1) to—

(A)(i) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), as in effect on the date of enactment of this Act; or

(ii) local boards that will carry out such programs or projects through one-stop delivery systems established under a successor Federal law; or

(B) regional consortia of councils or local boards described in subparagraph (A).

(3) LIMITATION.—The Secretary of Labor shall establish programs and projects under paragraph (1), including awarding grants to carry out such programs and projects under paragraph (2), only with funds made available under section 286(t)(3) of the Immigration and Nationality Act, and not with funds made available under the Job Training Partnership Act or a successor Federal law.

SEC. 9. IMPROVING COUNT OF H–1B AND H–2B NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Attorney General shall take such steps as are necessary to maintain an accurate count of the number of aliens subject to the numerical limitations of section 214(g)(1) of the Immigration and Nationality Act who are issued visas or otherwise provided nonimmigrant status.

(b) REVISION OF PETITION FORMS.—The Attorney General shall take such steps as are necessary to revise the forms used for petitions for visas or nonimmigrant status under clause (i)(b) or (ii)(b) of section 101(a)(15)(H) of the Immigration and Nationality Act so as to ensure that the forms provide the Attorney General with sufficient information to permit the Attorney General accurately to count the number of aliens subject to the numerical limitations of section 214(g)(1) of such Act who are issued visas or otherwise provided nonimmigrant status.

(c) REPORTS.—Beginning with fiscal year 1999, the Attorney General shall provide to the Congress not less than 4 times per year a report on—

(1) the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act;

(2) the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(ii)(b) of such Act; and

(3) the countries of origin and occupations of, educational levels attained by, and total compensation (including the value of all wages, salary, bonuses, stock, stock options, and any other similar forms of remuneration) paid to, individuals issued visas or provided nonimmigrant status under such sections during such period.

SEC. 10. GAO STUDY AND REPORT ON AGE DISCRIMINATION IN THE INFORMATION TECHNOLOGY FIELD.

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing age discrimination in the information technology field. The study shall consider the following:

(1) The prevalence of age discrimination in the information technology workplace.

(2) The extent to which there is a difference, based on age, in promotion and advancement; working hours; telecommuting; salary; and stock options, bonuses, or other benefits.

(3) The relationship between rates of advancement, promotion, and compensation to experience, skill level, education, and age.

(4) Differences in skill level on the basis of age.

(b) REPORT.—Not later than October 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a). The report shall include any recommendations of the Comptroller General concerning age discrimination in the information technology field.

SEC. 11. GAO LABOR MARKET STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a labor market study. The study shall investigate and analyze the following:

(1) The overall shortage of available workers in the high-technology, rapid-growth industries.

(2) The multiplier effect growth of high-technology industry on low-technology employment.

(3) The relative achievement rates of United States and foreign students in secondary school in a variety of subjects, including math, science, computer science, English, and history.

(4) The relative performance, by subject area, of United States and foreign students

in postsecondary and graduate schools as compared to secondary schools.

(5) The labor market need for workers with information technology skills and the extent of the deficit of such workers to fill high-technology jobs during the 10-year period beginning on the date of the enactment of this Act.

(6) Future training and education needs of companies in the high-technology sector.

(7) Future training and education needs of United States students to ensure that their skills at various levels match the needs of the high-technology and information technology sectors.

(8) An analysis of which particular skill sets are in demand.

(9) The needs of the high-technology sector for foreign workers with specific skills.

(10) The potential benefits of postsecondary educational institutions, employers, and the United States economy from the entry of skilled professionals in the fields of engineering and science.

(11) The effect on the high-technology labor market of the downsizing of the defense sector, the increase in productivity in the computer industry, and the deployment of workers dedicated to the Year 2000 Project.

(b) REPORT.—Not later than October 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a).

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to applications filed with the Secretary of Labor on or after 30 days after the date of the enactment of this Act, except that the amendments made by section 2 shall apply to applications filed with such Secretary before, on, or after the date of the enactment of this Act.

H.R. 4276

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 36: Page 52, line 13, after the dollar amount, insert the following: ''(reduced by $29,000,000)''.

Page 52, line 25, after the dollar amount, insert the following: ''(reduced by $29,000,000)''.

Page 53, line 1, after the dollar amount, insert the following: ''(reduced by $29,000,000)''.

Page 53, line 6, after the dollar amount, insert the following: ''(reduced by $29,000,000)''.

H.R. 4276

OFFERED BY: MR. SANDERS

AMENDMENT NO. 37: Page 101, line 21 insert ''(increased by $4,000,000)'' after the dollar amount.

Page 76, line 3 insert ''(decreased by $4,000,000)'' after the dollar amount.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, THURSDAY, JULY 30, 1998 No. 105

Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, You have loved, forgiven, and cared for us. In Your holy presence, any self-sufficiency fades like a candlelight before the rising sun. Awaken us again to the wonder of Your unqualified grace. May the radiance of Your Spirit invade our hearts, vanishing all the gloom and darkness of worry and fear and anxiety.

Father, set us free to do our work today with joy and gladness. The people in our lives desperately need Your love. Liberate us with the sure knowledge of Your unfailing love so that we will be able to be free to love unselfishly. Speak to us now so that we may be energized with new life and new power. We claim this in the assurance of Your love divine, all loves excelling! Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. THOMAS. Thank you, Mr. President.

SCHEDULE

Mr. THOMAS. Mr. President, on behalf of the majority leader, I will lay out the plan for today.

This morning, the Senate will be in a period for morning business until 9:30 a.m. Following morning business, under a previous order, the Senate will begin consideration of the Department of Defense appropriations bill. All Members are encouraged to come to the floor early during today's session to offer and debate any amendments to the defense bill. The first votes of today's session will occur in a stacked series beginning at approximately 2 p.m. These votes will include any remaining amendments to the Treasury appropriations bill and possibly several amendments to the defense bill. Members should expect votes late into the evening during today's session, as the Senate attempts to complete action on the defense bill.

I thank my colleagues for their attention.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered. The Senator is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY and Mr. HAGEL pertaining to the introduction of S. 2371 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HAGEL. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. THOMAS, Mr. CRAIG and Mr. ROBERTS pertaining to the introduction of S. 2371 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the defense appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2132) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I have given the clerk a list of staff members. I ask unanimous consent that these staff members associated with our presentation of the bill be allowed the privilege of the floor during consideration of the defense bill.

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

The list is as follows:

Sid Ashworth, Tom Hawkins, Susan Hogan, Mary Marshall, Gary Reese, John Young, James Hayes, Justin Weddle, Carolyn Willis, Jennifer Stiefel, Frank Barca, and Kristin Iagulli.

Mr. STEVENS. Mr. President, the Senate begins consideration today of the 1999 Defense appropriations bill, to fund the military activities of the Department of Defense for the upcoming fiscal year.

This bill provides $250.5 billion in new budget authority for 1999, an increase of $2.8 billion over the amount appropriated in 1998.

The committee reported this bill on June 4th. Unforeseen circumstances delayed the consideration of the bill, but I believe it is vital that we pass the Defense funding bill prior to the recess.

The military must know how much money it will have to meet critical

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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operational and modernization requirements at the beginning of the fiscal year, October 1.

Fiscal year 1999 represents the first budget cycle under the 5 year bipartisan budget agreement—the amount requested by the President corresponds to the cap agreed to for Defense.

That results in a fundamentally different dynamic for balancing this bill compared to fiscal years 1996, 1997 and 1998.

For the previous three fiscal years, Congress and the White House were at odds over the total level of funding for Defense. The budget submitted by the Pentagon failed to fully accommodate the readiness and modernization priorities of the Joint Chiefs.

For 1999, the committee received a budget proposal consistent with the bipartisan budget agreement—not enough for Defense, but at the level agreed to last summer at the summit.

The content of that budget reflected the priorities and strategy of the Quadrennial Defense Review, submitted by Secretary Cohen and Gen. Joe Ralston last spring. The FY 1999 budget kept faith with the concepts and priorities advocated in the QDR.

I want to begin by commending Secretary Cohen and Deputy Secretary John Hamre for their efforts to present a budget that did not require a major overhaul by Congress.

We do not agree on every item, and fact of life events resulted in adjustments on many programs, but essentially, this budget request meets the minimum needs of the Armed Forces.

The recommendations from the committee focus on three goals: ensure an adequate quality of life for the men and women of the Armed Forces; sustain readiness; and modernize to assure future battlefield dominance by our Armed Forces, if needed.

To achieve needed quality of life for our troops, and their families, this bill fully funds the 3.1 percent authorized military pay raise.

During consideration of the DOD authorization bill in June, I joined the managers of that bill in co-sponsoring an amendment to increase the pay raise to 3.6 percent for 1999.

The first amendment that Senator INOUYE and I will jointly offer to this bill will provide the additional appropriation for the 3.6 percent raise.

Additionally, the Treasury-General Government bill that we will pass later today provides a comparable pay raise for civilian Pentagon workers. Those amounts are funded from within the general operation and maintenance appropriations.

The pay raise solves only a part of the compensation crisis facing the Department of Defense.

My discussions with the service chiefs, the service secretaries, field commanders and the men and women of the Armed Forces, serving in my State of Alaska and around the world, lead me to conclude that an equally pressing challenge is retirement pay.

The changes adopted by Congress in 1986 reflected the cold war priority of attracting men and women to serve a full 30 year career in the Armed Forces.

Our victory in the cold war led to a wrenching realignment of the force, and radical new personnel priorities.

There is great pressure today for individuals to spend only 20 years in active service. The revised retirement plan puts them at an unfair, and unacceptable disadvantage, as compared to serving a full 30 years.

It is my intention to work with the leaders here in Congress, and with the Secretary of Defense, to put us on a track to fix the retirement system—in my mind, there is no higher defense funding priority, for it has led to a series of decisions by men and women in the services, not to continue because of their feeling about the unfairness of the retirement policies.

The considerable operational demands on our Armed Forces dictate that we also ensure the welfare and quality of life for those on active duty now.

Based on the committee's recent trip to Bosnia and Southwest Asia, a new $50 million MWR and retention initiative is included in this bill.

These funds will provide added resources and flexibility to address the though living conditions and family separation challenges of deployments to Bosnia and Southwest Asia.

More than $100 million is added for quality of life enhancements in the service O&M accounts, to upgrade barracks, dormitories, and other personnel support facilities.

Our second focus, maintaining readiness, has been stressed by overseas deployments during the past three years.

For 1998, this committee succeeded in providing needed contingency funds as an emergency, without disrupting other Defense programs.

For 1999, the recommendation adds funds for flying hours, depot maintenance, training, and base operations.

We recommend savings resulting from changed economic factors, such as fuel costs, foreign currency, and inflation—but restore all those amounts to the O&M appropriations.

There is no option to trade near term readiness for future modernization. As long as our Armed Forces face the range of missions overseas underway today, we must sustain the O&M accounts at least at the levels provided in this bill, and the House bill.

No sector of Defense has suffered more the past few years than acquisition. We must invest more to protect the technological superiority that our smaller military force counts on.

These recommendations fully fund the combat priorities advocated by the Joint Chiefs: F–22, the Crusader, F–18, new attack submarine, the JASSM missile, V–22, and national missile defense.

In many instances, the recommendations add funds for technology development programs, to look even further down the road, past the systems we will deploy over the next ten years—out for the next thirty years.

Achieving these three priorities was especially challenging given our fixed budget caps.

Every dollar shifted among programs came from a reduction to an item in the budget request—there were no additional dollars to spend this year for Defense.

Senator INOUYE and I sought to allocate the resources available to the subcommittee as equitably as possible, and consistent with the military needs identified by the Chiefs.

In most cases, we could not provide large increases in existing procurement programs, or to restore programs already terminated.

No member of this committee, or the Senate, secured every priority which he or she advocated to the committee. On the other hand, we reviewed all of them, and have done our best.

I believe the recommendations are fair and achieve a balance between the budget and the priorities of Congress. It is my intention to do everything we can to work with all of our colleagues to meet the needs they have brought to the Committee.

Finally, there is one notable change from the bill reported last year by this Committee—in the area of medical research.

In the bill we reported last year, we provided $176 million for medical research. Coming out of conference, that total grew to $344 million, almost twice the level of the Senate.

In the context of adding $6 billion to the budget, that total was manageable.

Let me explain that again. Last year, we had an additional $6 billion by the time we came out of the conference, and it was possible to increase that amount. This year, we have no top line margin to allocate. Whatever is added to this bill will come out of either readiness, or future acquisition, or the quality of life concepts that I have discussed.

For 1999, Senator INOUYE and I recommended a new appropriations of $250 million in the defense health program for medical research grants.

This increase over last year's appropriation provides adequate resources to sustain growth in the breast cancer and prostate cancer programs, while enabling the Department of review other research programs and opportunities. The report lists all the programs seeking funding this year.

The bill establishes a floor for breast cancer and prostate cancer research at the minimum; at least they must be provided at the level that we finally agreed to in conference in 1998.

The bill also seeks to address the funding priorities of the National Guard. In testimony before the subcommittee, the Army Guard identified as shortfall for 1999 $634 million for their operational requirements—not for future involvement for just their operational requirements.

The bill reported by the committee provides an additional $20 million for the Guard counterdrug operation, $225 million for the Army Guard O&M account, and $95 million for Army Guard personnel account.

A total of $475 million will be added to the National Guard and Reserve equipment. That is a cut, however, of 25 percent from the level appropriated in 1998.

Finally, the bill reported by the committee did not include the $1.9 billion requested by the President as emergency spending for Bosnia.

The Senate considered several amendments during debate on the defense authorization bill concerning our future force levels and operations in Bosnia.

Later this morning, I know Senator HUTCHISON, Senator BYRD, and others will raise at least one amendment related to our presence in Bosnia.

At the time we considered this bill in the Appropriations Committee, it was premature for this committee to consider funding for that mission for 1999.

Based on our visit to Bosnia in May, and to NATO headquarters after that, it is clear that a long-term presence in Bosnia is envisioned by NATO and the administration.

That long-term role cannot in the future be funded on an annual emergency basis. The Congress must be part of the decision on the size of the force, the duration of the mission, and the cost of the operations.

Mr. President, we bring this bill to the Senate with the hope of commencing the August recess tomorrow. Securing passage of this bill at a reasonable hour will require the cooperation, consideration, and assistance of every Senator.

It is my hope that we will obtain early today an agreement to have all amendments filed at the desk so we can most efficiently dispose of those amendments—accepting some, debating some, and encouraging Members not to raise others.

This bill has been available to all Members since June 5. The bill closely approximates the level authorized in the defense bill we passed last June.

That authorization bill is in conference with the House, and we have continued to work closely with Senator THURMOND, Senator LEVIN, and others on that committee to support the priorities passed by the Senate in that bill.

Mr. President, the presentation of this bill to the Senate would not be possible without the leadership and partnership that I have enjoyed with my friend from Hawaii, Senator INOUYE.

This is the tenth year that the two of us have come to the Senate jointly to present and recommend the defense appropriations bills. Six of those years Senator INOUYE served as chairman, and I have enjoyed that privilege for the past four.

It is a pleasure and a privilege to work with the Senator from Hawaii on defense matters and other matters. I enjoy our personal friendship. And the opportunity to bring this bill to the Senate on a full bipartisan basis is one that I think comes from the tie between us that we enjoy.

Mr. President, I yield to Senator INOUYE for his statement.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, may I first thank my dear colleague from Alaska for his very generous remarks. It has been a pleasure to work with him for the past 10 years. We hope that together we have been able to present to the U.S. Senate a bipartisan approach to this very important subject.

Mr. President, I rise to speak in strong support of the Department of Defense appropriations bill for fiscal year 1999, S. 2132, as reported from the Committee on Appropriations.

This bill contains funding for the Department of Defense for the upcoming year, excluding amounts for military construction.

The total recommended is $250.5 billion. This is about $840 million less than was requested by the administration, but about $2.8 billion more than funded for fiscal year 1998.

Within these amounts, the committee has recommended full funding to support our men and women in uniform.

This includes a 3.1-percent pay raise as requested by the President. Later today, the chairman will offer an amendment to increase that to 3.6 percent, the amount authorized by the Senate last month. I strongly support this amendment.

Also at the chairman's initiative, the committee is recommending $50 million to initiate a new fund for morale, welfare, and recreation.

This new appropriation account will support the personnel support needs of our men and women serving on contingency deployments in Bosnia and Southwest Asia.

Last May, Senator STEVENS led a delegation of members from the Armed Services and Appropriations Committees to Bosnia and Southwest Asia.

It was apparent in our discussions with these units that the deployments for these contingencies were beginning to impair the retention of critically skilled individuals and that morale was starting to suffer.

The delegation unanimously concluded that we needed to do more to support our troops serving in these areas.

The chairman's initiative will help ease the burden of these long overseas deployments and show our men and women in uniform that the Congress has not forgotten them.

Mr. President, this is a very good bill, which meets the national security needs of our Nation, but within the fiscal constraints that have been agreed upon in this balanced budget environment.

I should point out to my colleagues that this bill does not provide any funding for Bosnia.

The President submitted a budget amendment to the Congress requesting an appropriation of $1.29 billion in emergency funding to maintain our troops in Bosnia.

When the committee marked up this bill, it was unclear what action the Senate would take on Bosnia.

It is my hope that this matter will be resolved in conference or through a supplemental spending measure at a later date.

Let me assure my colleagues that the committee will not shirk from our responsibility to support funding for our forces assigned overseas, no matter where they are located. This matter will be addressed at a later date.

Mr. President, I want to close by commending our chairman and his staff for the fine work that they have done in putting this bill together. As many of you recognize, this is a huge bill. Nearly half of our Government's discretionary resources are contained in this one appropriations bill.

There are an enormous number of programs that must be reviewed and recommended by the chairman and his staff before this measure can be reported to the Senate. That task is made more difficult by the thousands of requests for billions of dollars that are made by the Members of this body.

I want to salute the majority staff which really has done yeoman's work in putting this bill together for the Senate. It is a small staff, many have been with the Appropriations Committee for several years. They transcend the political divisions that sometimes divide this Senate. The staff is led by Steve Cortese who has been by the chairman's side for the past decade and it includes, Sid Ashworth, Tom Hawkins, Susan Hogan, Mary Marshall, Mazie Mattson, Gary Reese, John Young, Justin Weddle, and on assignment as a legislative fellow, Ms. Carolyn Willis.

Mr. President, the Senate owes them a deep debt of gratitude.

Under Chairman STEVENS' leadership, the resulting bill is a well-balanced product, crafted in a completely bipartisan fashion. It meets the needs of the military services and also fully considers the priorities of the Senate and the American taxpayers.

This is a good bill. I urge all of my colleagues to support its passage.

Before ending my presentation, I would like to reflect upon a few things that have just come across my mind in the past few minutes.

Chairman STEVENS and I are what some of us call dinosaurs of the Senate. Admittedly, we are chronologically a bit old. Both of us served in World War II, the ancient war. I would like my colleagues to recall that in that war 16 million men and women served—16 million. Today, we are calling upon less than 1 percent of our Nation's population—one-half of 1 percent—to stand

in harm's way for us, to risk their lives for us. Some have suggested that this is too much spending. As far as I am concerned, if any person is willing to stand in harm's way in my behalf, he or she gets the best.

There are many programs that have been carried out at the chairman's initiative that he is too humble to even mention. He has been in the forefront of medical research, and I am proud to say that, working with him, we have been able to come up with a breast cancer program that is being acclaimed worldwide—not just nationally. Scientists from all over the world come to work with the Army Research Center. It may not be evident to many of my colleagues, but some of the best research being done on AIDS is being done by the U.S. Army. The same can be said for prostate cancer and other tropical diseases.

I began my closing remarks by saying there were 16 million American men and women who served with us in World War II. It was at a time when our population was about 100 million. Today, our population is over 250 million, and we are asking 1.3 million to defend all of us.

I concur with my chairman: This is the minimum, this meets the minimum needs of our military. If budgetary constraints were not placed upon us, I am certain we would come forth with something a bit more generous. After all, Mr. President, you and I want our children and our grandchildren to go to college, we want to be able to have a car in the garage, three meals a day. That is part of the American way of life. I believe that men and women in the service should also aspire to the American way of life, and I am sorry to say that this measure may not provide all that is necessary, but we are striving for the best.

I ask my colleagues to support this measure.

I thank the Chair.

Mr. STEVENS. Mr. President, I reciprocate in thanking my good friend for his comments. It is interesting when we reflect back on World War II. We as a nation knew who we were, what we were doing, and we had unanimous support for what we were doing. Today, each of us faces comments from time to time about our commitment to defense and questions of whether we could not cut this budget. If anything, we should have a great deal more money. I shall speak to the Senate later about that during the consideration of this bill.

Let me point out to Members of the Senate that we have knowledge of 46 amendments on this bill. We have reviewed them with our staff and with the staff of those who will present those amendments, and 23 of them we are prepared to accept. Of the balance, 13 of them we have not seen. It would be very helpful if Members will bring their amendments to us so that we can look at them and determine whether or not we can work with the person who wishes to present the amendment and accept it or modify it in a way that it becomes acceptable. I expect we will have some substantial votes today and into the night. But it will be much easier for all of us if we can see these amendments and we can try to find some way to accommodate the needs of the Senate and the demand of our defense spending with the individual desires of Members of the Senate.

AMENDMENT NO. 3391

(Purpose: To provide a 3.6 percent pay raise for military personnel during Fiscal Year 1999)

Mr. STEVENS. Mr. President, I mentioned in my statement that we have a 3.1 percent pay raise in this bill. I want to send to the desk, and do send to the desk, an amendment. It is sponsored by myself and my friend from Hawaii.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 3391.

Mr. STEVENS. 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 99, in between lines 17 and 18, insert the following:

SEC. 8104(a) On page 34, line 24, strike out all after "$94,500,000" down to and including "1999" on page 35, line 7.

(b) On page 42, line 1, strike out the amount "$2,000,000,000", and insert the amount "$1,775,000,000".

(c) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for "Military Personnel Army", $58,000,000; for "Military Personnel Navy", $43,000,000; for "Military Personnel, Marine Corps", $14,000,000; for "Military Personnel, Air Force", $44,000,000; for "Reserve Personnel, Army", $5,377,000; for "Reserve Personnel, Navy", $3,684,000; for "Reserve Personnel, Marine Corps," $1,103,000; for "Reserve Personnel, Air Force", $1,000,000; for "National Guard Personnel, Army", $9,392,000; and for "National Guard Personnel, Air Force", $4,112,000".

(d) Notwithstanding any other provision in this Act, the total amount available in this Act for "Quality of Life Enhancements, Defense", real property maintenance is hereby decreased by reducing the total mounts appropriated in the following accounts: "Operation and Maintenance, Army", by $58,000,000; "Operation and Maintenance, Navy", by $43,000,000; "Operation and Maintenance, Marine Corps", by $14,000,000; and "Operation and Maintenance, Air Force", by $44,000,000.

(e) Notwithstanding any other provision in this Act, the total amount appropriated under the heading "National Guard and Reserve Equipment", is hereby reduced by $24,668,000.

Mr. STEVENS. Mr. President, this amendment will raise the military pay to 3.6 percent. This pay raise will add $185 million to the Active Forces, Guard, and Reserve pay accounts. Over the last year, our committee has heard repeatedly in both hearings with the service chiefs and during field visits to Bosnia, Saudi Arabia, Kuwait, Alaska, and other places throughout the world that our military members perceive an erosion of existing benefits. This adjustment in pay matches the private sector wage growth at a time when many service members are questioning the value of continued service due to an increasing pace of deployments.

Some economists estimate that the pay gap between the private sector and the military may be as high as 13.5 percent. This amendment will, at a minimum, provide a fairer base for military pay raises in the future.

I ask if my friend has any comments to make in regard to this amendment. He is a cosponsor.

Mr. INOUYE. Mr. President, my only comment is that I wish we could have provided much more than this.

Mr. STEVENS. I ask for adoption of the amendment. That is consistent with the authorization bill, Mr. President.

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

The amendment (No. 3391) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3392

(Purpose: To provide additional funds for U.S. military operations in Bosnia as an emergency requirement)

Mr. STEVENS. Mr. President, we have tried to be consistent with the authorization bill. As this bill came out of committee, the authorization bill did not meet the contingency operations in Bosnia as requested by the President. I send to the desk an amendment and state to the Senate that, if it is adopted, it will conform the handling of the moneys in this bill for Bosnia with the authorization bill as it has been amended.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3392.

Mr. STEVENS. 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 99, between lines 17 and 18, insert the following:

SEC. . For an additional amount for "Overseas Contingency Operations Transfer Fund," $1,858,600,000: *Provided,* That the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, the defense health program appropriations and working capital funds: *Provided further,* That the funds transferred shall be merged with and shall be 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 paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided*

further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. STEVENS. This does conform, as I indicated, with the decision of the defense authorization committee for the handling of the Bosnia money.

Mr. INOUYE. Mr. President, I am pleased to concur with the amendment.

The PRESIDING OFFICER. If there is no further discussion, the amendment is agreed to.

The amendment (No. 3392) was agreed to.

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

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

The motion to lay on the table was agreed to.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that Nancy Gilmore-Lee, a fellow assigned to my staff, be provided floor privileges during consideration of this bill.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that James Bynum, a Capitol Hill fellow serving on Senator MCCAIN's staff, be granted privileges of the floor during debate and any votes concerning this bill, as well as any related amendments.

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

Mr. STEVENS. My previous request and Senator INOUYE's request applied to time during votes, Mr. President.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3393

(Purpose: To impose a limitation on deployments of United States forces to Yugoslavia, Albania, or Macedonia)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 3393.

Mr. ROBERTS. 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 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available under this Act may be obligated or expended for any deployment of forces of the Armed Forces of the United States to Yugoslavia, Albania, or Macedonia unless and until the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate, transmits to Congress a report on the deployment that includes the following:

(1) The President's certification that the presence of those forces in each country to which the forces are to be deployed is necessary in the national security interests of the United States.

(2) The reasons why the deployment is in the national security interests of the United States.

(3) The number of United States military personnel to be deployed to each country.

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exit strategy for United States forces engaged in the deployment.

(7) The costs associated with the deployment and the funding sources for paying those costs.

(8) The anticipated effects of the deployment on the morale, retention, and effectiveness of United States forces.

(b) Subsection (a) does not apply to a deployment of forces—

(1) in accordance with United Nations Security Council Resolution 795; or

(2) under circumstances determined by the President to be an emergency necessitating immediate deployment of the forces.

Mr. ROBERTS. Mr. President, the United States and the rest of the Western European countries are on the verge of a very deep and expensive and very dangerous involvement in yet another area of the Balkans, the Serbian province of Kosovo. Unfortunately, and once again, it seems to me the administration has yet to explain to the Congress or to the American people why it is in our vital—again, I emphasize the word ''vital''—national interest to get in the middle of this growing conflict.

Let me make it clear I think a case can be made that, under certain circumstances, it is in the U.S. national interest to get involved in the conflict in Kosovo. But in my view, it is the responsibility of the President of the United States and the administration, i.e., the national security team, to explain to the American public and the U.S. Congress why such an involvement is in our vital national interest before our troops are committed.

The reports on CNN are clear that the Yugoslavian leader, Mr. Milosevic, is taking hard and very brutal action against the ethnic Albanians who are living—and, by the way, they comprise, Mr. President, 90 percent of the total population—in Kosovo. Certainly, this should be of no surprise since this is the same kind of activity that he directed in the breakup of Bosnia.

Our diplomatic efforts are active, but they keep changing in purpose and intent. The all too frequent U.S. diplomatic technique has been employed. Several lines in the sand have been drawn, with threats of severe reprisals if the Serbian action against the Albanian population does not cease, but, regretfully, nothing positive to date has come from our diplomatic initiatives or threats. So these lines in the sand are crossed and the fighting has intensified, resulting in increased human suffering.

The Albanian rebels, known as the KLA, are growing in strength and the fighting grows more fierce, with no peaceful solution in sight. The United States and NATO have threatened military action, and they gave a military demonstration consisting of a determined flight involving a considerable amount of aircraft. They called it ''Determined Falcon.'' I am not sure how determined the falcon was. At any rate, neither side has offered to end the conflict. In fact, the KLA is actually buoyed by the apparent Western support for their cause, and therefore they are not interested in backing off now. Mr. Milosevic, having observed our unwillingness to carry out our threats when he crossed the lines in the sand, and coupled with the strong support of the Serbian people to put an end to the rebel uprising in Kosovo, has no reason to back off either.

We have now started an international monitoring program, Mr. President, in Kosovo. It is ''aimed at bringing peace to this strife-torn region.'' I don't know of any Senator or anybody or any observer who would object to that. But it is not entirely clear what these observers will accomplish other than to report on the obvious, and that is, there is a small war in Kosovo and we have been unable to influence its cessation.

This observer group is comprised of about 40 diplomats and ''military experts'' attached to the embassies in Belgrade. Our ''military experts'' are unarmed U.S. military forces from the European Command, and they are specifically trained for this mission.

Here are my concerns: In Kosovo, we are, once again, backing into a military commitment, just as we did in Bosnia—and I hate to use this example but I think it is applicable—and in Vietnam. The term of ''unarmed military observers'' or ''experts'' brings back some pretty sad memories of other wars that we have backed into. We are running a great risk that our military experts or diplomats could be in harm's way. As a matter of fact, in terms of hearings yesterday in the Intelligence Committee, we were talking about the priorities in regard to intelligence assets in certain countries, and force protection, obviously, plays a big role in that. So if we have our intelligence assets certainly supporting our troops in that part of the world, it gives real evidence that this is the case.

NATO is conducting contingency planning that could involve thousands of military troops to separate the warring factions or impose peace—it has been estimated anywhere from 7,000 to 25,000 troops, even more.

The distinguished chairman of the Appropriations Committee, at a briefing when the Secretary of State briefed a bipartisan group of Senators on what was happening in regard to India and Pakistan, actually warned the Secretary of State and said we do not have the personnel, we do not have the means, we do not have the materiel to commit those kinds of troops, that kind of involvement with regard to Kosovo, without emergency funding, without certainly stepping up our support, both in terms of funds and in terms of troops.

The costs of involvement in Kosovo, both in dollars and the impact on an already-stressed military, are potentially devastating. The chairman indicated that in his discussion with the national security team and with the administration.

There are many unanswered questions of how this conflict in Kosovo is in our vital national interest. I think a good case can be made for our involvement in Kosovo. I just came back with the distinguished chairman of the Senate Intelligence Committee from taking a look at the three new NATO countries, what our intelligence assets are there and what the situation is there. Every official there, every foreign minister, every president indicated that Kosovo was in the interest of NATO and peace in Europe. But there are some very serious unanswered questions, and there are unexplained scenarios of the conflict in Kosovo leading to a larger war in Europe if this war is not ended now.

But my primary concern is that this whole business has yet to be addressed by the administration or, for that matter, to some degree, the Congress in any substantive way. He cannot, nor will Congress let him, commit the men and women of our Armed Forces without defining our national interests, the objectives, and the exit strategy for any involvement in Kosovo.

In the military, Mr. President, there is a term called a warning order, which is sort of a heads-up that some action is coming your way and, as the commander, you should start planning on how you would handle that action.

The amendment I offer today, which is consistent with the amendment that was accepted on a bipartisan basis during the last defense appropriations bill in regard to Bosnia, is a kind of a ''warning order.'' The intent is to let the administration know that before they decide to deploy the military to the region as a result of the conflict in Kosovo, we need to address some salient points before Congress will fund the deployment. It is that simple.

The Congress and, more importantly, the American people need to understand at least the following information, and information required by the amendment. They are as follows:

No. 1, certification that such a deployment is necessary in the national interests of the United States;

No. 2, to explain the reasons why the deployment is in the national security interests of the United States;

No. 3, to define the number of U.S. military forces to be deployed to each country;

No. 4, to explain the mission and the objectives of the forces to be deployed;

No. 5, to discuss the expected schedule for accomplishing the objectives of the deployment;

No. 6, what is the exit strategy for U.S. forces engaged in deployment, if that is possible;

No. 7, what are the expected costs associated with the deployment and the funding source for paying these costs.

I am going to terminate my remarks very quickly, because I know the time schedule here. Let me point out that when Ambassador Gelbard and General Wesley Clark appeared before the Senate Armed Services Committee and reported again on Bosnia and again said that the mission had changed and again said that the objective or the end game could not be defined, I pointed out that it could be in our national interest that we are in Bosnia and that while it was ill-defined, while the mission was changed, my main complaint—and I think one of the complaints shared by the distinguished chairman—is that the administration didn't fund it and the money is coming out of readiness and procurement and modernization, and that has to stop.

What are the expected costs associated with the deployment and the funding source?

What are the anticipated effects of the deployment on the morale, retention, and effectiveness of U.S. forces?

I think, Mr. President, that Bosnia is the perfect example of why such a ''warning order'' is necessary. We have expended over $10 billion in Bosnia.

We have yet to answer most of the questions contained in this amendment: Why is it in our national interest to continue to be there? How many troops do we need? How and when do we get out? And how are we going to pay for it?

I am a strong believer, Mr. President, that once the U.S. flag—the U.S. credibility—is ''planted,'' that we must support the U.S. position rather than embarrass or put our troops at risk. My intent is simply to go on record now before we get involved in yet another entanglement in yet another region of the Balkans—before the flag is planted and the troops are deployed.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I commend Senator ROBERTS. He is following the path that he followed last year. The Senate adopted his amendment that he presented last year, which has had a salutary effect on the considerations involved in Bosnia. And we will soon have announced the basic reduction in forces in Bosnia, brought about in many ways because of the study that Senator ROBERTS' amendment last year mandated.

I have reviewed this with my friend from Hawaii. And I note that he has put in even another provision this year that recognizes that there might be an emergency that would be such where the President would not have time to prepare the report that is listed. I think that is very wise to offer that flexibility to the administration.

I am prepared to accept this amendment. I ask the Senator from Hawaii what his views would be concerning Senator ROBERTS' amendment?

Mr. INOUYE. Mr. President, I join my chairman in commending our dear friend. Once again, he has taken the initiative and leadership in this important area. Thank you very much.

Mr. STEVENS. Mr. President, I ask for the adoption of the amendment.

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

The amendment (No. 3393) was agreed to.

Mr. INOUYE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. It is my understanding that the Senator from Washington wishes to speak on a subject that is not related to the bill. I am pleased to afford my good southern friend that opportunity. I ask him, how much time does he wish?

Mr. GORTON. Ten minutes.

Mr. STEVENS. I ask unanimous consent that the Senator have 10 minutes for a statement as in morning business.

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

Mr. GORTON. Mr. President, I thank my friend from Alaska for the use of this time, and I appreciate the courtesy of the Senator from Texas, who is here with an important amendment, in granting me this time.

THE PLIGHT OF THE AMERICAN FARMER

Mr. GORTON. Mr. President, we have heard a large number of words and speeches on this floor, of course, in the last 2 or 3 months on the plight of the American farmer. Many called for a return to the policies of yesteryear. I am here this morning in contrast to talk about 10 impediments or evidences of indifference on the part of this administration to the farmers and the agricultural communities of the State of Washington, the Pacific Northwest, and all of America which can be solved simply by the administration's willingness to care about those Americans who produce our food and fibers.

So in the classic way that we give lists of 10, I will start, Mr. President, with number 10, the Interior Columbia Basin Ecosystem Management Program. A bloated attempt begun 4 years ago, to have lasted 1 year would cost $5 million, which is now approaching $40 million in 4 years, and has antagonized

all of the private interests in the Interior Columbia Basin, all of the Members of Congress who represent any part of that basin, but the continuance of which is demanded by the President as the price of signing an appropriations bill for the Department of Interior.

I held a field hearing on this subject in Spokane, WA, with unanimous or near unanimous opposition to the program as it is being conducted at the present time. Both the bill that I am in charge of managing and the bill that has already passed the House of Representatives dramatically changes and minimizes that program.

At the behest of this administration, however, a Seattle Congressman put up an amendment to restore the program to its present pristine size. Every Member of the House of Representatives representing any part of the Columbia Basin voted against that amendment, and yet the administration continues to demand it, with all of the interference of private agriculture that it entails.

No. 9, the Department of Agriculture budget—welfare over farmers. Two-thirds of the Department of Agriculture's budget is earmarked for food and for welfare programs. The essential research conservation and on-the-ground farmer programs get lost in the shuffle. Only when there is a crisis does the Secretary of Agriculture pay any attention to them.

For 3 consecutive years, the administration's request for farmer programs have decreased while the amount requested for food and nutrition programs has increased. No one disputes the importance of those food and nutrition programs, but we cannot very well feed America without providing the funding and infrastructure necessary to enhance the production of the most healthy, abundant, safe and inexpensive crops in the world.

No. 8, Columbia-Snake River dams. The President's Council on Environmental Policy of the Department of the Interior had made it quite clear that major dam removal is very high on their agenda of courses of action for the Columbia and Snake Rivers. The Columbia Basin in eastern Washington, in eastern Oregon, and in Idaho, was literally a dust bowl until the introduction of irrigation. Without it, those States would not lead the country in apples, hops, asparagus, and potato production.

The Columbia Basin is a cornucopia for the Nation's food supply. Dam drawdown or removal would shut down agriculture in the region. In addition, of course, those rivers provide the avenues of transportation to get those agricultural products to market, a transportation system that would be destroyed by dam removal.

No. 7, China trade policy—Washington wheat farmers seem not worth helping by this administration. For more than 20 years, China has refused to import Pacific Northwest wheat because of unfounded, nonscientific phytosanitary reasons. They call it ''TCK smut.'' TCK smut has never been detected in Washington wheat. It does exist, however, in the fields of our wheat-growing counterparts—Canada, France and Germany; but China imports from all three.

The administration seeks a new set of trade relations with China. The President went to China. The President, in order to keep peace with China, did not so much as mention these trade barriers, ignoring the plight of our wheat farmers in the Pacific Northwest. His first priority should be to get that barrier lifted.

No. 6, repeated efforts to eliminate agricultural research. For the past 2 years, the administration has recommended zeroing out all of the national regionally based agriculture research programs. These programs conduct research necessary to all food-producing regions of the country. The administration's insistence on nationalizing these programs is ludicrous. Obviously, cotton research cannot and should not be conducted in eastern Washington; and red delicious apple research is not conducted in Mississippi. These regional programs have bolstered our already strained land grant education university programs. They are absolutely essential, and yet the administration would wipe them out.

No. 5, no movement on fast-track trade negotiating authority. Fast track is essential to establishing trade relations with Chile. Currently, the United States exports face an 11-percent tariff in that country, giving our competitors an 11-percent advantage. Yet, because of objections from members of his own party, the President has abandoned the cause of fast-track trade authority.

No. 4, the agricultural labor shortage—not our problem. The administration does not seem to believe that there is an agriculture labor shortage and is opposed to the Guest Worker Program to address this issue that has already passed the Senate of the United States. In the face of that fact, the General Accounting Office estimates that over one-third of our Nation's migrant workforce is illegal. By doing nothing, the Clinton administration is making lawbreakers out of law-abiding agriculture employers and proposes to do nothing about it.

No. 3, sanctions against Pakistan. Sanctions are killing our agriculture industries. With more than 40 percent of the world's population under U.S. sanctions, the American farmer is locked out of many markets. The President instantly imposed sanctions on Pakistan as a result of its nuclear tests, and only as a result of action by Congress have those sanctions or the effect of those sanctions been at least partially removed with respect to Pakistan.

No. 2, the Endangered Species Act and private property rights. The Endangered Species Act impacts eastern Washington farmers and many others more than any other environmental regulation, and yet the administration, rather than assist in reasonable amendments to the Endangered Species Act, insists on ever more rigid enforcement and ever more interference with the ability of our farmers to grow the food and fiber that the Nation needs.

No. 1, AL GORE. President Clinton has officially tagged the Vice President as the administration's environmental leader. He is the promulgator of most of the policies that I have already discussed and has constructed environmental roadblocks and headaches for farmers from Washington State all across the United States to Florida.

No one knows the land better than America's hard-working farm families. The District of Columbia, the administration, and AL GORE should not be dictating to America's farmers how to till, harvest, irrigate, employ, and manage their farms. AL GORE and his administration need to focus on foreign trade and agricultural research, not on locking up private property and over-regulating the family farm.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Ed Fienga from my staff be allowed on the floor during the debate on the defense appropriations bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3397

(Purpose: To achieve the near full funding of the Army National Guard operation and maintenance account that the Senate provided for in the concurrent resolution on the budget for fiscal year 1999 (H. Con. Res. 28), as agreed to by the Senate, and to offset that increase by reducing the amount provided for procurement for the F/A–18E/F aircraft program to the amount provided by the House of Representatives in H.R. 4103, as passed by the House of Representatives)

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 legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 3397.

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:

On page 13, line 9, increase the amount by $219,700,000.

On page 25, line 25, reduce the amount by $219,700,000.

Mr. FEINGOLD. Mr. President, my amendment would allow the National Guard to almost fully fund its operation and maintenance, or O&M account, for the coming fiscal year. This year's Defense Department budget request left the National Guard with a $634 million budget shortfall, including a $450 million shortfall in the Guard's O&M account. This request fell on the heals of a $743 million shortfall for the current fiscal year. I think these shortfalls are wrongheaded and unacceptable.

Fortunately, both Houses of Congress have acted more responsibly in funding the National Guard. Even with the improvements from both Houses, though, the Senate appropriations bill we are currently considering leaves the Guard's operation and maintenance account $225 million short. The House bill leaves an even greater gap of $317 million. My amendment would add $220 million to the National Guard's O&M account, leaving just a $5 million shortfall to that account.

According to the National Guard, shortfalls in the operation and maintenance account compromise the Guard's readiness levels, capabilities, force structure, and end strength. Failing to fully support these vital areas will have a direct as well as indirect effect. The shortfall puts the Guard's personnel, schools, training, full-time support, and retention and recruitment at risk. Perhaps most importantly, however, I know firsthand that it is eroding the morale of our citizen-soldiers, as I have had the opportunity to visit some of the armories in Wisconsin and have heard this concern firsthand.

With that in mind, 26 State adjutants general—a majority of the adjutants general in this country—have contacted my office to voice their support for this amendment. The leaders of the National Guard units in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Maine, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wyoming, and my own home State of Wisconsin support my amendment. I would like to thank them for their dedication and support, and I hope we decide to heed their call for support of the National Guard.

Mr. President, in spite of the National Guard's budget concerns, the administration continues to deliver insufficient budget requests given the National Guard's duties; yet, the administration increasingly calls on the Guard to handle some very wide-ranging tasks. These shortfalls have an increasingly greater effect given the National Guard's increased operations burden. This is as a result of new missions, increased deployments, and training requirements, including the missions in Bosnia, Iraq, Haiti, and Somalia.

As I am sure my colleagues know by now, the Army National Guard represents a full 34 percent of total Army forces, including 55 percent of combat divisions and brigades, 46 percent of combat support, and 25 percent of combat service support; yet, the Guard only receives 9.5 percent of Army funds.

To offer a comparison with the other Army components, the National Guard receives just 71 percent of requested funding, as opposed to the Active Army's 80 percent and Army Reserve's 81 percent. I think it is time we move toward giving the National Guard adequate and equal funding. This amendment almost achieves funding equity for the National Guard, and the National Guard is the Nation's only constitutionally mandated defense force.

Not only have we failed to invest fully in the National Guard, we have failed to invest fully in the best bargain in the Defense Department. That should not come as a surprise, however. DOD has never been known as a frugal or practical department—from $436 hammers to $640 toilet seats to $2 billion bombers that don't work and the Department doesn't seem to want to use. The Department of Defense has a storied history of wasting our tax dollars. Here is an opportunity to spend defense dollars on something that actually works, that is worthwhile, and enjoys broad support on both sides of the aisle.

In this regard, the National Guard fits the bill. According to a National Guard study, the average cost to train and equip an active duty soldier is $73,000 per year, while it costs only $17,000 per year to train and equip a National Guard soldier. The cost of maintaining Army National Guard units is just 23 percent of the cost of maintaining active Army units. It is time for the Pentagon to quit complaining about lack of funding and begin using their money a little more wisely and efficiently.

Finally, my amendment doesn't terminate any program, nor does it create unsupported cuts to existing programs. This amendment merely follows the recommendation of the other Chamber.

Early this year, the House overwhelmingly supported DOD authorization and appropriations bills that provide $2.6 billion to procure 27 Super Hornet aircraft. I think, and the General Accounting Office thinks, that is actually far too much money for a plane that provides only marginal benefits over the current, reliable Hornet. But it is better than the $2.8 billion for 30 Super Hornets that the bill contains. I think we should follow the prudent lead of our colleagues in the other body on this issue.

Mr. President, I ask unanimous consent that the text of the House National Security Committee's report on its fiscal year 1999 DOD authorization bill, which specifically addresses the Super Hornet, be printed in the RECORD.

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

F/A–18E/F

The budget request contained $2,787.8 million for 30 F/A–18E/F aircraft and $109.4 million for advanced procurement of 36 aircraft in fiscal year 2000.

Based on the results of the Quadrennial Defense Review (QDR), the committee notes that the Department has reduced the total procurement objective from 1,000 to 548 aircraft and has also reduced procurement in the future years defense program (FYDP) from 248 to 224. The committee notes that the Department plans to request increases of six aircraft per year for each of the next three fiscal years until its maximum production rate of 48 aircraft per year is attained in fiscal year 2002. However, for fiscal year 1999, the requested increase from fiscal year 1998 is 10 aircraft.

The committee is also aware that the Department has increased the number of low rate initial production (LRIP) aircraft in fiscal years 1997, 1998 and 1999 from 42, as approved in 1992 by the Defense Acquisition Board (DAB), to its current plan of 62 aircraft. The Department's Selected Acquisition Reports indicate that both its initial plan of 42 LRIP aircraft and its current plan of 62 LRIP aircraft were predicated on a procurement objective of 1,000 aircraft. The committee notes that were the Department to comply with the 10 percent LRIP guideline contained in section 2400 of title 10, United States Code, 55 LRIP aircraft should be sufficient.

During the past year, the committee has followed the Department's challenges in solving an uncommanded rolling motion problem that occurs at altitudes and angles of attack in that portion of the flight envelop where the F/A–18E/F performs air combat maneuvers. The Department's Director of Operational Test and Evaluation recently testified that the most promising solution to this problem—a porous wing fairing—causes unacceptable airframe buffeting and that the final solution to the problem may include other combinations of aerodynamic alternations to the wing surface. According to the Director, the root cause of the problem and modifications to the porous wing fairing are still being investigated, and the wing fairing configuration flown during developmental testing does not incorporate the production representative wing fold mechanism. Additionally, the Director stated that the Department would not have a complete understanding of the impact of the design fix, including uncertainty over air flow effects around the weapons pylons, until the conclusion of operational testing in 1999. Moreover, the Director also noted other concerns with the aircraft such as deficiencies in the performance of its survivability and radar jamming systems.

In light of the significantly higher increase in production proposed for fiscal year 1999, the apparent excess number of LRIP aircraft,

and the development and testing issues yet to be fully resolved, the committee recommends a reduction of $213.1 million and three aircraft. Of the total $213.1 million reduction, initial spares is reduced by $8.4 million. The committee believes that an increase of seven aircraft from the approved fiscal year 1998 level is appropriate and further believes that a total of 59 LRIP aircraft, approximately 11 percent of the total procurement objective, will meet requirements for operational testing and evaluation and will also be sufficient to meet both initial training requirements and the first operational deployment scheduled for fiscal year 2002.

Mr. FEINGOLD. Mr. President, I would like to quote the chairman of the House Military Procurement Subcommittee, DUNCAN HUNTER. Speaking of the National Security Committee's Super Hornet procurement decision, Representative HUNTER said, ''We think it's a rational, responsible reduction, a balanced reduction.''

Mr. President, it is time we prioritized this Nation's defense needs. The National Guard provides a wide range of services, from combat in foreign lands to support in local weather emergencies, all at a fraction of the cost of the Active Army. The National Guard needs and deserves our full support. And it is for that reason that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I intend to move to table this amendment.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I would like to commend the Senator from Wisconsin for presenting this amendment. I would have to speak against that.

It is true that the budget request submitted by the administration for the National Guard had a shortfall for O&M activities in the Guard in the amount of about $770 million. On our chairman's initiative, we placed an amount of $320 million to make up for part of the shortfall.

In addition to that, the administration had zero dollars for procurement of new equipment based upon the philosophy that if the regular services, the Regular Army, purchases equipment, some of the leftovers may go for the Guard. We did not concur with that. We appropriated $500 million for the Guard to get new equipment.

Having said that, Mr. President, I believe it should be noted that every service, every component of every service, is faced with shortfalls. There is a shortfall in Navy O&M. They would like to have more steaming time. They want their ships to be out there for maneuvers. We can't do that. The Army Tank Corps would like to have more petroleum and gasoline so that the men who drive these tanks may get more experience and be ready for combat, if such is necessary. Artillerymen would like to have more ammunition for firing range practice.

Mr. President, we have the sad chore of trying to balance all of the accounts and, at the same time, realizing that if this Nation is to continue being the superpower of this world and thereby deter any nation from any mischievous action, we have to provide funds to modernize. The accounts that may be affected by this amendment would stop the modernization program.

Mr. President, although I agree that the Guard should be receiving much more, I will have to concur with my chairman's action when he moves to table this.

Thank you.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have had a series of visits with the Joint Chiefs of Staff. I particularly recall the discussion I had with Secretary of the Navy John Dalton and with Admiral Johnson. There is no question that the Navy representatives have informed our committee that full F/A–18E/F funding is the administration's top appropriations priority for defense and the Navy.

This amendment would take these funds from that priority, the F/A–18E/F, and move it to the National Guard.

We have added, as I stated this morning, $95 million to augment the Guard and Reserve personnel accounts.

We have added for the Guard and Reserve operation and maintenance funds an additional $225 million.

Finally, we added $450 million to the Guard and Reserve procurement account.

I have to tell the Senator we have exceeded the requests in many instances. We added almost $1 billion in the zero sum budget for the Guard and Reserve priorities.

Furthermore, the F/A/-18E/F is just entering production. The Senator's amendment will seriously disrupt the production program, and substantially increase the unit cost, if the Senate approves this amendment. To me it does not make common sense to increase the cost of the F–18, the Navy's top priority planes which we must buy to meet the Navy's previously approved program requirements. We have helped the Guard and Reserve. I do not think we should punish the Navy in order to help them any more.

If the Senator wishes to make any comments, I yield to him for those comments.

I intend to make a motion to table his amendment. But before I do that, I ask unanimous consent that, on any votes that are laid aside in order to join the priority list that is already in existence under the Guard and Reserve the common procedure of a minute on each side be the procedure for this bill: That there be 2 minutes equally divided on any vote that occurs on this bill on an amendment that is set aside for a later time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me first of all say that the two Senators who have spoken in opposition to this amendment are not only very sincere in their support of the National Guard but they have demonstrated in committee a serious concern about increasing funding. And their efforts have gone a long way to make sure that we have less of a shortfall than was originally occurring. That is encouraging. However, as was admitted by those opposed to this amendment, we still have a $225 million shortfall in the O&M account at the National Guard. This is a serious shortfall.

I am not suggesting that we remove this funding from vital areas, but this is about priorities within the defense budget. I think it is a pretty easy call. Although I would prefer that we not move forward with the Super Hornet airplane, what I am suggesting here is not a dramatic reduction in those planes. I am simply suggesting we take what has already been passed in the House; that is, instead of having 30 of the Super Hornets, we procure 27—3 fewer. For three fewer of these planes, we could fully fund the National Guard O&M account.

This is not an attempt, as the Senator from Alaska, suggested, to seriously disrupt the production of the Super Hornet. Very candidly, Mr. President, I would prefer to do that, because the General Accounting Office has pointed out that the Super Hornet is not substantially better than the current plane. It is going to cost $17 billion more than the current plane. That is a huge amount of money.

But that is not what this amendment does. All this amendment does is say let's adopt what the House did, which is have 27 Super Hornets instead of 30, and use the money that is saved to fully fund the National Guard, or virtually fully fund the National Guard O&M account.

Mr. President, these shortfalls for the National Guard are serious. I have had the opportunity to visit armories in Oak Creek, WI, and Appleton, WI, and spend a fair amount of time speaking to the officers and the guardsmen and guardswomen who are trying so hard to do the job that they are expected to do, constituting 34 percent of our entire Army's sources and resources. They are having morale problems. Otherwise, why would 26 adjutant generals in this country write in support of this amendment? They are very concerned.

Mr. President, my amendment is simply about priorities. It is a modest reduction in the number of these Super Hornets that are going to be procured, and in return for something that is far more vital at this point. And that is fully funding the O&M account for the National Guard.

Mr. President, in light of the fact there will be a motion to table at some

point, I strongly urge my colleagues to put these modest resources in the National Guard, which supports our Army and which exists in our communities in every one of our States, rather than three more airplanes that, frankly, have not been proven to be substantially better than the current plane that has done a good job in the Gulf war and other situations.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, if there is no further debate on this matter, I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. STEVENS. I now ask that that amendment be set aside.

Is the standing order that all of the votes we ask for the yeas and nays on prior to 2 o'clock will be automatically set aside?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair.

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

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

AMENDMENT NO. 3398

(Purpose: To limit the use of funds pending establishment of the position of Deputy Under Secretary of Defense for Technology Security Policy)

Mr. KYL. Mr. President, if it is in order, I would like to send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. KYL. And ask for its immediate consideration.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3398.

Mr. KYL. 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 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) None of the funds appropriated by this Act may be obligated or expended for the establishment or operation of the Defense Threat Reduction Agency until the Secretary of Defense takes the following actions:

(1) Establishes within the Office of the Under Secretary of Defense for Policy the position of Deputy Under Secretary of Defense for Technology Security Policy and designates that official to serve as the Director of the Defense Security Technology Agency with only the following duties:

(A) To develop for the Department of Defense policies and positions regarding the appropriate export control policies and procedures that are necessary to protect the national security interests of the United States.

(B) To supervise activities of the Department of Defense relating to export controls.

(C) As the Director of the Defense Security Technology Agency—

(i) to administer the technology security program of the Department of Defense;

(ii) to review, under that program, international transfers of defense-related technology, goods, services, and munitions in order to determine whether such transfers are consistent with United States foreign policy and national security interests and to ensure that such international transfers comply with Department of Defense technology security policies;

(iii) to ensure (using automation and other computerized techniques to the maximum extent practicable) that the Department of Defense role in the processing of export license applications is carried out as expeditiously as is practicable consistent with the national security interests of the United States; and

(iv) to actively support intelligence and enforcement activities of the Federal Government to restrain the flow of defense-related technology, goods, services, and munitions to potential adversaries.

(2) Submits to Congress a written certification that—

(A) the Defense Security Technology Agency is to remain a Defense Agency independent of all other Defense Agencies of the Department of Defense and the military departments; and

(B) no funds are to be obligated or expended for integrating the Defense Security Technology Agency into another Defense Agency.

(b) The Deputy Under Secretary of Defense for Technology Security Policy may report directly to the Secretary of Defense on the matters that are within the duties of the Deputy Under Secretary.

(c) Not later than 10 days after the Secretary of Defense establishes the position of Deputy Under Secretary of Defense for Technology Security Policy, the Secretary shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives a report on the establishment of the position. The report shall include the following:

(1) A description of any organizational changes that have been made or are to be made within the Department of Defense to satisfy the conditions set forth in subsection (a) and otherwise to implement this section.

(2) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense after the establishment of the position, together with a discussion of how that role compares to the Chairman's role in those activities before the establishment of the position.

(d) Unless specifically authorized and appropriated for such purpose, funds may not be obligated to relocate any office or personnel of the Defense Technology Security Administration to any location that is more than five miles from the Pentagon Reservation (as defined in section 2674(f) of title 10, United States Code).

Mr. KYL. Mr. President, might I ask of the distinguished chairman whether this would be an appropriate time to discuss briefly the amendment or whether we should lay it aside and move to other business? What would be the chairman's pleasure?

Mr. STEVENS. Mr. President, I just delivered a copy of the Senator's amendment to the minority and other committees affected. He is at liberty to make such comments he wishes to make, but we will not be able to have final consideration of the matter until we have heard back from Senator INOUYE and his people on his side of the aisle. The Governmental Affairs Committee is also considering this issue.

Mr. KYL. What I might do then, Mr. President, since we want to handle this in a way agreeable to the chairman, if there is no one else to present an amendment right now, rather than defer business, I will go ahead and describe the amendment but do it briefly and then, when the chairman is ready to proceed with other business, lay it aside and handle it in that fashion, if that is agreeable with the chairman.

Mr. STEVENS. Fine.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, in that event, let me first ask unanimous consent that two fellows from my office, John Rood and David Stephens, be granted floor privileges for the debate on this matter.

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

Mr. KYL. I thank the Chair.

Mr. President, I will describe this amendment briefly.

Frankly, this came out of the revelations concerning the alleged transfer of certain technology to the Chinese Government as a part of the process of launching American satellites on Chinese rockets, the so-called Loral-Hughes matter. But it really goes beyond that. It is a question of whether or not the Defense Department has in process an adequate way of reviewing the requests for export licensure and the conditions attached to those licenses to ensure that national security is not jeopardized.

That role has in the past been played by an agency of the Defense Department called the Defense Technology Security Agency. It goes by the name of DTSA for the people who understand it. The point of this memorandum is to ensure that DTSA will continue to have a prominent role in the evaluation of export licenses and the kinds of conditions that would be attached to them.

In fact, we ensure as a result of this amendment that the role is prominent by restoring the position of the Deputy Under Secretary for Technology Security Policy within the Office of the Under Secretary of Defense for Policy, and thereby ensure, as I say, a prominent role for this agency. The Deputy Under Secretary would have access to both the Under Secretary of Policy and the Secretary of Defense himself.

This is important, Mr. President, for the following reasons:

No. 1, DTSA is the single agency in the Government reviewing the national security implications of an item for export;

No. 2, DTSA coordinates input from the services, military branches, the Joint Chiefs and the defense agencies;

No. 3, DTSA routinely supports the Department of State in its investigations of these matters;

No. 4, creating a Deputy Secretary of Technology Security will ensure that the Department of Defense is represented at a sufficiently high level at the interagency meetings that occur to discuss these export licenses.

And, finally, providing the Deputy Under Secretary with the authority to interact directly with the Secretary of Defense will enable the Deputy Secretary to bring items of immediate concern directly to the Secretary to discuss with the Secretary of Commerce and the President.

The Department of Defense is the only agency with the expertise, the personnel, and the ability to assess the impact of exports on the national security of the United States, and this ought to be our No. 1 concern. The Persian Gulf war demonstrated the value of the United States maintaining a technical edge on the battlefield. Maintaining that edge in the future is dependent upon keeping sensitive technologies out of the hands of potential adversaries.

Questions regarding the appropriate role of the Department of Defense in considering exports of dual-use items have obviously been of concern for a number of years. But, as I said, the alleged transfer technology to the Chinese Government has really elevated this concern to the point that there are those of us in Congress who want to ensure that the Department of Defense continues to have an important role here.

Early in the 1990s, Congress examined the problems with export control and how it was possible that American companies, with the knowledge of the Department of Commerce, could have contributed to the Iraqi arms buildup, as we know occurred. We learned, for example, that between 1985 and the imposition of the U.N. embargo on Iraq in August of 1990, the Department of Commerce approved for sale to Iraq 771 export licenses for dual-use goods. Some of these sales involved technologies that very probably helped the Iraqis develop ballistic missile, nuclear, and chemical weapons. In some cases, Commerce approved the sale over strong objections from Defense or without even consulting the Department of Defense at all.

In 1994, the Export Administration Act expired and in 1996 dissolved, leaving no overarching legal forum to guide the export control policies of the United States. Export controls were at that point directed by Executive order. And this resulted in relaxed control over national-security-related equipment and technologies. The GAO has documented potential problems with changes that occurred in 1996 and with the Department of Commerce retaining the primary responsibility for oversight of important national security equipment or technology.

Let me just give a couple of examples here. On September 14, 1994, the Department of Commerce approved an export of machine tools to China. The tools had been used in a plant in Ohio that produced aircraft and missiles for the U.S. military. Some of the more sophisticated machine tools were diverted to a Chinese facility engaged in military production, possibly cruise missile production.

Under current referral practices, the majority of applications for the export of categories related to stealth are not sent to the Department of Defense or the Department of State for review. Without such referrals, it cannot be ensured that export licenses for militarily significant stealth technology are properly reviewed and controlled.

A third example: Commercial jet engine hot section technology was transferred to the Department of Commerce in 1996. Defense officials are concerned about the diffusion of technology and the availability of hot section components that could negatively affect the combat advantage of our aircraft and pose a threat to U.S. national security concerns. So the Defense Department must have an active role and a strong position in advising the President about the national security implications of exporting these and other important dual-use technologies. In order to do this, the Secretary of Defense must have the best advice available. This amendment will ensure that Secretary Cohen and all subsequent Secretaries have that advice.

Mr. President, at the appropriate time I hope we can engage in further discussion of this to ensure that the national security of the United States is not impaired.

At this time, unless there is anyone else who would like to discuss it, I am happy to have the chairman or the ranking member move to other business.

Mr. STEVENS. Mr. President, I ask this amendment be set aside for later consideration so we may have consultation with other committees and Members involved in this subject. We did not have this on our list and have not distributed it until just now. I ask unanimous consent it be put aside until other Members have a chance to review it.

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

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

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

AMENDMENT NO. 3397

Mr. BOND. Mr. President, we have had a brief debate. The manager of the bill, the chairman of the committee, has moved to table the Feingold amendment. I want to add my comments to the debate on that issue.

This is an amendment which I strongly oppose and I urge my colleagues on both sides of the aisle to oppose it. This is part of a continuing campaign of harassment against the Navy's No. 1 program, the No. 1 program of the U.S. Navy. This campaign has had a long, and to date totally unsuccessful, history. We all know the problems in the court systems when individuals flood the courts with frivolous lawsuits. We, in providing procurement funds for the Navy, have had a string of what I consider to be less than good-faith, responsible amendments directed at this program.

The amendment before us purports to cut funds from a Navy procurement program and earmark them for the National Guard operations and maintenance fund. As a long-time and strong supporter of the National Guard, I recognize the limited funding the Guard has, and I have worked with my colleagues, the chairman and the ranking member of the Defense Appropriations Committee, and the Senator from Kentucky, my cochairman of the National Guard caucus, to fund adequately the Guard component of the total force. But I do not believe that pitting one service against the other, raiding the Navy's No. 1 procurement program, is the way to fill that funding requirement. No, this amendment is not a step forward for good government. It has been proposed for no other reason than as a reckless assault on a program which has successfully cleared every production hurdle with room to spare.

I have been advised by Major General Edward Philbin, Executive Director of the National Guard Association of the U.S., that NGAUS is not supporting this program because, among other things, it would simply create problems between the National Guard and the Navy. This, to me, is a very unfortunate step when, as pointed out by the distinguished Senator from Hawaii, all services are facing shortfalls. We have to address the inadequacy in funding for the National Guard and all of the other services. But I can tell you that this amendment is totally uncalled for.

The F/A–18E/F is the Navy's No. 1 priority procurement program. If you ask the Secretary of the Navy or any of the fleet carrier strike-fighter aviators what will enable the Navy to be viable in the 21st century and beyond, they will tell you it is the Super Hornet. Yesterday the CNO was in my office with one of the fine young men who fly the F/A–18. They reemphasize this is their No. 1 program. They cannot afford to take cuts in the program such as proposed on the House side, or particularly as proposed in this amendment. I think it is a sad day when some Members, for reasons known to themselves, would wish to pit the National Guard against the Navy. I think it is irresponsible and could lead to services raiding each other's accounts to achieve an individual Senator's political goals.

In January of 1997, the Senator from Wisconsin led an effort to terminate

the F/A–18E/F. He failed. Since then, he has continued what appears to be a vendetta against the program, and now his intent is slowly to drain the money from the aircraft by continuing a plan to reduce the number of aircraft and the funding available, to make a full-rate production decision nearly impossible.

When you talk with the people in the Navy who know what their needs are, who know what the future of naval aviation is, they will insist, and they will tell you that this is the airplane that they must have. If we want our men and women in naval aviation to carry out the missions we demand of them, then we have to provide them the modern, up-to-date, efficient aircraft, technologically superior, that the E/F F–18 gives us.

I remember full well several years ago when the distinguished ranking member of this committee, the Senator from Hawaii, said, ''We don't ever want to send American fighting men and women into a battle evenly matched. We want to send them in with the technological superiority, the training, and the capability and resources to make sure they win.''

Mr. President, that is what the 18E/F gives us. It gives us that technological superiority. It gives us the ability to make sure we have the best chance possible of bringing our naval aviators home safely, having accomplished their mission.

The F/A–18E/F has already been scrutinized in the Quadrennial Defense Review. It has been scrutinized by the National Defense Panel. It has undergone GAO study after GAO study. It has been tested by pilots at the Patuxent River Naval Air Station and the Naval Air Weapons Station, China Lake. It has accumulated 2,749 test flight hours, over 1,800 flights, and numerous aircraft carrier landings. It has never had a catastrophic failure. I wish other tactical air programs could meet these standards. It has test fired just about every weapon the Navy might need it to carry. It is on time, it is on budget, and it needs to get underway.

I ask my colleagues, if they have any question about the value of this plane, ask somebody who flies one. Ask somebody who has had the opportunity to fly it. Ask somebody who we are sending in harm's way, asking them to fly a fighter and attack aircraft off a carrier, ask them how important they think the F/A–18E/F is to their ability to carry out their mission and to come home safely. If you will ask the naval aviators, whose lives are on the line, I have no question what their response is going to be. I have heard it myself. Any of my colleagues who wish to contact somebody they know in naval aviation or in the Navy itself, I believe they will tell you it is the No. 1 priority.

Mr. President, this is simply a bad amendment, and I sincerely hope that my colleagues will vote overwhelmingly with the chairman of the committee and the ranking member to table this unwise amendment. I thank the Chair. I yield the floor.

Mr. FEINGOLD. Mr. President, the distinguished Senator from Missouri states that my amendment is a ''reckless assault'' on the Navy's Super Hornet program. This could not be further from the truth.

My amendment to increase funding for the National Guard is simply that; an amendment to correct most of a dangerous shortfall in funding for the National Guard's operations and maintenance account. To raise as little controversy as possible in finding an offset to the funding increase, I chose a provision already agreed to by the other chamber. Not only did the House agree to funding procurement of 27 Super Hornets in FY99, the body authorized funding for the identical amount.

In speaking to the reduction, Chairman of the House Military Procurement subcommittee, DUNCAN HUNTER said, ''We think it's a rational, responsible reduction, a balanced reduction.'' Does this mean Chairman HUNTER is recklessly assaulting the Super Hornet program? Is Chairman HUNTER diminishing the value of the Navy's aviation fleet? Is Chairman HUNTER questioning the value of the Super Hornet? I don't think Chairman HUNTER was, or ever will be, accused of any of those things. That's why, Mr. President, it boggles my mind why I now stand accused of all those things. It's a plain mischaracterization of my amendment.

This amendment is not about gutting the Super Hornet program. This amendment is not about pitting one service against another. This amendment is not about diminishing the Navy's aviation fleet. This amendment does not question the value of the Super Hornet.

Mr. President, this amendment is about an adequate level of funding for the National Guard and priorities in our armed forces. This amendment is about giving priority to the National Guard's readiness levels, capabilities, force structure, and end strength. This amendment is about bringing the Guard's personnel, schools, training, full-time support, and retention and recruitment to adequate levels. This amendment, is about ending a slide in the morale of our citizen-soldiers.

Finally, my friend from Missouri states that the National Guard Association of the United States does not support this amendment. I'm sure he made his case very forcefully to them. I counter by saying that the association does not oppose this amendment either. In fact, a majority of State Adjutants General, 26 of them so far, have contacted my office to add their names in support for my amendment. I hope my colleagues will draw their own conclusions from that figure. Indeed, I urge my colleagues to contact their State Adjutant General and ask them for their opinion of my amendment.

I urge my colleagues to support the National Guard, as I do. I urge my colleagues to vote against tabling my amendment.

AMENDMENT NO. 3124

(Purpose: Relating to human rights in the People's Republic of China)

Mr. HUTCHINSON. Mr. President, I call up amendment No. 3124 which I filed previously.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 3124.

Mr. HUTCHINSON. 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:

On page 99, between lines 17 and 18, insert the following:

TITLE IX

HUMAN RIGHTS IN CHINA

Subtitle A—Forced Abortions in China

SEC. 9001. This subtitle may be cited as the ''Forced Abortion Condemnation Act''.

SEC. 9002. Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

SEC. 9003. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue any visa to any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

Subtitle B—Freedom on Religion in China

SEC. 9011. (a) It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China.

(b) As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds.

(c) In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed.

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. 9012. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of State for fiscal year 1999 for the United States Information Agency or the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation in conferences, exchanges, programs, and activities of the following nationals of the People's Republic of China:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Buddhist Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops' Conference.

(E) The Chinese Protestant ''Three Self'' Patriotic Movement.

(F) The China Christian Council.

(G) The Chinese Taoist Association.

(H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who carried out or directed the carrying out of any of the following policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b)(1) Each Federal agency subject to the prohibition in subsection (a) shall certify in writing to the appropriate congressional committees, on a quarterly basis during fiscal year 1999, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

SEC. 9013. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue a visa to any national of the People's Republic of China described in section 9012(a)(2) (except the head of state, the head of government, and cabinet level ministers).

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

SEC. 9014. In this subtitle, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

Mr. HUTCHINSON. Mr. President, I turn, I believe, to an issue of great, great importance to this body and to the Nation. In defending his policy before he left for China, President Clinton said:

> We do not ignore the value of symbols, but in the end, if the choice is between making a symbolic point and making a real difference, I choose to make a difference.

I say to my colleagues, today we have a chance to make a difference. The President went on and said:

> When it comes to advancing human rights and religious freedom, dealing directly, speaking honestly with the Chinese is clearly the best way to make a difference.

While in China, President Clinton was allowed to make some tempered remarks on human rights abuses in China, though, unfortunately, he was quick to equate them with problems in America. He came back from China hailing his trip as a success and praising President Jiang and saying—I quote again— ''feeling the breeze of freedom.''

Only a week after President Clinton's return from China, China demonstrated the impact of this rhetoric on their attitude and their policies by arresting 10 democracy advocates. There their crime was not rape. It was not theft. It was not burglary. It was not grand larceny. It was not fraud. Their crime was that they dared to start a democratic opposition party.

The Washington Post reported—it is obvious in the headline—on Sunday, July 12, on the front page, ''Chinese Resume Arrests, 10 Detained a Week after Clinton Visit.''

Fortunately, five of these activists were subsequently released. But when the supporters of democracy protested these arrests in an open letter to the Communist Government, it was no surprise the Chinese Government kindly responded by arresting yet another dissident, Xu Wenli.

According to the Associated Press, on July 24, 1998, the Chinese Government detained four more dissidents, bringing the known number of detained dissidents since the President returned from China to 21. Twenty-one dissidents have been detained since July 10, and three remain in custody at this moment.

On July 29, the Associated Press reported that the Chinese Government detained the democracy activist Wang Youcai for the second time this month. I will simply say, this is not the ''breeze of freedom,'' but it is rather the draft of repression.

Some would like to argue that President Clinton's televised comments in China were a historic breakthrough in emboldening democracy activists throughout China. Unfortunately, the President's remarks were broadcast in the middle of the day when few Chinese were watching television. His remarks were not repeated on the evening news and were completely omitted from the next day's state-controlled newspapers. I remind my colleagues also that Chinese activists already had their momentum, and that momentum was of their own creation from the 1989 demonstrations at Tiananmen Square.

We see that President Clinton spoke directly to the Chinese people, at least some of them. We see the symbolic point that he made, but what we do not see is that there was any difference made in the policy of the Chinese Government. In fact, their response was one of impudence, one of, if you will, a reinforcement of their policy of repression, and I believe the arrests that the Washington Post and all the major

media in our country spoke of within a week of the President's return is testimony to the failure of our policy of appeasement.

As this chart is on the floor of the Senate with that headline, ''Chinese Resume Arrests,'' it stands as, I think, irrefutable evidence that the current policies failed to bring about the desired changes, the changes that we all desire in China.

They resumed arrests. A policy of appeasement has never worked, and it is not working today. Today, we, as a body, have the opportunity to move beyond rhetoric into real action with the amendment that I have offered.

The amendment is composed of two parts: one dealing with forced abortions and one dealing with religious persecution in China. This will have brought most of the House-passed measures last year—the Chinese freedom policy measures sponsored by my good friend and colleague, CHRIS COX—this will have brought most of those now to a vote in the Senate. I am glad to say that my friend, SPENCE ABRAHAM, the Senator from Michigan, intends to offer the human rights monitors amendment later on this bill.

I am also glad that an amendment that I had filed dealing with satellite technology transfers and moving the authority for that waiver process back to the State Department and away from the Commerce Department is, as I speak, being worked out in the State Department authorization conference committee, and I trust and hope that it will be in that conference report when it is presented to the Senate later.

I want to provide my colleagues with some background on this amendment. As many of my colleagues will recall, in November of last year, a number of China-related bills were overwhelmingly passed by the House of Representatives. This is that package of bills sponsored by Congressman COX, a ''policy for freedom,'' it was called. Since that time, most of these measures have languished in Senate committees without hearings, without movement and without consideration.

On the defense authorization bill, we adopted several of these House provisions that I offered at that time. However, the remainder of those were not passed because my efforts to offer them were thwarted by those who did not desire to have that debate on these China provisions before or during the President's trip to China. I simply say the President has returned. This is our opportunity now.

My amendment, which I am glad to say is bipartisan and that Senator WELLSTONE from Minnesota, who is on the floor—and I welcome his remarks in support of this—is cosponsoring this amendment, mirrors the language that passed overwhelmingly in the House of Representatives last November.

The provision on forced abortions—by the way, the Nuremberg Tribunal on War Crimes condemned forced abortions, rightfully, as being a crime against humanity. This is not a pro-life, pro-choice issue. Pro-choicers overwhelmingly in the House of Representatives voted for this provision because this is, in fact, a crime against humanity.

To compel and to force—to use coercion—take a woman in the seventh, eighth, ninth month of pregnancy and compel her, against her wishes, to have an abortion, that is a crime against humanity. That is why that provision in the House of Representatives passed by a vote of 415–1—415–1.

The second provision, the ''free the clergy'' portion, of the amendment passed the House of Representatives last November by a vote of 366–54.

Now, what does the amendment do? It condemns religious persecution and forced abortion in China. The amendment would prohibit the use of American funds, appropriated to the Department of State, the USIA or AID, to pay for the travel of Communist officials involved in repressing worship or religious persecution.

So where there is credible evidence that these officials are engaged in these horrendous practices, they would be denied visa approval, they would be denied travel expenses, per diem by the American Government, by the American taxpayer. It would deny visas to officials engaged in religious persecution and forced abortion.

The amendment would force the Department of State to raise, in every bilateral and multilateral forum, the issues of individuals in prison, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. It simply means that we are going to require our diplomats, when engaging in bilateral and multilateral discussions, to raise these important issues of religious persecution and forced abortions so that that discussion and our concern—the concern of the American people—is reflected by our diplomatic corps.

This amendment would make freedom of religion one of the major objectives of the United States foreign policy with respect to China.

And lastly, concerning religious persecution, this amendment would demand that Chinese Government officials provide the United States State Department with the specific names of individuals, the individuals' whereabouts, the condition of those individuals, the charges against them, and the sentence that it imposed against them.

So individuals who have been arrested and incarcerated because of their faith, because of their religious practice, we would demand that the Chinese Government provide information about the condition, the whereabouts of those individuals and how long the sentence was. The same would be applied to those engaged in forced abortions.

Mr. President, since the founding of the People's Republic of China almost 50 years ago, the Government has savaged and persecuted religious believers and subjected religious groups in China to comprehensive control by the state and the Chinese Communist Party.

The head of the state's Religious Affairs Bureau said in 1996—and I quote the head of the Religious Affairs Bureau in China—''Our aim is not registration for its own sake, but control.'' Let me say that again. He said, ''Our aim is not just registration, but control over places for religious activities as well as over all religious activities themselves.''

When people say there is religious freedom in China, that they only require registration, please realize, the purpose of that registration is to control religious activities in China, an effort that they have been quite successful at. So religious organizations today in China are required to promote socialism and ''patriotism'' while the massive state party propaganda apparatus vigorously attempts to promote atheism and combat what they call ''superstition.''

Mr. President, the Chinese Government, the Communist Party, have in recent years intensified efforts to expel religious believers from the Government, the military, and the party, ordering a nationwide purge of believers in January of 1995.

I am very concerned about the mounting campaign of religious persecution being waged by the rulers of China. I believe this amendment is the least that we can do. Many of my colleagues have said that using trade policy is the wrong instrument in dealing with the repressive practices of the Chinese Government. I understand. In fact, I am sympathetic to that argument.

I never thought that most-favored-nation status was the best tool that we had, and yet when we come with a proposal like this, one that I have visited with Senator WELLSTONE about, and many of my colleagues about, when we come with one that denies visas and denies travel and per diem for those involved in these terrible practices, then I hear people saying that is the wrong tool to use, we should not use visas. This is the very least that we can do. If we are not willing to deal with the $60 billion trade deficit that we give China—trade imbalance that we have with that country—then the least we can do is come back on this issue of visas, travel expenses, and raising the issue in our diplomacy and diplomatic efforts with the Chinese Government and make this something more than mere rhetoric.

I believe that these amendments are modest, that they are temperate, that they are well thought out. They have been repeatedly debated, not only in the House of Representatives but on the floor of the Senate as well.

I will ask my colleagues to support the amendments and to oppose any effort to table these amendments. I believe that there is clear evidence not only of religious persecution among Evangelical believers, among Roman

Catholic believers, but most obviously among Buddhist believers and the followers of the Dalai Lama. The repression ranges from ransacking homes in Tibet in search of banned pictures of the Dalai Lama to the closing and destroying of over 18,000 Buddhist shrines last spring. So the repression is real. And religious faith of all persuasions is in revival in China, but it is in revival in the face of intense persecution by the Chinese Government.

I will only briefly speak of the practice of forced abortions that are going on in China today. I believe that this is a practice that is indefensible by any civilized human being. In their effort and attempt to reach a 1 percent annual population growth, the Chinese authorities, in 1979, issued regulations that provided monetary bonuses and other benefits, as incentives, and economic penalties for those who would have in excess of one child.

They subject families in China to rigorous pressure to end pregnancies and to undergo sterilizations. And while the Communist Chinese Government today says that coercion is not an approved policy, they admit that it goes on. They have not provided our State Department any evidence that they are punishing the perpetrators of that terrible practice of coerced abortions and forced sterilizations in China today.

Even more tragic is their effort to eliminate those they regard as ''defective.'' China's eugenics policy, the so-called natal and health care law, requires couples at risk of transmitting disabling congenital defects to their children to undergo sterilization.

So the practices continue in China; the abuses continue in China. This amendment is the very least that we can do in clear conscience. I have faith that my colleagues are going to support this amendment. I think it is something that is so essential that we do. This practice of coerced abortions—and, may I add, the practice of persecuting believers, religious believers—is morally reprehensible and indefensible.

It is clear, as well, that the desired changes that the policy of so-called constructive engagement has sought has failed.

I once again point to this headline in the Washington Post, which was, in various forms, the front page story all across this country this month: ''Chinese Resume Arrests''—that in the wake of our President's visit to China.

So please look at the temperate tone of these amendments. Realize that the substance is simply denying visas, travel expenses, if you will, American-taxpayer-subsidized travel, in recognition of those who the State Department, the Secretary of State, has credible evidence indicating that they are involved in these inhumane practices.

I ask my colleagues to support this amendment when we vote this afternoon.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me say that I am very proud to join with my colleague, Senator HUTCHINSON from Arkansas, in offering this amendment. Let me say, second of all, that while we do not agree on all issues—that may be the understatement of the year—we do have a common bond in our very strongly held views and, I think, passion when it comes to human freedom in our country and other countries and respect for human rights.

At the beginning, I would like to just start out by doing two other things before speaking right to the amendment.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Linn Schulte-Sasse, who is an intern with our office, be allowed to be on the floor during the debate on this appropriations bill.

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

Mr. WELLSTONE. I think my colleague from Arkansas will agree with me, it would be important, given this topic, given this debate, given this discussion, to mention Aung San Suu Kyi from Burma, a woman who just wanted to go to a meeting. That repressive junta Government would not let her do so. She spent 5 days in her car, refusing to leave, before she could go to this meeting. She never could get to the meeting. Now she is back safely at home. It reminds us, again, of the repression of this regime.

I hope that these junta leaders understand that all of us in the Senate, Democrats and Republicans alike, abhor their actions. From my point of view, we can't do enough as a country to isolate that repressive Government.

The core value that brings my colleague from Arkansas and the Senator from Minnesota together here today is freedom in human rights. I think that there is no better way to speak to this than to examine our relationship with the Government and 1.2 billion people in China.

I am concerned that the administration's ''carrots only'' policy has not worked well enough when it comes to accomplishing this goal of promoting freedom in human rights. I believe that the limited steps that the Chinese Government has taken to lessen political persecution or religious persecution has been when there has been American pressure. These included the prospect of a human rights resolution on China at the U.N. Commission on Human Rights in Geneva and the debate over annual MFN renewal. All of this has been important in communicating a strong statement to this Government that they are under our watchful eye, and that we speak out against persecution against people because of the practice of their religion or of their basic political viewpoint.

I had reservations, I have reservations about the June summit between the President and President Jiang Zemin. I had hoped that there would be concrete results. I always believed it would have been better if the President had laid out clear human rights preconditions before visiting China. Having said that, I was still very hopeful that this visit would make a difference. I applauded the President speaking out while in China. But always the question was, what next? Will China now take realistic but meaningful steps, such as opening up Tibet to human rights monitors and foreign journalists? Will China release political prisoners? Will they put safeguards in place for the right of free association of workers, beginning a process of abolishing the arbitrary system of reduction through labor? Will they lift their official blacklist of prodemocracy activists now abroad who can't return to China?

I fear that what we have seen so far by way of agreements announced in Beijing are merely symbolic in nature. On Tuesday, Secretary Albright reported that Chinese dissidents are continuing to be rounded up. For example, last Wednesday the police arrested Zhang Shanguang, a prominent dissident, who had already spent 7 years in jail. What did he do? What was his crime? He tried to organize laid off workers. Also last week, a Chinese court sentenced another dissident to 3 years in prison for helping a fellow activist to escape from China.

Mr. President, I am all for having good relations with the Government. I am all for making sure that we have economic cooperation. I understand the market that is there. But I join with my colleague, Senator HUTCHINSON, in introducing this amendment, to say that whatever we do by way of our relations with China, we ought not to sacrifice a basic principle that we hold dear as a country, which is a respect for human rights and for human freedom of peoples.

This amendment started out to do three things. One will be taken care of in an amendment by my colleague, Senator ABRAHAM, which will increase the number of U.N. diplomats at the Bejing Embassy assigned to monitor human rights and add at least one human rights monitor to each U.S. consulate in this vast country. That is an important amendment. I hope my colleagues will support it.

The second point I want to make is that our amendment is divided into two parts. First, our amendment will demonstrate our commitment to religious freedom by banning travel to the United States by any Chinese official who has engaged in religious persecution. While membership in religious groups is increasing explosively in China, the Government continues to prosecute, continues to persecute, Muslim Uighurs, Tibetan Buddhists and Christians.

While harsh prison sentences and violence against religious activists still occur, state control increasingly takes the form of a registration process. This

is the way the Government monitors the membership in religious organizations.

According to the State Department's reports, Chinese officials have conducted a special campaign against all unauthorized religious activities by Christians. This included police detaining people, beating, and fining members of the underground Catholic Church in Jiangxi Province, and raiding the homes of bishops. That is what is happening in this country.

The Government has also carried out a major purge of local officials in certain heavily Muslim populated areas, and targeted again ''underground'' Muslim activities. The Government has banned the construction or renovation of 130 mosques, and arrested scores of Muslim dissidents.

In Tibet, human rights conditions remain grim, and have gotten worse this past year. Tibetan religious activists face ''disappearance,'' or incommunicado detention, long prison sentences, and brutal treatment in custody.

Finally, this amendment, second part, demonstrates the abhorrence of the United States over the practice of forced abortion and sterilization. It targets officials involved in forcing Chinese women to undergo abortions and sterilization and bans their travel to the United States of America. Chinese population control officials, working with employers and work unit officials, routinely monitor women's menstrual cycles. They subject women who conceive without Government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines—in one province, twice a family's gross annual income—to loss of employment, and in some cases to the use of physical force.

Some people argue that we cannot influence China, that the country is too large, too proud, and that change takes too long. I disagree. Religious prosecution, religious persecution, forced sterilization, forced abortion, people trying to speak out on behalf of their own human rights, all of these citizens have thanked us for speaking out; all of the human rights advocates have thanked us for helping to keep them alive by focusing attention on their plight and for fighting for reforms.

We cannot give up. We must continue to pressure China on these urgent matters. I urge my colleagues to vote for this very reasonable amendment, and I think Senator HUTCHINSON sends a very compelling and very powerful message, not only to the Government that we will not in any way, shape, or form stand by idly and be silent about this kind of repression, but also to the people in China, the citizens, that we support their efforts on behalf of human rights, on behalf of their right to be able to practice their own religion, on behalf of their right to be free from forced abortion and forced sterilization.

Colleagues, please give this amendment your overwhelming support.

I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I realize that standing and speaking in opposition would be condemned by some of my colleagues and my constituents. I also realize that my chairman will rise to table this amendment at the appropriate time. But I believe that something has to be said as to why some of us oppose this amendment.

Mr. President, we are blessed to be able to live in a great country. We just celebrated the 222nd anniversary of our birth. We have had a very illustrious and a glorious history. Yet, there are many chapters in our history that we would prefer not to discuss; we would prefer to just pass them over. The countries that we are speaking up against in Southeast Asia and Asia do not have a 222-year history. Yes, they may have been in existence for 4,000 or 5,000 years, but keep in mind that most of these countries have been under the yoke of some European power until just recently. Indonesia, until the end of World War II, was under the control, and therefore a colony of, Holland. China has been controlled by various countries. The Japanese have been there; the British have been there; the French, the Russians—and Americans. North Korea had been under the control of the Japanese up until World War II. The Philippines was our colony until the end of the war.

Our country is blessed with resources—all of the minerals that we need, all of the chemicals we need to make us the No. 1 high-tech country in the world, the most powerful military country in the world. These other countries are still struggling. I don't think we can expect these nations who are going through the evolutionary stage of just 50 years, as compared to our 222 years—we cannot impose and demand that our will be carried out.

We should remind ourselves that we, the people of the United States, and the Supreme Court of the United States have said that slavery was constitutional. That wasn't too long ago. And there are many fellow Americans who are still showing the effects of slavery to this day. Well, we pride ourselves on human rights, but hardly a day goes by when we don't see statistics that may not be the happiest. For example, I am vice chairman now of the Indian Affairs Committee. The things we are confronted with on a daily basis in this committee are sickening. For example, the unemployment rate in the Nation is less than 5 percent. The unemployment rate in Indian reservations today is over 50 percent. In some reservations, it is as high as 92 percent. Yes, there are reservations that are doing well—doing very, very well. But most of the 550 tribes are not doing well.

When you look at health statistics, they are worse than Third World countries. They are worse in cancer, worse in respiratory diseases, worse in diabetes. And this happens in these United States. And if some other country should condemn us for this, we would stand up as one and say: It is none of your damn business.

Well, Mr. President, the question before us is, Do we contain and do we isolate China—a nation with a population of over one-fourth of the world's population? They have problems, as much as we have problems. The question is, Do we ignore them, realizing that they may someday acquire all the technology that they need to become a terrible world power? Or do we try to engage them and, hopefully, by practice and by model, convince them that our system is the best?

We seem to have done pretty well in doing this with the Soviet Union. We are told that the cold war is over now, that the power the Soviet Union had once upon a time is no more. Why? Because we had a policy of engagement. We continue to talk to them. We continue to exchange views. Yes, we propagandize them and they propagandize us. But because of our attitude, because of our resources, we have prevailed. I think the same can happen elsewhere.

Yes, we are dealing with countries that have a short contemporary history—Vietnam, Cambodia, Laos. These were European colonies. If one looks at the history of these colonies, the treatment was just as bad as the colonies in Africa. And now to suddenly say, ''Now that you have freedom, we expect you to behave like Americans,'' I think is asking too much, Mr. President.

We speak of human rights. We will conclude this year the final payment of redress to Japanese Americans who were put in camps. Mr. President, I certainly recall that soon after December 7—on February 19, 1942—an Executive order was issued declaring that Japanese Americans were not to be trusted. Therefore, they had to be rounded up, with 48 hours' notice, and placed in 10 camps throughout the United States—no due process. No crimes were committed. Studies were made, investigations done, and there was not a single case of sabotage, not a single case of un-American activity. In fact, men volunteered from these camps to form a regiment, which I was honored to serve in, and we became the most decorated Army unit in the history of the Army. The United States is finally going to close that chapter.

But these things have happened to us. As a personal matter, I resented that when, on March 17, 1942, my Government said I was to be declared 4C.

In case people are not aware of what 4C is about, 1A is the Draft Board's declaration that you are physically fit, mentally alert. Therefore, you are qualified to put on the uniform of the United States; 4F, something is wrong with you, physically or mentally; 4C is a special designation for enemy alien. That was my designation.

So when one speaks of the history of the United States, there are chapters

that we don't wish to look at, because, if we start looking back to these chapters, you will find that we have gone through this painful evolution.

So I am telling my colleagues that this is not a simple amendment. It is an amendment that requires deep thought on our part. I hope that we leave it up to those who we rely upon in our State Department to do the best. We can always watch what is going on. Yes, they have forced abortion. I am against that. I am against religious persecution. We try to convince ourselves that there is no religious persecution in the United States. But I am certain we know that there is.

Mr. President, I will be voting to table this amendment.

Mr. HUTCHINSON addressed the Chair.

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

Mr. HUTCHINSON. Mr. President, it is with some reluctance that I respond to the comments, because I have such utmost respect for the Senator from Hawaii and his distinguished career, and all that he represents.

But I just want to clarify the perspective of the authors of this amendment. The issue is not imposing American values. Frankly, we don't and we can't impose anything on another nation. But what we can say is that the values are important.

I think it is terribly wrong to try to make a moral equivalency argument and say that examples of religious persecution that may exist in the United States can in any stretch of the imagination be compared to the wholesale religious oppression that exists in China today.

We simply don't have headlines in the Washington Post saying that there were ''10 detained in Arkansas'' because of their religious beliefs. We don't have that in this country, and we shouldn't. If we did there would be an outrage, and if we did we should be condemned by other nations in the world.

So the issue is not imposing American values. The issue is whether or not we as a body and we as a nation want to reflect certain fundamental beliefs and fundamental rights.

I add that these are not American values that we speak of. These are not American values that this amendment is addressing. These are human values. They are basic human rights.

It was not the U.S. Supreme Court that I quoted in condemnation of forced abortion. It was the Nuremberg War Tribunal that said forced abortion is a crime against humanity.

These are human values. We cannot excuse a nation by saying they are new at this thing of freedom. No. In fact, it is not that the communist rulers of China don't understand freedom. It is that they understand freedom all too well, and they are determined to repress it.

The issue in China is control, and the Chinese Communist Government is determined to use whatever means necessary and whatever means at their disposal to insure that they maintain control, even to the point of persecuting those who might say there is a power above and beyond the power of the Chinese Government.

I say to my distinguished colleague from Hawaii that the issue is not isolation. It is certainly not isolation. There is no way that we could, even if we wished to, isolate the largest, most populist nation in the world.

It is, though, whether we as a country and we as a people are going to stand for something other than profits.

That is what this amendment is about. That is why I believe, I have faith, that my colleagues in the Senate will support an amendment that really reflects the best not only of American values but human values.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take 2 minutes, because I know my colleague wants to move forward.

Mr. President, the Senator from Hawaii is the best of the best Senators. I don't like to be in disagreement with him. I am certainly not in disagreement with his analysis about our own history. There is nobody who can speak with more eloquence and more integrity about injustices in our country toward minorities and violations of people's human rights than the Senator from Hawaii. There is no question about it.

But I also believe, as my colleague from Arkansas has ably pointed out, that it is also important for other countries, and it would have been an important relation for our country to speak out.

When I think about South Africa, I think about what President Mandela said. One of the things he said over and over again, was when the people in the United States took action, it was when we put the pressure—not just symbolic politics—that things began to break open, and finally we were able to end the awful system of subjugation of people because of the color of their skin.

When I think even about our relations with the former Soviet Union, we were tough on these human rights violations.

I really believe that this amendment is just a very modest beginning which says, look, when you have people who are directly guilty of religious persecution, and when you have people who are directly guilty of forced sterilization, forced abortion—and we even had waivers for the Presidents. But what we are saying is then let's take this into account. They ought not to be given travel visas to our country.

This is moderate, I say to my colleagues. This is but a step forward. But it sends such a powerful and important message about what our values are all about, what we are about as a nation. And it supports the people in China. This really is an important amendment. I hope that our colleagues will vote for it and will give it overwhelming support.

Mr. STEVENS. Mr. President, before I respond, I again would like to request Senators to come forward, and let us see their amendments.

Earlier today I said of the 46—it is now 47 amendments that we know of—that we had agreed to accept 23 of them.

My staff informs me that the difficulty is we can't accept them because we haven't seen the final version of them. We hope that those will be produced here so we can dispose of the amendments that we are willing to accept expeditiously with very short comments from Members.

We are going to have over 50 amendments. We are going to finish this bill by tomorrow. I advise Members and staff to start bringing in cots for people to rest on tonight unless we get through them very quickly.

Mr. President, I have to confess to my friends, both of them who have spoken in favor of this amendment, that this Senator is at a loss to understand section 9012, which says that no funds can be used to pay the travel expenses and per diem for the participation in conferences, exchanges, programs, et cetera, of any national from the People's Republic of China who is the head or political secretary of any Chinese Government-created or approved organization. And it lists the Chinese Buddhist Association, the Chinese Catholic Patriotic Association, the National Congress of Catholic Representatives, the Chinese Catholic Bishops' Conference, the Chinese Protestant Three-Self Patriotic Movement, the China Christian Council, the Chinese Taoist Association, the Chinese Islamic Association, and then a series of civilian and military officials and employees of Government to carry out the specific policies that are listed, such as promoting or participating in policies or practices which hinder religious activities, or the free expression of religious beliefs.

I am at a loss to understand that section. Perhaps the Senator would explain that to me.

Mr. HUTCHINSON. Mr. President, if the Senator will yield.

Mr. STEVENS. Yes.

Mr. HUTCHINSON. The officials that are listed of the various religious organizations that the Senator listed in the amendment are, in fact, Government employees, and Government agents.

They are those at the head of these associations. These are the registered churches that are used as tools and the agents of the Chinese Communist Government in the repression of those various groups. It does not refer to the pastors, the ministers, the priests of local congregations, but the heads of these associations which, in fact, work for the Communist Chinese Government and are those that are perpetrating the very persecution against those groups.

So while there are millions of Chinese today underground in unregistered churches, mosques, synagogues and temples, there is also the so-called Patriotic Church, the recognized church by the Government which is strictly controlled, names, addresses of worshipers to be turned into the Government. Messages that are proclaimed are closely censored by the Government. That is why those officials would be included if, in fact, the Secretary of State found credible evidence that they were practicing perpetrating religious persecution.

Mr. STEVENS. I am sad to say to my friend I don't understand that section to have that limitation, but, in any event, it is a very controversial subject to be added to the Defense appropriations bill. In conferring with Members yesterday, it was the position that we took at the time that we were going to do our utmost to keep controversial subjects that would lead to extended debate off of this bill. The only way to do that is, once we have had a short explanation of it in courtesy to the presenting Senator, it was going to be my intention to move to table any such amendment, not just this one but any such amendment.

Therefore, on the basis of the policy that we have announced, I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The amendment is set aside and the vote will occur after 2 p.m. today.

Mr. STEVENS. Mr. President, I ask unanimous consent at the request of Senator THOMAS that a letter signed by himself and Senator MURKOWSKI, Senator BIDEN, Senator KERRY, Senator SMITH of Oregon, Senator HAGEL, Senator GRAMS, Senator FEINSTEIN, Senator ROBB, and Senator LIEBERMAN, and an excerpt from Newsweek be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 15, 1998.

DEAR COLLEAGUE: When the Senate returns to consideration of the DOD Authorization bill, S. 2057, we expect a series of amendments to be offered concerning the People's Republic of China. These amendments, if accepted, would do serious damage to our bilateral relationship and halt a decade of U.S. efforts to encourage greater Chinese adherence to international norms in such areas as nonproliferation, human rights, and trade.

In relative terms, in the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized, several prominent dissents have been released from prison, enforcement of or agreements on intellectual property rights have been stepped up, the revision of Hong Kong has gone smoothly, and China's agreement not to devalue its currency helped stabilize Asia's economic crisis.

Has this been enough change? Clearly not. But the question is: how do we best encourage more change in China? Do we do so by isolating one fourth of the world's population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these amendments would do?

Or, rather, is the better course to engage China, to expand dialogue, to invite China to live up to its aspirations as a world power, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations?

We are all for human rights; there's no dispute about that. But the question is, how do be best achieve human rights? We think it's through engagement.

We urge you to look beyond the artfully-crafted titles of these amendments to their actual content and effect. One would require that the United States to oppose the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed ''business principles'' mandated in the amendment. On the eve of President Clinton's trip to China, the raft of radical China-related amendments threatens to undermine our relationship just when it is most crucial to advance vital U.S. interests.

Several of the amendments contain provisions which are sufficiently vague so as to effectively bar the grant of any entrance visa to the United States to every member of the Chinese government. Those provisions not only countervene many of our international treaty commitments, but are completely at odds with one of the amendments which would prohibit the United States from funding the participation of a great proportion of Chinese officials in any State Department, USIA, or USAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase programs between the two countries.

Finally, many of the amendments are drawn from bills which have yet to be considered by the committee of jurisdiction, the Foreign Relations Committee. That committee will review the bills at a June 18 hearing, and they are scheduled to be marked-up in committee on June 23. Legislation such as this that would have such a profound effect on US-China relations warrant careful committee consideration. They should not be subject of an attempt to circumvent the committee process.

In the short twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grass-roots movement towards increased democratization, agreed to be bound by major international nonproliferation and human rights agreements, and is on the verge of dismantling its state-run enterprises. We can continue to nurture that transformation through further engagement, or we can capitualte to the voices of isolation and containment that these amendments represent and negate all the advances made so far.

We hope that you will agree with us and choose engagement. We strongly urge you to vote against these amendments.

Sincerely,

Craig Thomas, Chairman, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Frank H. Murkowski, Chairman, Committee on Energy and Natural Resources; Chuck Hagel, Chairman, Subcommittee on International Economic Policy, Committee on Foreign Relations; Joseph R. Biden, Jr., Ranking Member, Committee on Foreign Relations; John F. Kerry, Ranking Member, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Gordon Smith, Chairman, Subcommittee on European Affairs, Committee on Foreign Relations; Rod Grams, Chairman, Subcommittee on International Operations, Committee on Foreign Relations; Charles S. Robb, Ranking Member, Subcommittee on Near East/South Asian Affairs, Committee on Foreign Relations; Dianne Feinstein, Ranking Member, Subcommittee on International Operations, Committee on Foreign Relations; Joseph L. Lieberman, Ranking Member, Subcommittee on Acquisition and Technology, Committee on Armed Services.

[From Newsweek, July 6, 1998]

HELP ''INDEPENDENT SPIRITS''—A GULAG VETERAN APPRAISES CLINTON'S MISSION

(By Wang Dan)

President Clinton is taking a lot of heat for his decision to visit China in spite of the serious human-rights problems there. I spent seven years in prison in China for my activities on Tiananmen Square in 1989, so I certainly share the view that the Chinese government must change its ways. But I also think the American president can accomplish some positive things with his trip.

It's critically important to have a broad range of contacts with China. The West should not try to isolate the communist regime or limit contact to political exchange. Washington needs to maintain dialogue on many fronts at once: economic, cultural, academic, anything that helps build civil society. The key to democracy in China is independence. My country needs independent intellectuals, independent economic actors, independent spirits.

Economic change does influence political change. China's economic development will be good for the West as well as for the Chinese people. China needs Most Favored Nation trade status with the United States, and it should fully enter the world trading system. The terms of that entry must be negotiated, of course, but in any case the rest of the world must not break its contact with China.

President Clinton's visit to Tiananmen Square did not look like a sacrilege to the Chinese people. He didn't stand in the middle of the square, but along the side, outside the Great Hall of the People. All foreign leaders go there. Clinton was right later to mention the events of June 4, 1989. He must continue to stick up for such political prisoners as Liu Nianchun, imprisoned in 1995 for three years; Li Hai, a former student at Peking University sentenced to nine years in 1995; and Hu Shigen, another former Peking University student who was sentenced to 20 years in 1994. All were convicted on trumped-up criminal charges. These people must never be forgotten. Nor should the routine arrest and harassment of other dissidents, which continued last week.

It's hard to say exactly what Chinese leaders think about Clinton. The scandals in Washington allegedly implicating Chinese officials only make the picture murkier. But one thing is clear: China's leaders always view American presidents as competitors. They believe that the United States doesn't want China to grow, and they are suspicious of its motives. That made Clinton's task in China more difficult still. I wish him well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I keep asking and requesting that Members come forward with these amendments. I have asked now the leadership to clear a unanimous consent request that all amendments have to be filed by 4. I know it is not cleared yet, but I am again requesting that and letting people know somehow or other we are going to get these amendments. It may be that I will just have to move to go to third reading, we will have a vote to go to third reading and cut them all off.

For those people who want to go home, I will give them an avenue to get home, and that is let's just vote on this bill. But if people won't bring the amendments to us, we are going to have to take some drastic steps here to limit the number of amendments we can consider. I know that it is an extraordinary procedure, but these are extraordinary times. I would like at least to have the amendments we have said we would accept. Twenty-three Members out there with amendments I said we would accept, and they have not brought them over. I plead with the Senate to think about proceeding with this bill.

Mrs. HUTCHISON addressed the Chair.

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

AMENDMENT NO. 3409

(Purpose: To express the Sense of Congress that the readiness of the United States Armed Forces to execute the National Security Strategy of the United States is eroded from a combination of declining defense budgets and expanded missions, including the ongoing, open-ended commitment of U.S. forces to the peacekeeping mission in Bosnia)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3409.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. __. (a): Congress makes the following findings:

(1) Since 1989,

(A) The national defense budget has been cut in half as a percentage of the gross domestic product;

(B) The national defense budget has been cut by over $120 billion in real terms;

(C) The U.S. military force structure has been reduced by more than 30 percent;

(D) The Department of Defense's operations and maintenance accounts have been reduced by 40 percent;

(E) The Department of Defense's procurement funding has declined by more than 50 percent;

(F) U.S. military operational commitments have increased fourfold;

(G) The Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installations at home and overseas, and cut 10 divisions from its force structure;

(H) The Army has reduced its presence in Europe from 215,000 to 65,000 personnel;

(I) The Army has averaged 14 deployments every four years, increased significantly from the Cold War trend of one deployment every four years;

(J) The Air Force has downsized by nearly 40 percent, while experiencing a four-fold increase in operational commitments.

(2) In 1992, 37 percent of the Navy's fleet was deployed at any given time. Today that number is 57 percent; at its present rate, it will climb to 62 percent by 2005.

(3) The Navy Surface Warfare Officer community will fall short of its needs a 40 percent increase in retention to meet requirements;

(4) The Air Force is 18 percent short of its retention goal for second-term airmen;

(5) The Air Force is more than 800 pilots short, and more than 70 percent eligible for retention bonuses have turned them down in favor of separation;

(6) The Army faces critical personnel shortages in combat units, forcing unit commanders to borrow troops from other units just to participate in training exercises.

(7) An Air Force F–16 squadron commander testified before the House National Security Committee that his unit was forced to borrow three aircraft and use cannibalized parts from four other F–16s in order to deploy to Southwest Asia;

(8) In 1997, the Army averaged 31,000 soldiers deployed away from their home station in support of military operations in 70 countries with the average deployment lasting 125 days;

(9) Critical shortfalls in meeting recruiting and retention goals is seriously affecting the ability of the Army to train and deploy. The Army reduced its recruiting goals for 1998 by 12,000 personnel;

(10) In fiscal year 1997, the Army fell short of its recruiting goal for critical infantry soldiers by almost 5,000. As of February 15, 1998, Army-wide shortages existed for 28 Army specialities. Many positions in squads and crews are left unfilled or minimally filled because personnel are diverted to work in key positions elsewhere;

(11) The Navy reports it will fall short of enlisted sailor recruitment for 1998 by 10,000

(12) One in ten Air Force front-line units are not combat ready;

(13) Ten Air Force technical specialties, representing thousands of airmen, deployed away from their home station for longer than the Air Force standard 120-day mark in 1997;

(14) The Air Force fell short of its reenlistment rate for mid-career enlisted personnel by an average of six percent, with key war fighting career fields experiencing even larger drops in reenlistments;

(15) In 1997, U.S. Marines in the operating forces have deployed on more than 200 exercises, rotational deployments, or actual contingencies.

(16) U.S. Marine Corps maintenance forces are only able to maintain 92 percent ground equipment and 77 percent aviation equipment readiness rates due to excessive deployments of troops and equipment;

(17) The National Security Strategy of the United States assumes the ability of the U.S. Armed Forces to prevail in two major regional conflicts nearly simultaneously.

(18) To execute the National Security of the United States, the U.S. Army's five later-deploying divisions, which constitute almost half of the Army's active combat forces, are critical to the success of specific war plans;

(19) According to commanders in these divisions, the practice of under staffing squads and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

(20) In the aggregate, the Army's later-deploying divisions were assigned 93 percent of their authorized personnel at the beginning of fiscal year 1998. In one specific case, the 1st Armored Division was staffed at 94 percent in the aggregate; however, its combat support and service support specialties were filled at below 85 percent, and captains and majors were filled at 73 percent.

(21) At the 10th Infantry Division, only 138 of 162 infantry squads were fully or minimally filled, and 36 of the filled squads were unqualified. At the 1st Brigade of the 1st Infantry Division, only 56 percent of the authorized infantry soldiers for its Bradley Fighting Vehicles were assigned, and in the 2nd Brigade, 21 of 48 infantry squads had no personnel assigned. At the 3rd Brigade of the 1st Armored Division, only 16 of 116 M1A1 tanks had full crews and were qualified, and in one of the Brigade's two armor battalions, 14 of 58 tanks had no crewmembers assigned because the personnel were deployed to Bosnia.

(23) At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the U.S. National Security Strategy were short nearly 1,900 of the total 25,357 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200.

(24) Rotation of units to Bosnia is having a direct and negative impact on the ability of later-deploying divisions to maintain the training and readiness levels needed to execute their mission in a major regional conflict. Indications of this include:

(A) The reassignment by the Commander of the 3rd Brigade Combat Team of 63 soldiers within the brigade to serve in infantry squads of a deploying unit of 800 troops, stripping non-deploying infantry and armor units of maintenance personel, and reassigning Non-Commissioned Officers and support personnel to the task force from throughout the brigade;

(B) Cancellation of gunnery exercises for at least two armor battalions in later-deploying divisions, causing 43 of 116 tank crews to lose their qualifications on the weapon system;

(C) Hiring of outside contract personnel by 1st Armored and 1st Infantry later-deploying divisions to perform routine maintenance.

(25) National Guard budget shortfalls compromise the Guard's readiness levels, capabilities, force structure, and end strength, putting the Guard's personel, schools, training, full-time support, retention and recruitment, and morale at risk.

(26) The President's budget requests for the National Guard have been insufficient, notwithstanding the frequent calls on the Guard to handle wide-ranging tasks, including deployments in Bosnia, Iraq, Haiti, and Somalia.

(b) Sense of Congress:

(1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a

combination of declining defense budgets and expanded missions;

(B) The ongoing, open-ended commitment of U.S. forces to the peacekeeping mission in Bosnia is causing assigned and supporting units to compromise their principle wartime assignments;

(C) Defense appropriations are not keeping pace with the expanding needs of the armed forces.

(c) Report Requirement.

(1) Not later than June 1, 1999, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report on the military readiness of the Armed Forces of the United States. The President shall include in the report a detailed discussion of the competition for resources service-by-service caused by the ongoing commitment to the peacekeeping operation in Bosnia, including in those units that are supporting but not directly deployed to Bosnia. The President shall specifically include in the report the following:

(A) an assessment of current force structure and its sufficiency to execute the National Security Strategy of the United States;

(B) an outline of the service-by-service force structure expected to be committed to a major regional contingency as envisioned in the National Security Strategy of the United States;

(C) a comparison of the force structures outlined in sub-paragraph (c)(1)(B) above with the service-by-service order of battle in Operation Desert Shield/Desert Storm, as a representative and recent major regional conflict;

(D) the force structure and defense appropriation increases that are necessary to execute the National Security Strategy of the United States assuming current projected ground force levels assigned to the peacekeeping mission in Bosnia are unchanged;

(E) a discussion of the U.S. ground force level in Bosnia that can be sustained without impacting the ability of the Armed Forces to execute the National Security Strategy of the United States, assuming no increases in force structure and defense appropriations during the period in which ground forces are assigned to Bosnia.

Mrs. HUTCHISON. Mr. President, this amendment is a sense of Congress regarding the readiness of the U.S. Armed Forces to execute the national security strategy of the United States. So many people are now talking about the hollow military that we seem to be going into, and I think it is time that Congress address the concern that all of us have that we may be driving our military down to the point that we will not be able to respond if something happens where we are needed anywhere in the world.

So, I make the following findings:

That since 1989:

The national defense budget has been cut in half as a percentage of the gross domestic product;

The national defense budget has been cut by over $120 billion in real terms;

The U.S. military force structure has been reduced by more than 30 percent;

The Department of Defense's operations and maintenance accounts have been reduced by 40 percent;

The Department of Defense's procurement funding has declined by more than 50 percent;

U.S. military operational commitments have increased fourfold.

It is clear the Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installations at home and overseas and cut 10 divisions from its force structure.

The Army has reduced its presence in Europe from 215,000 to 65,000 personnel.

The Army has averaged 14 deployments every four years, increased significantly from the Cold War trend of one deployment every four years.

The Air Force has downsized by nearly 40 percent,while experiencing a fourfold increase in operation commitments.

In 1992, 37 percent of the Navy's fleet was deployed at any given time. Today that number is 57 percent; at its present rate, it will climb to 62 percent by 2005.

The Navy Surface Warfare Officer community will fall short of its needs a 40 percent increase in retention to meet requirements;

The Air Force is 18 percent short of its retention goal for second-term airmen.

We know the Air Force is more than 800 pilots short, and we know that our experienced pilots have not re-upped, even in the face of a $60,000 bonus.

The Army faces critical personnel shortages in combat units, forcing unit commanders to borrow troops from other units just to participate in training exercises.

In 1997, the Army averaged 31,000 soldiers deployed away from their home station in support of military operations in 70 countries with the average deployment lasting 125 days.

Critical shortfalls in meeting recruiting and retention goals is seriously affecting the ability of the Army to train and deploy. The Army reduced its recruiting goal for 1998 by 12,000 personnel.

The Navy reports it will fall short of enlisted sailor recruitment for 1998 by 10,000.

One in ten Air Force front-line units are not combat ready.

Ten Air Force technical specialties, representing thousands of airmen, deployed away from their home station for longer than the Air Force standard 120-day mark in 1997.

In 1997, U.S. Marines in the operating forces have deployed on more than 200 exercises, rotational deployments, or actual contingencies.

U.S. Marine Corps maintenance forces are only able to maintain 92 percent ground equipment and 77 percent aviation equipment readiness rates due to excessive deployments of troops and equipment;

The National Security Strategy of the United States assumes the ability of the U.S. Armed Forces to prevail in two major regional conflicts nearly simultaneously.

Mr. President, all of us, including the distinguished Senator from Kansas who is a former marine, know that ''nearly'' has been inserted into our national security strategy. Our strategy used to be that we would have the ability to prevail in two major regional conflicts simultaneously. Today, we are saying ''nearly simultaneously,'' yet none of us who have studied these issues believe that we are ready, today, even for this ramped down mission.

To execute the National Security of the United States, the U.S. Army's five later-deploying divisions, which constitute almost half of the Army's active combat forces, are critical if the success of specific war plans can be achieved.

According to commanders in these divisions, the practice of under staffing squads and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

In the aggregate, the Army's later-deploying divisions were assigned 93 percent of their authorized personnel at the beginning of fiscal year 1998. In one specific case, the 1st Armored Division was staffed at 94 percent in the aggregate; however, its combat support and service support specialties were filled at below 85 percent, and captains and majors were filled at 73 percent.

At the 10th Infantry Division, only 138 of 162 infantry squads were fully or minimally filled, and 36 of the filled squads were unqualified.

At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the U.S. National Security Strategy were short nearly 1,900 of the total 25,357 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200.

Rotation of units to Bosnia is having a direct and negative impact on the ability of later-deploying divisions to maintain the training and readiness levels needed to executive their mission in a major regional conflict. Indications of this include;

The reassignment by the Commander of the 3rd Brigade Combat Team of 63 soldiers within the brigade to serve in infantry squads of a deploying unit of 800 troops, stripping non-deploying infantry and armor units of maintenance personnel, and reassigning Non-Commissioned Officers and support personnel to the task force from throughout the brigade;

Cancellation of gunnery exercises for at least two armor battalions in later-deploying divisions, causing 43 of 116 tank crews to lose their qualifications on the weapon system;

Hiring of outside contract personnel by 1st Armored and 1st Infantry later-deploying divisions to perform routine maintenance.

Mr. President, these are the facts. Every one of the facts that I have read is absolutely in print, in the report of the Quadrennial Defense Review, in the DOD budget for fiscal year 1999, and a compilation of statements from the Department of Defense vice chiefs in a

hearing before the Senate Armed Services Committee, and every other part of what I have just read has been documented. These are from the Defense Department's own statistics.

So I am asking for the sense of Congress, that we declare that:

The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

The ongoing, open-ended commitment of U.S. forces to the peacekeeping mission in Bosnia is causing assigned and supporting units to compromise their principle wartime assignments.

Defense appropriations are not keeping pace with the expanding needs of the Armed Forces.

So I am asking for a report by June 1, 1999 from: the President of the United States to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report on the military readiness of the Armed Forces of the United States.

The President shall include in the report a detailed discussion of the competition for resources service-by-service caused by the ongoing commitment to the peacekeeping operation in Bosnia, including in those units that are supporting but not directly deployed to Bosnia.

What we are asking, Mr. President, is for an assessment of where we are. We have all talked about the problems we have seen in small instances and different pieces of testimony. What I have done in this sense of the Senate is put it all together. I have taken from the Department of Defense its own authorization, its own budget, its Quadrennial Defense Review, from statements made before one of our two committees that talked about the problems in specific detail.

I think it is time that we in Congress now say we have put it all together and we want a report on the state of our readiness. Let's look at all of the factors and let's determine that we have a problem, that we have to determine what to do about it, and let's go forward and try to work with the administration, with the President, with the Secretary of Defense, and look at the big picture, and the big picture and the goal for all of us is that we would be able to meet the national security strategy of the United States, that we would be able to prevail in two major regional conflicts nearly simultaneously.

I prefer simultaneously, but, nevertheless, we are not even up to the goal that we have stated, and we want to do what is our responsibility in the U.S. Congress, and that is, ask for the report, let's study the problem and let's come up with a solution together with the Armed Services Committee and the Appropriations Committee of the U.S. Senate and the U.S. House.

Mr. President, I hope that my colleagues will support me in this sense of Congress. It is just the beginning of our responsibility to address what we see as the problems in our military and that we would then be able to take the report and take the necessary steps to correct the backward motion that we are making with regard to the military readiness and the security of our country.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The distinguished chairman of the Appropriations Committee, the Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the Senator from Texas for her presentation. It is my hope we will be able to accept that amendment. I have referred it to my colleagues on the other side of the aisle, and we are hopeful that we can reach that conclusion later.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999—AMENDMENT NO. 3385

Mr. STEVENS. Mr. President, on another subject, time will expire at 2 o'clock on the items to be voted on included in the Treasury and general government operations bill. I offered amendment No. 3385 regarding recomputation of some Federal annuities. I point out that this option is not mandatory. The only way future retired employees can take advantage of this provision is if they make a payment into the Federal retirement system.

Several times in recent years, Congress has denied COLA adjustments for Federal employees. In some years, only Members of Congress were denied COLAs. In other years, other employees were affected.

My amendment provides that Federal employees covered by the Civil Service Retirement System and the Federal Employees Retirement System who did not receive automatic pay adjustments because of an act of Congress may, upon retirement, have their high-three salary recomputed as if they received the COLAs provided to annuitants.

This option cannot be exercised until the covered employee pays into the Civil Service Retirement Fund the amounts required by the amendment; namely, the contributions to the retirement fund the employee would have made if the employee had received the annuitant COLA.

It is really a fairness issue, to me. I am most concerned about survivors. Currently, 26 percent of all those who receive Federal annuities are survivors and the median time for a survivor annuity is just over 12 years. Survivors live on 55 percent of the employee's annuity. But, Mr. President, when an employee does not receive a COLA received by retired annuitants—and I point out that in almost every year, the retired annuitant, the people retired, have received the COLAs—then it simply means that survivors of retired employees receive greater annuities, greater compensation than those received by survivors of employees who continued to serve during the period when Congress denied COLAs to current Members and employees.

I believe the right thing to do is to adopt this concept. It allows the employee or the survivor of the employee who has passed on to ask for recomputation of the high-three concept based upon an assumption that the retiree had received the cost-of-living adjustments that were given to retired annuitants in the period when those were denied to Congress or other Federal employees.

I urge my colleagues to adopt this amendment. I will have a minute to talk about it when the amendment comes up for a vote, as we start voting at 2 o'clock. I wanted this in the RECORD at this point.

I thank the Chair.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, I understand the Senator from California would like to speak on the Hutchinson amendment.

Mrs. FEINSTEIN. Not on this amendment, Mr. President, but the Hutchinson amendment.

Mr. STEVENS. The Hutchinson amendment that I made a motion to table, the one pertaining to China.

Mrs. FEINSTEIN. That is correct.

Mr. STEVENS. Although I made a motion to table, I think it is in order until 2 o'clock that they may be able to speak.

AMENDMENT NO. 3409

Mrs. HUTCHISON. I am prepared to leave the floor, but I have two things. First, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor of amendment No. 3409.

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

Mrs. HUTCHISON. Secondly, I ask the manager of the bill if he still wants me to offer the other amendment that I was to offer, or would he prefer to go forward with Senator FEINSTEIN, and I can always do that after the votes.

Mr. STEVENS. Mr. President, I did request the Senator from Texas offer her Bosnia amendment so it will be the pending amendment after the votes this afternoon. I appreciate that she did that at this time. I urge she save the statement to be made until after the Senator from California, who has been waiting to make comments on the China amendment which I have already moved to table.

AMENDMENT NO. 3391, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a technical correction to amendment No. 3391 previously adopted. I ask unanimous consent that the amendment be modified. It is strictly a

technical error in the amendment that was previously adopted.

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

The amendment (No. 3391), as modified, is as follows:

On page 34, line 24, strike out all after ''$94,500,000'' down to and including ''1999'' on page 35, line 7.

On page 42, line 1, strike out the amount ''$2,000,000,000'', and insert the amount ''$1,775,000,000''.

On page 99, in between lines 17 and 18, insert the following:

SEC. 8 . (a) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for ''Military Personnel, Army'', $58,000,000; for ''Military Personnel, Navy'', $43,000,000; for ''Military Personnel, Marine Corps'', $14,000,000; for ''Military Personnel, Air Force'', $44,000,000; for ''Reserve Personnel, Army'', $5,377,000; for ''Reserve Personnel, Navy'', $3,684,000; for ''Reserve Personnel, Marine Corps'', $1,103,000; for ''Reserve Personnel, Air Force'', $1,000,000; for ''National Guard Personnel, Army'', $9,392,000; and for ''National Guard Personnel, Air Force'', $4,112,000''.

(b) Notwithstanding any other provision in this Act, the total amount available in this Act for ''Quality of Life Enhancements, Defense'', real property maintenance is hereby decreased by reducing the total amounts appropriated in the following accounts: ''Operation and Maintenance, Army'', by $58,000,000; ''Operation and Maintenance, Navy'', by $43,000,000; ''Operation and Maintenance, Marine Corps'', by $14,000,000; and ''Operation and Maintenance, Air Force'', by $44,000,000.

(c) Notwithstanding any other provision in this Act, the total amount appropriated under the heading ''National Guard and Reserve Equipment'', is hereby reduced by $24,668,000.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the Senator from California to speak on the amendment that was offered by Senator HUTCHINSON, following the offering of the Bosnia amendment by the Senator from Texas.

The PRESIDING OFFICER. Without objection it is so ordered. The Senator from California is recognized.

Mrs. HUTCHISON. Mr. President, I think the unanimous consent agreement was to allow me to offer my amendment, and then I will defer to the Senator from California.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3413

(Purpose: To condition the use of appropriated funds for the purpose of an orderly and honorable reduction of U.S. ground forces in the Republic of Bosnia and Herzegovina)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. STEVENS, Mr. CRAIG, Mr. SESSIONS, Mr. SMITH of Oregon and Mr. FEINGOLD, proposes an amendment numbered 3413.

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 appropriate place in the bill, insert the following:

SEC. .(a) The Congress finds the following:

(1) United States Armed Forces in the Republic of Bosnia and Herzegovina have accomplished the military mission assigned to them as a component of the Implementation and Stabilization Forces.

(2) The continuing and open-ended commitment of U.S. ground forces in the Republic of Bosnia and Herzegovina is subject to the oversight authority of the Congress.

(3) Congress may limit the use of appropriated funds to create the conditions for an orderly and honorable withdrawal of U.S. troops from the Republic of Bosnia and Herzegovina.

(4) 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 about one year.

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

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

(7) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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 17, 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.

(12) NATO military forces have increased their participation in law enforcement, particularly police activities.

(13) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for such law enforcement and police activities lies with the Bosnian parties themselves.

SEC. 2. LIMITATIONS ON THE USE OF FUNDS.

(a) Funds appropriated or otherwise made available for the Department of Defense for any fiscal year may not be obligated for the ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina except as conditioned below.

(1) The President shall continue the ongoing withdrawal of American forces from the NATO Stabilization Force in the Republic of Bosnia and Herzegovina such that U.S. ground forces in that force or the planned multi-national successor force shall not exceed:

(A) 6500, by February 2, 1999;

(B) 5000, by October 1, 1999.

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

(1) to the extent necessary for U.S. ground forces to protect themselves as the drawdowns outlined in sub-paragraph (a)(1) proceeds;

(2) to the extent necessary to support a limited number of United States military personnel sufficient only to protect United States diplomatic facilities in existence on the date of the enactment of this Act; or

(3) to the extent necessary to support non-combat military personnel sufficient only to advise the commanders of North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina; and

(4) to U.S. ground forces that may be deployed as part of NATO containment operations in regions surrounding the Republic of Bosnia and Herzegovina.

(c) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

(d) LIMITATION ON SUPPORT FOR LAW ENFORCEMENT ACTIVITIES IN BOSNIA.—None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended after the date of the enactment of this Act for the—

(1) conduct of, or direct support for, law enforcement and police 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 Repulika Srpska ('Bosnian 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 Bosnia 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; and

(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.

SEC. 4. PRESIDENTIAL REPORT.

(a) Not later than December 1, 1998, the President shall submit to Congress a report on the progress towards meeting the drawdown limit established in section 2(a).

(b) The report under paragraph (a) shall include an identification of the specific steps taken by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to European allied nations or organizations.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment be laid aside.

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

Mrs. HUTCHISON. This is the amendment on Bosnia that we will discuss

immediately following the stacked votes this afternoon. I am happy to yield the floor.

The PRESIDING OFFICER. The distinguished Senator from California is finally recognized.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 3124

Mr. President, as one who has watched China for some 35 years now, and been a frequent visitor for the past 20 years, I would like to make a few comments on the Hutchinson amendment, which effectively would set up a protocol whereby officials beneath the rank of Cabinet officials could be refused visas to come to this country.

The amendment, while it promotes a worthy goal, goes about it in a completely, I believe, counterproductive way. I do not think there is any Senator in this body who does not condemn the practice of forced abortion, forced sterilization, or any other coercive population control device or measure. We all condemn it.

I do not think there is any Senator in this body who does not condemn religious persecution that prevents people from freely exercising their own personal religious beliefs. Of course, not. We all condemn that. This amendment takes a stand on a principle but it does nothing to help solve the problem it is designed to address, and there is the rub.

We all agree there are certain practices and policies still in China that we oppose. The question we need to ask ourselves is this: What is the best contribution we can make to producing change, real change, in China? I submit that the answer is, we can engage China at all levels, all levels of government. Academia, business, law, and every other kind of social interaction should be energized. We should welcome every chance to interact with the Chinese people and officials as an opportunity to expose them to our values, to expose them to the rule of law, to Democratic values, to individual liberties.

The path set out by this amendment, I believe, is extraordinarily dangerous and it takes us on the opposite path. It is a path of isolation and containment. It cuts ourselves off from the very people we need to help educate and persuade and expose to Western values. And it would surely spark similar countermeasures by the Chinese Government to deny visas to U.S. officials, further deepening our isolation from one another, and developing the adversarial relationship that many of us believe need never happen. It could go on and on in a vicious cycle.

Do any of my colleagues seriously believe that any Chinese official would be dissuaded from conducting any human rights action because they would be denied a visa to the United States? I think not. I do deeply believe that if Chinese officials are exposed to U.S. society—and this has begun. I know it has been criticized, but I see it working. I come from a Pacific rim State where there is a great deal of interaction with Asia. I see our values go across the Pacific. I see them enter the Chinese mainland. I see the changes that have been made.

Mr. President, when Richard Nixon went to China in 1972, China was still in the midst of the Cultural Revolution. There has never been a more brutal period in Chinese history than the Cultural Revolution. We have seen those dark days recede. We have seen a new leadership in place.

For the first time, I believe that this new leader now has the face, has consolidated his power, to begin to make certain major reforms. I very deeply believe we are going to see those reforms in the next few years. Already, there is writing here and in China about the order given to the Chinese military to remove themselves from all commercial endeavors.

Surprisingly enough, this, for the first time, has been done with transparency—in other words, a public statement for all to know that the new policy of the Chinese Government is that the Chinese military will not run commercial operations in trade, in business, or in any other pursuit. This is a very healthy, a very positive advance, which I think the entire free world should take hold of.

Additionally, you heard voluntarily the President of China, after many of us have importuned him over a long period of time, I myself beginning in 1991 carrying messages from His Holiness, the Dalai Lama, to the President of China, urging that there be a meeting—for the first time, the President of China has said publicly, with transparency, that if His Holiness, the Dalai Lama, makes a statement that respects the fact that Tibet is a part of China and that independence is not a part of the discussions, that there can be meetings that follow.

This is, true, a breakthrough in rhetoric, but it has never happened before in the 8 years I have been trying to achieve it. That happened while the President was in China. So these changes are being made.

One by one—perhaps not enough—the freeing of political dissidents, the adoption of a 30-day period of administrative leave, the Chinese interests in developing exchanges in the rule of law, to develop a modern commercial code, a modern criminal code, hopefully to press for the independence of the judicial branch of Government which currently is subject to party control —all of these are the breakthroughs that we should begin to press.

We have certain intellectual property, certain intellectual property concerns. How could those ever be brought about if we could not have an exchange of lower level officials to see to it that intellectual property laws are being carried out? It makes no sense to me. I believe it is one step toward containment and isolation. I believe that both of those are unwarranted, highly counterproductive——

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

Mrs. FEINSTEIN. I am happy to yield for a question.

Mr. HUTCHINSON. You were speaking very positively about the changes in China. My question is, How do we reconcile the recent round of arrests that occurred in the 2 weeks—actually, the week subsequent to the President's visit—headlined in all of the newspapers across the country? Those who had attempted to register as an opposition political party and were arrested, some of whom are still incarcerated, as well as the tests of rocket engines that occurred even while the President was in China, how do we reconcile that with this supposed great reform that is taking place in China? And then also, the question I would pose is, The amendment that you are opposing simply says that visas should not be granted to those who are involved in forcing—compelling—abortions on women against their will and those who are involved in persecution of religious believers of various faiths. Do you oppose denying visas to those individuals who are involved in forced abortions and religious persecution?

Mrs. FEINSTEIN. I would be happy to answer the questions of the distinguished Senator from Arkansas.

Yes, I oppose a measure which would oppose the granting of visas. The normal diplomatic and pragmatic efforts of a government-to-government effort to engage and discuss, to bring to light of day, to continue to persuade and develop a better sense of values would be truncated and cut off.

I believe, I say to the Senator, as one who has watched China for some 35 years now, that this is a country which has been humiliated by the West in the past. This is a country that has 5,000 years of dictatorship by one individual, generally an emperor, an emperor who could cast aside people, who could kill people at will—then revolutionary war heroes, basically people who were uneducated.

This is the first post-revolutionary war leadership that has had some Western education, that has some Western understanding. China closed itself off from the West after the Boxer Rebellion and because of what happened in the opium trade, never wanting any kind of interaction with the West.

Now, for the first time, China is open, I believe, to Western values, to Western ideas. I happen to believe it is to our interest. We didn't settle the enormous intellectual property and piracy problems by saying, if you commit a piracy act, you won't have a visa to the United States. We settled it by sending over delegation after delegation of officials to let the Chinese Government know what this was all about, to identify and help identify those factories that were producing illegal goods, and to follow up and see, in fact, that the Chinese Government was willing to take action to shut them down. It has worked. It will be a bumpy road.

But cutting off visas of officials isn't the way to handle problems, whether they relate to IPR, whether they relate to technology transfer, whether they relate to other military endeavors or trade matters, I believe.

I must say, I believe this is the first time in the last year that the administration has really made up their mind that what they are going to do is engage China fully and completely at the top level. I believe it is having enormous dividends and that we will see in the years to come a much more open country, a country that has taken steps to make greater reforms.

You have to realize that to those of us who sit on the west coast, the Pacific rim is our world of trade. The Pacific rim has by far exceeded the Atlantic Ocean as the major theater of trade. In my State, approximately over a third of the jobs depend on trade with Asia. We want to have positive relations with Asia, positive relations with the Philippines, with Taiwan, with South Korea, with China, with all of the ASEAN countries as well. Increasingly, we have an opportunity, we believe, on the Pacific, to form a Pacific rim community that is peaceful, where trade can take place, where like values can be shared. I must tell you, I buy into that dream. I want to see it happen.

Mr. HUTCHINSON. Will the Senator yield?

Mrs. FEINSTEIN. I am happy to yield.

Mr. HUTCHINSON. Mr. President, coerced abortion and religious persecution are two practices that the Chinese Communist Government denies take place in China.

How, then, would denying visas to Chinese officials in which we have credible evidence that, in fact, they are doing—how would that impede the kind of positive relationship that you want to see?

I again reiterate the questions: How do we reconcile the most recent rounds of arrests of those who tried to form a democracy party in China when they were detained and incarcerated? And the test of the rocket engines while the President was in China, how do we reconcile that with this supposed breeze of freedom that we now have blowing through China?

Mrs. FEINSTEIN. I don't think it is all going to be smooth and all going in one direction. I find the arrest of dissidents in the wake of the President's visit or prior to the President's visit as 100 percent wrong.

Senator, if there is one thing I have learned about the Chinese, they can be ham-handed in how they function. They can be their own worst enemies in how they handle, because they function under a different, I think, value system in this regard. Sometimes, I believe, it is overreaction. I have read things, and I sit back and say, why did this have to happen?

Now, let's talk for a moment about forced abortion. I think it is an abysmal practice, it is a barbaric practice. China says they do not countenance and they do not want to permit it. That is the official government policy. Are there occasions where, in this vast country, forced abortion is committed, do I believe? I believe there are instances where forced abortions are, in fact, committed. I also believe, though, that by pointing this out continually, we will see some changes.

I think it has to be understood that China still has over 100 million people way under the poverty line, some living in caves, some living in the most impoverished circumstances, particularly in western China. It has to be understood that China is a nation of 1.2 billion people, growing rapidly.

When I first went to China in 1979, what I was told was, what we have for one person must be extended to five people. I have seen since that time the quality of life improving for people. I have seen the easing of restrictions. I have seen the improvement in the dialog. I have seen the stress on education. I have seen the opening of the society. I have to think that is healthy for the society. I think if we engage that society, if we talk with people on equal levels, if we treat China without humiliating China but treat China with equality, that we will see major positive changes in the future.

So I appreciate the opportunity to have this dialog. I respect your values. I respect what you are trying to do in this regard. I just happen to believe, based on my knowledge, my understanding, and my experience with China and the Chinese people, I believe it would be highly unproductive.

I just wanted an opportunity to come to the floor and have that opportunity to state my views. I thank the distinguished Senator.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. KENNEDY. Will the Senator yield?

Last evening I had asked the majority leader just for 5 minutes at some time during the period when he was propounding the consent request. I am glad to cooperate with the floor managers on when would be the most appropriate time to do so, but since we are starting off on an amendment, I don't want to interrupt the debate on the amendment, and I am glad to inquire of my friend from Michigan what period of time he intends to take.

Mr. ABRAHAM. If the Senator from Massachusetts would like to speak for up to 5 minutes, the Senator from Michigan would be happy to propose a unanimous consent agreement by which the Senator from Massachusetts is yielded 5 minutes to speak, in morning business or whatever, and then establish that the Senator from Michigan would be recognized to proceed with the amendment.

The PRESIDING OFFICER. Does the Senator from Michigan desire to make that request in the form of a unanimous consent request?

Mr. ABRAHAM. I ask unanimous consent that the Senator from Massachusetts be permitted to speak for 5 minutes at this time, to be followed by the Senator from Michigan to then resume discussion of my amendment.

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

The Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from Michigan.

As the Senator knows, the Judiciary Committee, of which we are both members, is starting hearings at this time as well. I appreciate his kindness in permitting me to address the Senate at this time.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, as we begin the August recess, the American people should understand that the Republican leadership is still bent on blocking meaningful HMO reform. I believe that Senator LOTT owes it to Congress and the American people to schedule a full and fair debate as the Senate's first order of business when we return in September, but he has refused to do so and continues to hide behind the unreasonable restrictions on fair guidelines for the Senate's debate.

The Republican leadership in Congress deserves the failing grades it is getting for fumbling the issue on HMO reform. At least since last January when the press reports began noting that Oscar-winning actress Helen Hunt in ''As Good as it Gets,'' who electrified audiences with her attack on HMOs, it has been clear that a tidal wave of support is building to end the managed care abuses and stop HMOs from profiting in ways that jeopardize patients' health or their very lives.

The GOP's HMO line of defense continues to be to block any strong legislation, refuse to allow fair debate, and to give the HMO industry antireform TV ads a chance to bite. The genie is out of the bottle, and that cynical strategy will fail. If the majority leader has not already done so, I urge him to see the film during the recess. I have a videotape of the film here. I ask a page to deliver it to the majority leader.

I urge the leader to see the film in a theater so he can judge the audience reaction and be more convinced of the genuine public outrage that exists over the abuses of HMOs and managed care. It is long past time for the Congress to end these abuses. Too often, the managed care is mismanaged care. No amount of distortion or smokescreens by insurance companies or GOP campaign ads can change the facts. A real Patients' Bill of Rights can stop these abuses. Let's pass it now before more patients have to suffer.

All we want is a chance, in the time-honored tradition and the regular order of this body, to present a full and complete debate on this issue. We have had 5 days of debate and discussion on agriculture, with 55 amendments. We have

had 6 days of debate on the defense authorization, with 105 amendments. We have had 7 days of debate on the budget, with over 100 amendments. We are entitled to an opportunity for a full and fair debate. If there are provisions to be included in the Daschle bill, we would like to hear about them and what the objectives are. We believe that this debate offers the best opportunity to make sure that we are going to have the doctors and patients make decisions and not the insurance companies. That is the central and fundamental issue that we ought to be debating. We are going to continue to press this issue until we have that debate.

The Senate Republican leadership plan is not a bill of rights—it's a bill of wrongs. It cannot withstand a full and fair debate on the floor of the Senate. Its supporters know that—so they are refusing to bring it up for full debate, or at least agree on a fair number of amendments.

The goal of the Republican leadership and their friends in the insurance industry is to prevent legislation this year, or to pass only a minimalist bill so weak that it would be worse than no bill at all. The initial Republican strategy—the stonewall strategy—lasted for more than a year. But it broke down last month in the face of overwhelming public demand for action.

Their minimalist approach pays lip service to reform without the reality of reform. They refuse to let the Senate debate it, because they know their plan is more loophole than law.

The Republican record of delay and denial is clear. Congressman DINGELL and I first introduced patient protection legislation 17 months ago—on February 25, 1997.

Senator DASCHLE introduced the Patients' Bill of Rights four months ago—on March 31, 1998.

We have repeatedly asked for committee action or consideration by the full Senate of this important legislation, but the Republican leadership has repeatedly said ''no.''

Now, they know they can no longer just say ''no.'' So the Leadership is trying the next best thing. Instead of bringing up the bill for full and fair debate, they have offered up a series of phony consent agreements that they know are unacceptable. They don't want a full debate with an opportunity to amend their Patient Bill of Wrongs, because they believe that the less the American people know about their sham proposals, the better they will be able to protect their friends in the health insurance industry.

In fact, the Republican leadership has gone to extraordinary lengths in the past six weeks to prevent a full debate on HMO reform.

On June 18, Senator LOTT proposed to bring up the bill, but on terms that made a mockery of legislative process.

That proposal would have allowed the Senate to start debate on HMO reform, but Senator LOTT would have been permitted to pull the bill down at any time, and the Senate would have been barred from considering it further for the rest of the year. So if Senator LOTT did not like the direction the bill was headed, he could withdraw it and tie the Senate's hands on HMO reform for the remainder of the year.

On June 23, 43 Democratic Senators wrote to Senator LOTT to urge him to allow a full debate and votes on the merits of the Patients' Bill of Rights before the August recess.

In response, on June 24, Senator LOTT simply repeated his earlier unacceptable offer.

On June 25, Senator DASCHLE proposed an agreement under which Senator LOTT would bring up a Republican health care bill by July 6, Senator DASCHLE could offer the Democratic Patients' Bill of Rights, and other Senators could offer only amendments relevant to the HMO reform issue. We would not allow amendments on any other subject—just those relevant to the Patients' Bill of Rights.

However, Senator LOTT rejected this offer. And on June 26, he offered once again an agreement that allowed Senator LOTT to withdraw the legislation at any time, and bar any further consideration of any health care legislation for the remainder of the year.

On July 15, after a long silence, Senator LOTT made yet another offer. This time he proposed an agreement that allowed for no amendments. He could bring up his bill. We could bring up ours. And that is it. It would be all or nothing. The American people would be denied votes on specific issues.

No vote on whether all Americans should be covered, or just one-third as the Republicans propose.

No vote on whether there should be genuine access to emergency room care.

No vote on whether patients should have access to the specialists they need when they are seriously ill.

No vote on whether doctors should be free to give the medical advice they feel is appropriate, without fear of being fired by the HMO.

No vote on whether patients with cancer or Alzheimer's disease or other illnesses should have access to clinical trials after conventional treatments fail.

No vote on whether patients in the middle of a course of treatment can keep their doctor if their health plan drops the doctor from the network, or the employer changes health plans.

No vote on whether patients should have meaningful independent review of plan decisions—or whether health plans should continue to be judge and jury.

No vote on whether the special health needs of persons with disabilities, and women, and children should be met.

No vote on whether health plans should be held responsible for decisions that kill or injure patients.

The list goes on and on.

But the Republican Leadership just wants an all-or-nothing vote on their plan and our plan. They don't want a genuine debate on patient protection. They don't want to be held accountable by the American people for defending industry profits instead of patients. They want to gag the Senate, and allow HMOs to continue to gag doctors.

On July 16, Senator DASCHLE proposed that we agree on a limited number of amendments—20 per side, directly related to the legislation, not on extraneous issues.

This offer by Senator DASCHLE reflects the best traditions of the Senate. It is consistent with the conditions under which we have debated many major legislative proposals in the Senate this year.

We had 7 days of debate on the budget resolution, and considered 105 amendments. Two of those were offered by Senator NICKLES.

We had 6 days of debate on the defense authorization bill, and considered 150 amendments. Two of those were offered by Senator LOTT, and he cosponsored 10 others.

We had 8 days of debate on IRS reform, and considered 13 amendments.

We had 17 days of debate on tobacco legislation—a bill we never completed—and considered 18 amendments.

We had 5 days of debate on the Agriculture Appropriations bill and 55 amendments.

Senator LOTT has said to reporters that Democrats might be able to offer 3 or 4 amendments. But that means we would have to decide which issues of concern to the American people are debated, and which are discarded. Do we debate access to emergency rooms, but put aside all concerns about access to specialists? Do we offer an amendment to ensure that all Americans are covered by the legislation, and not just the one-third the Republican plan proposes, but put aside access to clinical trials that could save lives?

This debate should not be an unfair choice. We agree that the number of amendments should be limited. But the number should be large enough to accommodate the large number of legitimate issues that need to be debated as part of this important reform.

If the Republican leaders are serious about fair debate, they know how to do it. We do it every day in the Senate, and we should do it now. If they are serious about passing meaningful patient protection legislation, they should call up the bill now. All we have asked for is 20 amendments per side. It will take at least 20 amendments to even begin to remedy the major defects in the Republican proposal.

Since the Republican leadership plan was introduced a week ago, we have held meetings and forums with doctors, nurses and patients to explore the critical issues that must be addressed if a Patients' Bill of Rights is to be worthy of its name.

In each case, doctors, nurses and patients have reached the same conclusions. The abuses by HMOs and managed care are pervasive in our health

system. Every doctor and patient knows that, too often, managed care is mismanaged care. Every doctor and patient knows that medical decisions that should be made by doctors and patients are being made by insurance company accountants. Every doctor and patient knows that profits, not patient care, have become the priority of too many health insurance companies.

The message in each of these forums from doctors, nurses and patients has been the same. Pass the Patients' Bill of Rights. Reject the Republican leadership plan. It leaves out too many critical protections. It leaves out too many patients. Even the protections it claims to offer have too many loopholes. It is a plan to protect industry profits, not patients.

One of the aspects of their legislation that the Republican leadership likes to tout is its alleged protections for women. As part of their ongoing disinformation campaign about their legislation, they even had a press conference this morning to proclaim the benefits of their legislation for women. But no credible organization representing women endorses their bill—because their so-called protections for women are a sham.

Nowhere is the difference between the bipartisan Patients' Bill of Rights and the Republican Bill of Wrongs more evident than on the issue of protecting women's health. The Republican leadership bill leaves out most key patient protections. Even the protections it does include are more cosmetic than real. And even those cosmetic protections are limited to fewer than one-third of the privately insured patients who need help.

We held a forum yesterday afternoon during which leading organizations for women released a letter urging Senators to support the Patients' Bill of Rights and to reject the Republican leadership bill. The letter is signed by more than 30 women's groups, who represent millions of women in communities across the country.

Last Friday, we heard from Diane Bergin of College Park, MD. She has ovarian cancer, and is currently enrolled in a clinical trial. She eloquently described the need for plans to cover such trials and the importance of having access to specialty care. Diane is a vivid example of the promise of such therapies and the need to see that patients have genuine access to specialists.

Women need to know that they will receive the benefits covered by their plan and recommended by their treating physician—without being overruled by insurance company accountants.

Women need to know that they can choose their gynecologist to be their primary care physician.

Women need to know that they will never have to drive past the nearest emergency room, because a more distant hospital is part of their managed care plan.

Women with mental illness need to know that they will have access to psychiatrists, psychologists and other mental health professionals.

Women with ovarian cancer—like Diane Bergin—or other life-threatening conditions need to know that their health plan will let them participate in clinical trials by covering routine costs of such care.

Women whose plans provide pharmaceutical benefits need to know that they will have access to drugs that are not on the plan's list.

Women need to know that they will have access to a quick and independent appeal if their plan overrules their doctor.

Women need to know that they have a genuine remedy when plan abuses result in injury or death.

The Patients' Bill of Rights guarantees these rights to all women with private health insurance. The Republican plan guarantees none of them.

In fact, the closer you look at the Republican bill, the worse it looks. They claim to provide protections for patients who seek emergency room care. But the American College of Emergency Physicians has denounced their proposal as a sham.

They claim to provide independent third party appeal, but Consumer's Union analyzed their proposal and called it ''woefully inadequate and far from independent.''

Virtually every protection they claim to have included turns out to fail the truth-in-advertising test—and the protections they have left out are a dishonor roll of insurance industry abuses.

Part of democracy is accountability. We have votes in the Senate to pass or defeat bills. We have votes on amendments to improve bills. We record these votes, because we are elected by the people of our states to represent them. The people have a right to know where we stand on important issues.

I ask the Republican leader why he doesn't want the American people to know where members of the Senate stand on whether protections for patients should apply to all 161 million privately insured Americans—or leave more than 100 million out.

I ask the Republican leader why he doesn't want the American people to know where members of the Senate stand on allowing a sick child with cancer to have access to a specialist to treat his disease.

I ask the Republican leader why he doesn't want a vote on whether doctors and patients, not accountants, should make medical decisions.

I ask the Republican leader why he doesn't want a vote on whether doctors who stand up for their patients should be protected from retaliation by insurance companies.

I ask the Republican leader why he doesn't want a vote on whether patients should have access to the nearest emergency room when immediate medical treatment means the difference between life and death.

I ask the Republican leader why he doesn't want a vote on whether HMO decisions to deny patients the care they need should be subject to timely and independent review by an impartial third party.

I ask the Republican leader why he doesn't want a vote on whether patients with deadly diseases that no conventional treatment can help should have access to clinical trials that offer them the hope of cure or improvement.

I ask the Republican leader why he doesn't want a vote to insist on accountability for health plans when they kill or injure patients.

Each of those votes will address a critical weakness in the Republican plan. It is obvious why the Republican leader does not want Democrats to offer these amendments. He wants to keep the Republican bill weak, so that it will protect profits instead of patients. He thinks that he can hold Republican Senators for one vote in favor of a bad bill, but he cannot keep them together on vote after vote that will show who stands with patients—and who stands with HMOs.

The President will not sign—and the Senate should not pass—a bill that is a fig leaf over continued HMO abuses.

If the Senate has a full and fair debate in full view of the American people, needed patient protections will pass—and that is what the Republican leadership is trying to avoid.

The House Republican plan is so flawed that President Clinton has already sent a strong veto message. But the Senate Republican plan is even weaker than the House Republican plan—it's ''Gingrich Lite.'' We know we can do better, and we will do better if we have a fair opportunity for full debate.

The Senate Republican plan protects industry profits instead of protecting patients. It is so riddled with loopholes that it's a license for continued abuse. It allows insurance company accountants to continue to make medical decisions, not doctors and patients. Patients with cancer, heart disease, or other serious illnesses will not have timely access to specialists and the treatment they need. Managed care plans are immunized from liability for abuses that injure or even kill a patient. No other industry in America has this immunity—and the managed care industry doesn't deserve it either.

Just as managed care plans gag their doctors, the Republican leadership wants to gag the Senate. Just as insurance companies delay and deny care, the Republican leadership is trying to delay and deny meaningful reform. Just as health plans want to avoid being held accountable when they kill or injure a patient, the Republican leadership wants to avoid being held accountable for killing patient protection legislation.

Yesterday, Senator CHAFEE offered a proposal that is a major improvement over the Senate Republican leadership

plan, and it provides significant patient protections. But it lacks many of the most important protections in our Patients' Bill of Rights.

Key provisions omitted in the Chafee plan include the lack of needed protection for breast cancer patients from drive-through mastectomies and access to reconstructive surgery—the lack of fair opportunities for patients to join health plans allowing them to go to the physician or specialist of their choice—the lack of protection for health professionals who point out problems in the quality of care provided by health plans or facilities—and the lack of adequate remedies for patients injuries or killed by HMO abuses.

All of these reforms are needed, and all of them are strongly supported by an unprecedented alliance of physicians, nurses, patients, and working families.

Despite these significant gaps, the Chafee plan shows that the wall of opposition by Senate Republicans to genuine reform is continuing to crack, and it shows that at least some Republicans in the Senate are serious about reform. Now is the time for the Republican leadership to respond. As the Chafee plan shows, their industry profit protection plan is becoming less and less tenable with each passing day. The American people demand action, but the Republican leadership still refuses to bring patient protection legislation to the floor for full debate and action.

The Republican Leadership in Congress deserves the failing grades it's getting for fumbling the issue of HMO reform. At least since last January—when press reports began noting that Oscar-winning actress Helen Hunt in the movie ''As Good As It Gets'' was electrifying audiences with her attack on her HMO—it has been clear that a tidal wave of support is building to end managed care abuses and stop HMOs from profiteering in ways that jeopardizing patients' health or their very lives.

The GOP–HMO line of defense continues to be to block any legislation, refuse to allow fair debate, and give the HMO industry's anti-reform TV ads a chance to bite. But the genie is out of the bottle, and that cynical strategy will fail.

It's time for Congress to end the abuses of patients and physicians by HMOs and managed care health plans. Too often, managed care is mis-managed care. No amount of distortions or smokescreens by insurance companies can change the facts. A real Patients' Bill of Rights can stop these abuses. Let's pass it now, before more patients have to suffer.

Mr. President, I ask unanimous consent that two articles on the film ''As Good As It Gets'' be printed in the RECORD. The first is a March 29 Boston Globe column by Ellen Goodman. The second is a January 12 article in the St. Louis Post-Dispatch, which to my knowledge is the first report of the extraordinary impact of the film on the HMO debate, and which mentions State Representative Thomas Holbrook of Belleville, Missouri as the first elected official to recognize this impact.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Boston Globe, March 29, 1998]

(By Ellen Goodman)

THE HMO HORROR SHOW

Too bad they don't have a Oscar for the Single Best Line in a movie. A zeitgeist award for the sentence you want to freeze-frame, the magical moment when Hollywood fantasy meets daily life, with they get it absolutely right.

Helen Hunt and Jack Nicholson picked up a couple of statues last week for Best Actress and Best Actor in ''As Good as It Gets.'' But the Best Line prize belongs to the scribbler who put a string of ungenteel words in Hunt's mouth. When the distraught mother gave her opinion about the managed medical attention being given her asthmatic son, she exploded: ''F------ HMO B------ Pieces of S---!''

At this outburst—with none of the expletives deleted—audiences all over America spontaneously burst out in applause. It was one of those moments when you know the tide has turned.

HMOs have become the new expletive—undeleted. Managed-care companies are rapidly replacing tobacco companies as corporate demons. Indeed, if you watch ''The Rainmaker,'' the HMOs are taking the place of the Russkies as the bad guys. As Ronald Glasser, a Minneapolis pediatrician, HMO critic, and moviegoer who was downing popcorn when the audience roared at Hunt, exclaims, ''I looked around and said, 'My God, the people are way ahead of the politicians on this.' ''

A few years ago, the public saw doctors as rich professionals who overcharged on Tuesday and played golf on Wednesday. The weakness in the system was cost control—or cost out of control.

Now doctors and consumers are becoming allies on the same side, fighting the HMOs, hassling the 800 numbers, trapped in a medical system we suspect is being run by accountants. The weakness in the system is trust. Or rather, mistrust.

It is an astonishingly swift transformation. Bob Blendon, who polls health care issues at Harvard's School of Public Health, is about to publish a study of the consumer backlash that confirms Helen Hunt's less professorial opinion. His survey of surveys proves, he says, that ''we have changed the whole politics of the health field. Essentially patients and doctors have come together in a new class of exploited people.''

On the one hand, polls show that most Americans are satisfied with their own health care plans. On the other hand, they favor some type of government regulation.

These two views seem contradictory, but the backlash is based on the widespread anxiety about what happens if they get sick. ''People have come to believe,'' says Blendon, ''that these plans won't do the right thing for them when they are very sick.''

There isn't yet much objective research to show how often health care is refused, or how often the hassles and hurdles have lethal consequences. The backlash is driven by horror stories of health care plans that won't pay for emergency care, by anecdotes of cancer referrals denied or delayed, by firsthand stories about a mother, a sister, a neighbor, a friend.

We have gotten the big picture as well. About 15 percent of the population accounts for 80 percent of the medical bills. In the phrase Glasser used in the March issue of Harper's, HMOs are ''a Ponzi scheme'' in which the premiums have to keep ahead of claims.

But the backlash scenario presents the HMOs with a dilemma. On the one hand, employers and employees may choose a system based on how it treats the very ill. On the other hand, HMOs want to enroll the very healthy.

In general, managed-care companies have shown the public relations skills of Ken Starr. In the past year or so, we've had reports of outpatient breast surgery and drive-through deliveries. All we've seen in return is HMO defensiveness.

Now politicians who read the papers and go to the movies are playing catch-up. There have been about 1,000 bills in state legislatures to protect the consumers from the managers.

In Washington, Congress is still dithering around with various forms of a patients' bill of rights, with Republican leadership trying to stall, duck, and weave. But it is getting pushed closer to a law that would provide for an external appeal to those denied care, access to emergency room, and an ombudsman program.

As for the HMO's those folks who brought us Harry and Louise are now warning us about Frankenstein. The latest ads say, ''Washington: Be careful how you play doctor, you might mandate a monster.''

A monster? It's the unmandated, unregulated system that has now produced the horror movie running in everybody's head. Any way you look at health care, even in a darkened theater, this is not as good as it gets.

[From the St. Louis Post-Dispatch, January 12, 1998]

HMOS MAY HIGHLIGHT HOT TOPICS IN LEGISLATURE; BILLS WOULD TARGET MYRIAD OF PATIENTS' COMPLAINTS

State Rep. Thomas Holbrook, D-Beltsville, got a preview of what may lie ahead in this year's Illinois legislative session when he saw the new Jack Nicholson movie, ''As Good As It Gets.''

In one scene, co-star Helen Hunt, playing the mother of a chronically ill boy, spouts vulgarity about a health maintenance organization that is refusing to give her son the treatment he needs.

''She starts railing on this HMO, and people in the theater actually stood up and started applauding,'' Holbrook recalled last week. ''When's the last time you saw that happen in a theater? That's not an undercurrent, it's a tidal wave.''

Proposals to make HMOs more user-friendly to consumers are among the major issues likely to face Illinois legislators when the year's legislative session opens Wednesday.

Other potential topics include clamping more restrictions on the campaign and contracting practices of state politicians; continued controversy over hog farm waste; discussions of new transportation projects in the Metro East area; and minor adjustments to the major education funding changes passed into law last year.

Technically, this year is the second half of a two-year legislative session. By legislative rule in Illinois, legislators in the second, even-numbered years are supposed to consider only budgetary matters and emergency issues.

That has historically been among the most ignored rules in state government, especially since even-numbered years are also election years. And, with the Senate and House under opposing parties—and with the House, especially, under a razor-thin Democratic majority—much of the debate this year is likely to be partisan and acrimonious.

Most legislators predict there will be few concrete changes on the books after the dust clears.

''There's no question there will be election-generated bills . . . but it will just be window-dressing,'' said Rep. Kurt Granberg, D-Carlyle. ''Mainly, I think it's going to be a budget year.''

AMONG THIS YEAR'S LIKELY TOPICS OF DEBATE IN THE LEGISLATURE: HMOS

The House last year passed several bills that would have regulated how HMOs deal with their patients and member doctors. Most of that legislation has remained stalled in the Senate but could be called up again through the end of this year.

One measure, labeled the ''Patient Bill of Rights'' by its supporters, would require that insurance companies provide certain information to patients, would set up a formalized grievance process and would make other changes to the HMO industry.

''There seems to be a real ground swell about this,'' said Holbrook, a co-sponsor of the bill. HMO expenses and alleged lack of responsiveness to patients have ''become such a glaring atrocity.''

Not everyone agrees with that assessment. But even Republican Senate President James ''Pate'' Philip of Wood Dale, who has prevented most HMO-related legislation in the past year from coming up for a Senate vote, is likely to open the subject to debate this year.

''We're going to find out what's out there,'' in the way of legislation, said Patty Schuh, Philip's spokeswoman. ''This is an issue that hits everyone.''

Propoents of the changes believe public frustration will work in their favor in an election year.

''That truly has a chance at moving forward,'' said Rep. Jay Hoffman, D-Collinsville. ''I see bipartisan support.''

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2964

(Purpose: To provide for improved monitoring of human rights violations in the People's Republic of China, and for other purposes)

Mr. ABRAHAM. Mr. President, I call up my amendment No. 2964 and ask for its immediate consideration, and I ask unanimous consent Senator HUTCHINSON from Arkansas be added as a cosponsor to the amendment.

The PRESIDING OFFICER. The clerk will report.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself and Mr. HUTCHINSON proposes an amendment numbered 2964.

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

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

The amendment is as follows:

Add at the end the following new titles:

TITLE —MONITORING OF HUMAN RIGHTS ABUSES IN CHINA

SEC. . SHORT TITLE.

This title may be cited as the ''Political Freedom in China Act of 1998''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Congress concurs in the following conclusions of the United States State Department on human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is ''an authoritarian state'' in which ''citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government''.

(B) The Government of the People's Republic of China has ''continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms''.

(C) ''[a]buses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention''.

(D) ''[p]rison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights''.

(E) ''[a]lthough the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state', or for peaceful political or religious activities are believed to number in the thousands''.

(F) ''[n]onapproved religious groups, including Protestant and Catholic groups . . . experienced intensified repression''.

(G) ''[s]erious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia[, and] [c]ontrols on religion and on other fundamental freedoms in these areas have also intensified''.

(H) ''[o]verall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.''.

(2) In addition to the State Department, credible independent human rights organizations have documented an increase in repression in China during 1995, and effective destruction of the dissident movement through the arrest and sentencing of the few remaining pro-democracy and human rights activists not already in prison or exile.

(3) Among those were Li Hai, sentenced to 9 years in prison on December 18, 1996, for gathering information on the victims of the 1989 crackdown, which according to the court's verdict constituted ''state secrets''; Liu Nianchun, an independent labor organizer, sentenced to 3 years of ''re-education through labor'' on July 4, 1996, due to his activities in connection with a petition campaign calling for human rights reforms; and Ngodrup Phuntsog, a Tibetan national, who was arrested in Tibet in 1987 immediately after he returned from a 2-year trip to India, where the Tibetan government in exile is located, and following a secret trial was convicted by the Government of the People's Republic of China of espionage on behalf of the ''Ministry of Security of the Dalai clique''.

(4) Many political prisoners are suffering from poor conditions and ill-treatment leading to serious medical and health problems, including—

(A) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, has a heart condition; and

(B) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt.

(5) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(6) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. . CONDUCT OF FOREIGN RELATIONS.

(a) Release of Prisoners: The Secretary of State, in all official meetings with the Government of the People's Republic of China, should request the immediate and unconditional release of Ngodrup Phuntsog and other prisoners of conscience in Tibet, as well as in the People's Republic of China.

(b) Access to Prisons: The Secretary of State should seek access for international humanitarian organizations to Drapchi prison and other prisons in Tibet, as well as in the People's Republic of China, to ensure that prisoners are not being mistreated and are receiving necessary medical treatment.

(c) Dialogue on Future of Tibet: The Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representives, without preconditions, on the future of Tibet.

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

There are authorized to be appropriated to support personnel to monitor political repression in the People's Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, $2,200,000 for fiscal year 1999 and $2,200,000 for fiscal year 2000.

SEC. . DEMOCRACY BUILDING IN CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NED.—In addition to such sums as are otherwise authorized to be approprited for the ''National Endowment for Democracy'' for fiscal years 1999 and 2000, there are authorized for the ''National Endowment for Democracy'' $4,000,000 for fiscal year 1999 and $4,000,000 for fiscal year 2000, which shall be available to promote democracy, civil society, and the development of the rule of law in China.

(b) EAST ASIA-PACIFIC REGIONAL DEMOCRACY FUND.—The Secretary of State shall use funds available in the East Asia-Pacific Regional Democracy Fund to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. . HUMAN RIGHTS IN CHINA.

(a) REPORTS.—Not later than March 30, 1999, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign

Relations Committee of the Senate an annual report on human rights in China, including religious persecution, the development of democratic institutions, and the rule of law. Reports shall provide information on each region in China.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry for China which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith in China. Such information shall include the charges, judicial processes, adminstrative actions, use of forced labor, incidences of tortue, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners in China. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding Chinese political prisoners to assist in the creation and maintenance of the registry.

SEC. . SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.

It is the sense of Congress that Congress, the President, and the Secretary of State should work with the governments of other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. . SENSE OF CONGRESS REGARDING DEMOCRACY IN HONG KONG.

It is the sense of Congress that the people of Hong Kong should continue to have the right and ability to freely elect their legislative representatives, and that the procedure for the conduct of the elections of the legislature of the Hong Kong Special Administrative Region should be determined by the people of Hong Kong through an election law convention, a referendum, or both.

SEC. . SENSE OF CONGRESS RELATING TO ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that—

(1) the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes;

(2) the Government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice;

(3) the President should bar from entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice;

(4) individuals determined to be participating in or otherwise facilitating the sale of such organs in the United States should be prosecuted to the fullest possible extent of the law; and

(5) the appropriate officials in the United States should interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

Mr. President, let me speak a little bit about this amendment. I don't intend to take up too much of the Senate's time discussing it, because I know other Senators, including Senator HUTCHINSON, are interested in speaking as well to the amendment.

Essentially, this amendment sets forth concrete steps by which the United States would support the improvement of human rights in the People's Republic of China. Its provisions regarding human rights are identical to those included in the legislation that was recently passed by the other Chamber by an overwhelming vote of 394–29.

The amendment I am offering is based on the recognition that the United States can conduct meaningful engagement with China only if we are honest with Chinese leaders, and only if we are willing to stand up for our principles. And chief among the principles on which our nation was founded is an abiding commitment to fundamental human rights.

The current regime in China suppresses fundamental human rights on a daily basis:

Women pregnant with their second or third child are pressured to have abortions and even subjected to forced abortion and sterilization.

Religious exercise is violently suppressed among Christians in China, and among indigenous Buddhists in Tibet.

Proponents of democracy and human rights are imprisoned under inhumane conditions and often denied necessary medical treatment.

I could go on, Mr. President. The list of human rights abuses in China is as long as it is deplorable.

Let no one in this body be mistaken, the current Chinese regime does not respect fundamental human rights.

The question I think we have to ask is, Should that influence how American policy toward China is shaped? Obviously, there are some who say the only way for us to change those policies in China is to have a complete and total engagement with the People's Republic of China. Obviously, that is one point of view. But I subscribe to the view that we can take constructive steps designed to try to change things and to try to make things more consistent with America's views of appropriate human rights behavior.

And the Chinese regime's recent conduct gives us no reason to expect improvement any time soon. Indeed, Mr. President, since President Clinton returned from his trip to China this June, that government has detained 21 prominent human rights activists. At least three remain in custody today.

Through this amendment, Mr. President, we would make clear to the Chinese government our opposition to its oppressive practices and initiate concrete steps by which we can monitor human rights abuses and assist those seeking to promote human dignity and civil society.

Among the provisions in this amendment: First, it contains findings detailing the deplorable human rights record of the Chinese government. Second, the amendment calls for greater efforts on the part of our Secretary of State to improve the behavior of the current Chinese regime:

It calls on the Secretary of State, during official meetings with the Chinese government, to call for the release of political prisoners in China and Tibet.

The amendment also calls on the Secretary of State to seek greater access for international humanitarian organizations to prisons in Tibet and China—access that will ensure that prisoners are not being mistreated and that they are receiving necessary medical treatment.

And the amendment calls on the Secretary of State, during official meetings, to request that China begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

Third, the amendment authorizes funding for several programs intended to improve human rights conditions in China. These include: $2.2 million in 1999 and 2000 for additional personnel at diplomatic posts to monitor human rights in China; $4 million in 1999 and 2000 for the National Endowment for Democracy to promote democracy, civil society, and the development of the rule of law in China, and permission for funds in the East Asia-Pacific Regional Democracy Fund to be used to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

Fifth, the amendment contains provisions aimed at improving our monitoring of human rights in China.

These include: A call for preparation of an annual report on human rights, religious persecution, and the development of democratic institutions and the rule of law in China that includes specific information on each region, and establishment within the State Department of a Prisoner Information Registry for China to provide information on all political prisoners, prisoners of conscience, and prisoners of faith in China.

Finally, this amendment includes several sense of Congress resolutions, including: A sense-of-the-Congress resolution concerning the establishment of a Commission on Security and Cooperation in Asia; A resolution concerning democracy in Hong Kong; and a resolution condemning organ harvesting and transplantation for profit from prisoners executed by the Chinese government.

Mr. President, these provisions will make clear our determination to stand up for the fundamental human rights of the Chinese people.

As the world's first free nation, and the continuing leader of the free world, we have a responsibility, in my view, to defend people's basic rights wherever they are endangered or violated.

We cannot, without undermining freedom in our own nation, turn our backs on those who suffer oppression in China, or in any other nation.

Our principles as well as our national interest demand that we pursue meaningful engagement with the current government in China. And that requires, at a minimum, an open discussion of human rights abuses and concrete steps aimed at bringing those abuses to an end.

These amendments will not destroy our current relationship with China. None of the amendment's supporters seek an isolationist policy. I for one support normal trade relations with China because I see them as a necessary element of effective engagement.

But this amendment serves an important function in our effort to achieve and maintain meaningful engagement with China. it signals this Congress' continuing concerns for human rights, democracy, and freedom in China. It signals our determination to speak up and support the fundamental principles of civilized society.

Through this amendment we can stand with oppressed people of conscience in China, for our sake as well as theirs.

I yield the floor.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

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

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

Mr. HUTCHINSON. Mr. President, I rise in support of the Abraham amendment 2964 to the Defense appropriations bill. The Abraham amendment would authorize additional human rights monitors at the embassy in Beijing, China, as well as our other consulates around China. I think it is exceptionally warranted. It is very, very much needed.

The Chinese Government has repeatedly flaunted its lack of respect for human rights. We have seen how the Government controls its people through registration, through coercive and repressive practices. We have seen how the Chinese Government punishes those who would dare to worship by the dictates of their conscience. We have seen how the Government punishes those who would speak in the name of democracy, those who would seek to register an opposition political party. They punish those who simply seek to fulfill normal human aspirations, aspirations that we too often take for granted.

We have seen that in the last two, at least the last two annual State Department reports on human rights that China was found to be one of, if not the worst human rights abuser in the world today. I think that fact alone, the fact that our State Department, in monitoring the countries of the world, the nations of the world, issuing reports on human rights conditions in the various nations of the world, found China as the greatest abuser of human rights justifies the Abraham amendment in establishing additional human rights monitors, additional personnel in the embassy to monitor situations like this: ''Chinese Resume Arrests,'' so that we will have the kind of knowledge about what is going on in the area of human rights within China that will allow us to, I think, engage China in the correct way.

Mr. President, we do not expect that China will change overnight, nor do we expect that the amendment that I have offered dealing with forced abortions and religious persecution, or the amendment that Senator ABRAHAM has offered will magically produce the change that we all desire. But it is essential that we shed light on the kind of human rights abuses, the dark practices that have become too evident for too many years. And it is essential that we engage those abuses with a substantive response.

This is part of that substantive response. The question before us is not whether we contain and isolate China. We cannot do that. We should not do that. We would not want to do that. The question before us is whether or not we will engage them on issues of human rights, as well as trade, as well as national security issues, whether we will actually engage them, and in so doing support the cause of freedom.

Frankly, I am puzzled by those who would excuse themselves and pardon themselves by saying that they, too, are opposed to the human rights abuses in China but then would oppose any effort to have a substantive response to those human rights abuses.

So I believe that this is not only a well-intended but a well-drafted amendment. It is, once again, part of the package that passed in the House of Representatives now almost a year ago with overwhelming bipartisan support, and it is long past time for the Senate to weigh in on that; to support the monitoring of human rights abuses in China, as we seek to do throughout the world; to give the kinds of personnel to our State Department, to our diplomatic people to assure that we have the best intelligence, the best reporting possible.

It is, I think, evident that this is needed in light of this latest round of arrests of political dissidents in China. It is puzzling to me that we can talk about the great improvement in China and the reforms that are taking place, and that this administration could put so much faith in President Jiang and his regime in Beijing when all of the evidence that is forthcoming, whether it is in the media, through our intelligence agencies, or the State Department itself indicates that, in fact, those abuses are as bad as ever, and that the crackdown on religious believers is now only most recently exceeded by the crackdown on political dissidents. I do believe, as the President has expressed, that eventually China will be free. I believe that. I think someday China will be a country in which free expression is tolerated and the freedoms that are not American values, but are fundamental human values, will exist in China. But I think it will not be through the regime that rules with an iron fist in Beijing, China, today. So, let us engage, but let us engage thoroughly and on all fronts.

The package of amendments that is before the Senate today will enable us to do that. So it is essential that we not table the China amendments, that we support them, that we agree to them as part of the appropriations bill. I believe, because the House passed these measures by such an overwhelming vote, they will be preserved in the conference and we will be able to give the President an opportunity to truly involve this administration in an engagement policy that will reflect the values that are precious to us and help to bring about the change that we desire to see in China and to give support to the freedom fighters, freedom lovers in China today who risk the limited freedom that they have to go about their daily activities by speaking out, by seeking to form an opposition political party, by seeking to worship according to the dictates of their conscience.

I think it is so imperative that we go on record with these amendments, to stand shoulder to shoulder with those who are putting their lives and their limited liberty at stake by taking a far more dangerous stand there, in China, today.

I applaud Senator ABRAHAM for bringing the human rights monitors amendment to the floor of the Senate, and I look forward to casting my vote against tabling and for the amendment. I ask my colleagues to do likewise.

I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Matthew Tourville, who is an intern in my office, be granted the privilege of the floor while we debate and vote on this bill today.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

MAN'S LONGING FOR IMMORTALITY SHALL ACHIEVE ITS REALIZATION

Mr. BYRD. Mr. President, I ask unanimous consent that an article from the July 20, 1998, edition of U.S. News & World Report and an article from the July 20, 1998, edition of Newsweek be printed in the RECORD. The two articles are relevant to the speech that I delivered on Tuesday this week entitled ''Man's Longing for Immortality Shall Achieve Its Realization.''

I understand the Government Printing Office estimates it will cost approximately $1,283 to have these articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, July 20, 1998]

SCIENTISTS AND THEOLOGIANS DISCOVER A COMMON GROUND

Darwin, Freud, relativity, the mechanics of the big bang—rightly or wrongly, all have been taken as supporting the modernistic conception of a change-based world in which forces devoid of meaning account for all outcomes. Some thinkers have maintained that the big-bang theory shows that no god was necessary at the creation. Intellectuals have wrung their hands in angst about how bang-caused cosmic expansion will result in an inescapable running down of the stars, proving existence to be pointless. A depressing inevitable death of the universe figures prominently in the works of post-modern novelist Thomas Pynchon; while in the movie *Annie Hall*, Woody Allen's character is psychologically paralyzed by his dread of the galaxies expanding until they die.

By contrast new developments in big-bang science are almost supernaturally upbeat: The universe wants us, and the stars will shine forever!

This remarkable change in perspectives is helping inspire a warming trend between scientific and spiritual disciplines. A conference last month in Berkeley, Calif., at which cosmologists discussed the theological implications of their work, is representative. Allan Sandage, one of the world's leading astronomers, told the gathering that contemplating the majesty of the big bang helped make him a believer in God, willing to accept that creation could only be explained as a ''miracle.''

HERESIES

Not that long ago, such a comment from an establishment scientist would have been shocking. The mere existence of the organization that sponsored the Berkeley event, a well-regarded academic group called the Center for Theology and the Natural Sciences, might have been snickered at. Today, ''intellectuals are beginning to find it respectable'' to talk about how physical law seems to favor life, notes Ian Barbour, a professor of both religion and physics at Carleton College, in Northfield, Minn.

In this vein, the recent book *Consilience* by Harvard biologist E.O. Wilson argues that there is no need to wall off scientific from moral thought; rather, people should once again pursue the Enlightenment vision of reconciling the technical and the spiritual. A boomlet of serious books with titles such as *A Case Against Accident and Self-Organization* and *God: The Evidence* goes further, suggesting the unknowns of the big bang eventually will be seen as divine latency.

If nothing else, the theological idea of creation ex nihilo—out of nothing—is looking better all the time as ''inflation'' theories (main story) increasingly suggest the universe emerged from no tangible source. The word ''design,'' rejected by most 20th-century scientists as a theological taboo in the context of cosmology or evolution, is even creeping back into the big-bang debate. Physicist Ernest Sternglass, among Einstein's last living acolytes, recently argued that the propitious circumstances of the big bang show that the universe is ''apparently designed for the development of life and destined to live forever, neither to fly apart into dying cinders nor collapse.''

Parallels between cosmology and spirituality may be coincidence. Some fine it significant that the Book of Genesis describes God creating existence out of the ''waters,'' because big-bang science asserts the early universe was mostly hydrogen, the chief component of H_2O. Maybe that tells us something; probably it's just a word choice.

But on more telling issues, the trend line of cosmology unquestionably favors a sense of purpose. Existence may be eternal, prewired somehow for life; consciousness may expand forever, never running out of room or resources; there may be a larger cosmic enterprise waiting for us to join its purpose, if we can just learn wisdom and justice.

Because the cosmos is ancient by our measure, people assume they are latecomers, gazing out into a universe worn down and faltering. But if the firmament will expand for an enormous span of time, or even for an eternity, then our universe glistens with morning dew. Homo sapiens may represent a youth movement, arriving at a time when almost everything is still to come. Dreary projections about ultimate fates may be supplanted by the belief that, like the cosmos itself, the human prospect is, as the physicist Freeman Dyson once wrote, ''infinite in all directions.''

[From Newsweek, July 20, 1998]

SCIENCE FINDS GOD

(By Sharon Begley)

The more deeply scientists see into the secrets of the universe, you'd expect, the more God would fade away from their hearts and minds. But that's not how it went for Allan Sandage. Now slightly stooped and white-haired at 72, Sandage has spent a professional lifetime coaxing secrets out of the stars, peering through telescopes from Chile to California in the hope of spying nothing less than the origins and destiny of the universe. As much as any other 20th-century astronomer, Sandage actually figured it out: his observations of distance stars showed how fast the universe is expanding and how old it is (15 billion years or so). But through it all Sandage, who says he was ''almost a practicing atheist as a boy,'' was nagged by mysteries whose answers were not to be found in the glittering panoply of supernovas. Among them: why is there something rather than nothing? Sandage began to despair of answering such questions through reason alone, and so, at 50, he willed himself to accept God. ''It was my science that drove me to the conclusion that the world is much more complicated than can be explained by science,'' he says. ''It is only through the supernatural that I can understand the mystery of existence.''

Something surprising is happening between those two old warhorses science and religion.

Historically, they have alternated between mutual support and bitter enmity. Although religious doctrine midwifed the birth of the experimental method centuries ago (following story), faith and reason soon parted ways. Galileo, Darwin and others whose research challenged church dogma were branded heretics, and the polite way to reconcile science and theology was to simply agree that each would keep to its own realm: science would ask, and answer, empirical questions like ''what'' and ''how''; religion would confront the spiritual, wondering ''why.'' But as science grew in authority and power beginning with the Enlightenment, this détente broke down. Some of its greatest minds dismissed God as an unnecessary hypothesis, one they didn't need to explain how galaxies came to shine or how life grew so complex. Since the birth of the universe could now be explained by the laws of physics alone, the late astronomer and atheist Carl Sagan concluded, there was ''nothing for a Creator to do,'' and every thinking person was therefore forced to admit ''the absence of God.'' Today the scientific community so scorns faith, says Sandage, that ''there is a reluctance to reveal yourself as a believer, the opporobrium is so severe.''

Some clergy are no more tolerant of scientists. A fellow researcher and friend of Sandage's was told by a pastor, ''Unless you accept and believe that the Earth and universe are only 6,000 years old [as a literal reading of the Bible implies], you cannot be a Christian.'' It is little wonder that people of faith resent science: by reducing the miracle of life to a series of biochemical reactions, by explaining Creation as a hiccup in space-time, science seems to undermine belief, render existence meaningless and rob the world of spiritual wonder.

But now ''theology and science are entering into a new relationship,'' says physicist turned theologian Robert John Russell, who in 1981 founded the Center for Theology and the Natural Sciences at the Graduate Theological Union in Berkeley. Rather than undercutting faith and a sense of the spiritual, scientific discoveries are offering support for them, at least in the minds of people of faith. Big-bang cosmology, for instance, once read as leaving no room for a Creator, now implies to some scientists that there is a design and purpose behind the universe. Evolution, say some scientist-theologians, provides clues to the very nature of God. And chaos theory, which describes such mundane processes as the patterns of weather and the dripping of faucets, is being interpreted as opening a door for God to act in the world.

From Georgetown to Berkeley, theologians who embrace science, and scientists who cannot abide the spiritual emptiness of empiricism, are establishing institutes integrating the two. Books like ''Science and Theology: The New Consonance'' and ''Belief in God in an Age of Science'' are streaming off the presses. A June symposium on ''Science and the Spiritual Quest,'' organized by Russell's CTNS, drew more than 320 paying attendees and 33 speakers, and a PBS documentary on science and faith will air this fall.

In 1977 Nobel physicist Steven Weinberg of the University of Texas sounded a famous note of despair: the more the universe has become comprehensible through cosmology, he wrote, the more it seems pointless. But now the very science that ''killed'' God is, in the eyes of believers, restoring faith. Physicists have stumbled on signs that the cosmos is custom-made for life and consciousness. It turns out that if the constants of nature—unchanging numbers like the strength of gravity, the charge of an electron and the mass of a proton—were the tiniest bit different, then atoms would not hold together, stars would not burn and life would never have made an appearance. ''When you realize that the laws of nature must be incredibly finely tuned to produce the universe we see,'' says John Polkinghorne, who had a distinguished career as a physicist at Cambridge University before becoming an Anglican priest in 1982, ''that conspires to plant the

idea that the universe did not just happen, but that there must be a purpose behind it.'' Charles Townes, who shared the 1964 Nobel Prize in Physics for discovering the principles of the laser, goes further: ''Many have a feeling that somehow intelligence must have been involved in the law of the universe.''

Although the very rationality of science often feels like an enemy of the spiritual, here, too, a new reading can sustain rather than snuff out belief. Ever since Isaac Newton, science has blared a clear message: the world follows rules, rules that are fundamentally mathematical, rules that humans can figure out. Humans invent abstract mathematics, basically making it up out of their imaginations, yet math magically turns out to describe the world. Greek mathematicians divided the circumference of a circle by its diameter, for example, and got the number pi, 3.14159 . . . . Pi turns up in equations that describe subatomic particles, light and other quantities that have no obvious connections to circles. This points, says Polkinghorn, ''to a very deep fact about the nature of the universe,'' namely, that our minds, which invent mathematics, conform to the reality of the cosmos. We are somehow tuned in to its truths. Since pure thought can penetrate the universe's mysteries, ''this seems to be telling us that something about human consciousness is harmonious with the mind of God,'' says Carl Feit, a cancer biologist at yeshiva University in New York and Talmudic scholar.

To most worshipers, a sense of the divine as an unseen presence behind the visible world is all well and good, but what they really yearn for is a God who acts in the world. Some scientists see an opening for this sort of god at the level of quantum or subatomic events. In this spooky realm, the behavior of particles is unpredictable. In perhaps the most famous example, a radioactive element might have a half-life of, say, one hour. Half-life means that half of the atoms in a sample will decay in that time; half will not. but what if you have only a single atom? Then, in an hour, it has a 50–50 chance of decaying. And what if the experiment is arranged so that if the atom does decay, it releases poison gas? If you have a cat in the lab, will the cat be alive or dead after the hour is up? Physicists have discovered that there is no way to determine, even in principle, what the atom would do. Some theologian-scientists see that decision point—will the atom decay or not? will the cat live or die?—as one where God can act. ''Quantum mechanics allows us to think of special divine action,'' says Russell. Even better, since few scientists abide miracles, God can act without violating the law of physics.

An even newer science, chaos theory, describes phenomena like the weather and some chemical reactions whose exact outcomes cannot be predicted. It could be, says Polkinghorne, that God selects which possibility becomes reality. This divine action would not violate physical laws either.

Most scientists still park their faith, if they have it, at the laboratory door. But just as belief can find inspiration in science, so scientists can find inspiration in belief. Physicist Mehdi Golshani of Sharif University of Technology in Tehran, drawing from the Koran, believes that natural phenomena are ''God's signs in the universe,'' and that studying them is almost a religious obligation. The Koran asks humans to ''travel in the earth, then see how He initiated the creation.'' Research, Golshani says, ''is a worship act, in that it reveals more of the wonders of God's creation.'' The same strain runs through Judaism. Carl Feit cites Maimonides, ''who said that the only pathway to achieve a love of God is by understanding the works of his hand, which is the natural universe. Knowing how the universe functions is crucial to a religious person because this is the world He created.'' Feit is hardly alone. According to a study released last year, 40 percent of American scientists believe in a personal God—not merely an ineffable power and presence in the world, but a deity to whom they can pray.

To Joel Primack, an astrophysicist at the University of California, Santa Cruz, ''practicing science [even] has a spiritual goal''—namely, providing inspiration. It turns out, explains Primack, that the largest size imaginable, the entire universe, is 10 with 29 zeros after it (in centimeters). The smallest size describes the subatomic world, and is 10 with 24 zeros (and a decimal) in front of it. Humans are right in the middle. Does this return us to a privileged place? Primack doesn't know, but he describes this as a ''soul-satisfying cosmology.''

Although skeptical scientists grumble that science has no need of religion, forward-looking theologians think religion needs science. Religion ''is incapable of making its moral claims persuasive or its spiritual comfort effective [unless] its cognitive claims'' are credible, argues physicist-theologian Russell. Although upwards of 90 percent of Americans believe in a personal God, fewer believe in a God who parts seas, or creates species one by one. To make religions forged millenniums ago relevant in an age of atoms and DNA, some theologians are ''incorporat[ing] knowledge gained from natural science into the formation of doctrinal beliefs,'' says Ted Peters of Pacific Lutheran Seminary. Otherwise, says astronomer and Jesuit priest William Stoeger, religion is in danger of being seen, by people even minimally acquainted with science, ''as an anachronism.''

Science cannot prove the existence of God, let alone spy him at the end of a telescope. But to some believers, learning about the universe offers clues about what God might be like. As W. Mark Richardson of the Center for Theology and the Natural Sciences says, ''Science may not serve as an eyewitness of God the Creator, but it can serve as a character witness.'' One place to get a glimpse of God's character, ironically, is in the workings of evolution. Arthur Peacocke, a biochemist who became a priest in the Church of England in 1971, has no quarrel with evolution. To the contrary: he finds in it signs of God's nature. He infers, from evolution, that God has chosen to limit this omnipotence and omniscience. In other words, it is the appearance of chance mutations, and the Darwinian laws of natural selection acting on this ''variation,'' that bring about the diversity of life on Earth. This process suggests a divine humility, a God who acts selflessly for the good of creation, says theologian John Haught, who founded the Georgetown (University) Center for the Study of Science and Religion. He calls this a ''humble retreat on God's part'': much as a loving parent lets a child be, and become, freely and without interference, so does God let creation make itself.

It would be an exaggeration to say that such sophisticated theological thinking is remaking religion at the level of the local parish, mosque or synagogue. But some of these ideas do resonate with ordinary worshipers and clergy. For Billy Crockett, president of Walking Angel Records in Dallas, the discoveries of quantum mechanics that he reads about in the paper reinforces his faith that ''there is a lot of mystery in the nature of things.'' For other believers, an appreciation of science deepens faith. ''Science produces in me a tremendous awe,'' says Sister Mary White of the Benedictine Meditation Center in St. Paul, Minn. ''Science and spirituality have a common quest, which is a quest for truth.'' And if science has not yet influenced religious thought and practice at the grass-roots level very much, just wait, says Ted Peters of CTNS. Much as feminism sneaked up on churches and is now shaping the liturgy, he predicts, ''in 10 years science will be a major factor in how many ordinary religious people think.''

Not everyone believes that's such a hot idea. ''Science is a method, not a body of knowledge,'' says Michael Shermer, a director of the Skeptics Society, which debunks claims of the paranormal. ''It can have nothing to say either way about whether there is a God. These are two such different things, it would be like using baseball stats to prove a point in football.'' Another red flag is that adherents of different faiths—like the Orthodox Jews, Anglicans, Quakers, Catholics and Muslims who spoke at the June conference in Berkeley—tend to find, in science, confirmation of what their particular religion has already taught them.

Take the difficult Christian concept of Jesus as both fully divine and fully human. It turns out that this duality has a parallel in quantum physics. In the early years of this century, physicists discovered that entities thought of as particles, like electrons, can also act as waves. And light, considered a wave, can in some experiments act like a barrage of particles. The orthodox interpretation of this strange situation is that light is, simultaneously, wave and particle. Electrons are, simultaneously, waves and particles. Which aspect of light one sees, which face an electron turns to a human observer, varies with the circumstances. So, too, with Jesus, suggests physicist F. Russell Stannard of England's Open University. Jesus is not to be seen as really God in human guise, or as really human but acting divine, says Stannard: ''He was fully both.'' Finding these parallels may make some people feel, says Polkinghorne, ''that this is not just some deeply weird Christian idea.''

Jews aren't likely to make the same leap. And someone who is not already a believer will not join the faithful because of quantum mechanics; conversely, someone in whom science raises no doubts about faith probably isn't even listening. But to people in the middle, for whom science raises questions about religion, these new concordances can deepen a faith already present. As Feit says, ''I don't think that by studying science you will be forced to conclude that there must be a God. But if you have already found God, then you can say, from understanding science, 'Ah, I see what God has done in the world'.''

In one sense, science and religion will never be truly reconciled. Perhaps they shouldn't be. The default setting of science is eternal doubt; the core of religion is faith. Yet profoundly religious people and great scientists are both driven to understand the world. Once, science and religion were viewed as two fundamentally different, even antagonistic, ways of pursuing that quest, and science stood accused of smothering faith and killing God. Now, it may strengthen belief. And although it cannot prove God's existence, science might whisper to believers where to seek the divine.

HOW THE HEAVENS GO

(By Kenneth L. Woodward)

That many contemporary scientists make room for god in their understanding of the cosmos should hardly be surprising. For most of history, religion and science have been siblings—feeding off and sparring with each other—rather than outright adversaries in the common human quest for understanding. Only in the West, and only after the

French Enlightenment in the 18th century, did the votaries of science and religion drift into separate ideological camps. And only in the 19th century, after Darwin, was the supposed irreconcilability between ''God'' and ''science'' elevated to the status of cultural myth. History tells a different, more complicated story.

In the ancient world, religious myth invested nature and the cosmos with divine emanations and powers. But this celestial pantheism did not prevent sober observation of the heavens and sophisticated mathematical calculations. By 1400 B.C. the Chinese had established a solar year of 365 days. Ancient India formulated the decimal system. Ancient Greece bequeathed Euclidean geometry, Ptolemy's map of the solar system and Aristotle's classification of living organisms, which served biologists until Darwin.

But none of these advances seriously disrupted religions's more comprehensive worldviews. Buddhists, for example, showed no interest in investigating nature since it was both impermanent and, at bottom, an illusion. Islam made great advances in algebra, geometry and optics, as well as philosophy. But Muslim scholars left the mysteries of physics—motion, causality, etc.—to the power of Allah and to the aphorisms of Aristotle, whose works they recovered and transmitted to the Christian West.

The Bible, of course, has its own creation myth, and it is that very story that eventually led scientists to realize that nature had to be discovered empirically and so fostered the development of science in the Christian West. The universe created by a rational God had to be rational and consistent—that much the Creeks already knew. But a universe created out of nothing, as Genesis described, also had to be contingent. In other words, it could have turned out other than it did. It was only one of an infinite number of possibilities open to a wholly transcendent deity. Gradually, scientists realized that the laws governing such a universe could not be deduced from pure thought—as Aristotle supposed—but instead needed to be discovered through experiment. Thus was experimental science nurtured by religious doctrine.

When the scientific revolution did occur, in Europe early in the 17th century, and researchers for the first time began to regard the world as a mechanism whose workings they could probe through the scientific method, it wasn't God's existence that was thrown in doubt. Rather, it was Aristotle's ''sacred geography,'' in which Earth and the heavenly bodies were fixed and eternal. Relying on Aristotle, medieval Christianity had imagined a tidy geocentric universe in which nature served man and mankind served God. ''In a certain sense, religion got burned for locking itself too deeply into a particular scientific view which was then discarded,'' says Owen Gingerich, a professor of astronomy and the history of science at Harvard.

First Copernicus, then Galileo (aided by one of the first telescopes) and Kepler demonstrated with ever greater precision that the earth and other planets circled the sun. Humankind, it seemed, was peripheral to God and the universe. All three scientists, however, were devout Christians who defended their new worldview as most worthy of the Creator. But Copernicus and Kepler were denounced by Martin Luther for views he thought contradicted the bible, and Galileo was tried and condemned to house arrest by the Roman Inquisition. Although Pope John Paul II declared in 1992 that the church had erred in condemning Galileo, the incident was never a simple conflict between science and religion. Galileo overstated the proof he could provide for a heliocentric (suncentered) cosmos and incautiously caricatured the pope in a published tract. Yet he could also quote one of the pope's own cardinals in his defense: ''The intention of [the Bible] is to teach us how one goes to heaven, not how the heavens go.''

In subsequent centuries, however, scientific theories of ''how the heavens go'' increasingly determined the place and power of God. The ''celestial mechanics'' of Isaac Newton produced a god who designed a world machine and somehow sustained it in motion. Theologians readily accepted whatever proofs for God's existence the new science chose to give. The result was a diminished ''god of the gaps'' inhabiting whatever dark corners science had not yet brought to rational light. In this way, says Jesuit theologian Michael Buckley of Boston College, theologians themselves cooperated in the advent of modern atheism by relying on science to explain God and ignoring ''the traditional sources of religious insight and experience that make belief in God intelligible,'' By the 18th century, astronomer Pierre Laplace could explain nature as a self-sufficient mechanism. As for God, he told Emperor Napoleon, ''I have no need of that hypothesis,'' Nor, a century later, did Darwin in his theory of evolution.

Now, at the end of the millennium, religion and science are beginning to talk, though neither answers to the other's authority. John Paul II consults with his Pontifical Academy of Science—most of whom are not Catholic. Philosophers of science examine the often-hidden assumptions on which scientific theories rest. Confronted by dimensions of the world no scripture has encoded, theologians are discovering a God who resists domestication into any single theory of how the world works. And at the center—still—are flawed and fragile human beings trying to understand a universe that has the uncomfortable feel of a home away from home.

AUGUSTUS ENGLEKEN STEVENS

Mr. BYRD. Mr. President, August is from the Latin Augustus, the eighth month of our calendar year, a time of harvest and of plenty, named after Augustus Caesar. Augustus Caesar, or, more formally, Gaius Julius Caesar Octavianus. He was the grandnephew of Julius Caesar, and he was the first emperor of Rome, from 27 B.C. through 14 A.D. August is also an adjective, derived from the Latin verb meaning to increase, and in English meaning: to inspire awe and reverence, impose, something that is imposing and magnificent, or dignified and majestic. The adjective augustan refers also to the age of Augustus Caesar and his reign and suggests that anything so described is classical and elegant. The term Augustan age specifically refers to a period of Latin literature during the reign of Augustus Caesar, when elegance and correctness were highly valued. Oh, that we might return to that age at least in one sense, when elegance and correctness—not political correctness, but correctness—were highly valued.

Augustine, a diminutive form of Augustus, was the name of two saints, Saint Augustine of Hippo (354–430 A.D.), a Latin church father and bishop of Hippo, in northern Africa, known for his ''Confessions'' and his work ''The City of God.'' The second Saint Augustine—the dates we are not sure of but we can believe that he lived until about 604 A.D. He was a Roman monk who went to spread Christianity among the English and who was the first Archbishop of Canterbury.

We can see from this that the name Augustus is fraught with significance and with portent. It is a name to be lived up to with great deeds and great learning. It is also the name conferred upon the newest member of Senator TED STEVENS' growing family, Augustus Engleken Stevens. My guess would be the middle name is Anglo-Saxon. And this is the third child of Senator STEVENS' third son, Ben.

It is also the tenth grandchild to join the impressive Stevens clan. This newest Caesar to rule with his chubby and imperious fist, and to issue edicts in a piercing wail, was born on Monday, July 27, at 3:20 p.m., weighing in at a healthy 7 pounds, 10 ounces.

I congratulate Senator STEVENS and his wife, Catherine, on this blessed addition to their family. As they well know, there is no greater joy than to gather into one's arms a tiny, peaceful bundle, and to gaze down upon that small, sleeping face, to gently stroke the soft, velvety down of hair and rounded cheek, and to listen closely for the faint murmurs and coos that slip almost unnoticed from that perfect cupid's bow of a mouth. What happier moment could there be, than to see that little mouth open in a sleepy, toothless yawn, or to catch a glimpse of a little foot—not much longer than a peanut, with toes so small that they could not possibly have working bones inside them—kicking out on bowed leg from within the folded blanket?

In choosing a name as ancient and as illustrious as Augustus, his parents—I surmise—have high hopes and grand ambitions for their infant son. I am sure that grandfather TED has great, grandiloquent schemes afoot as well, to bounce him on a hobbyhorse knee, or to take him salmon fishing in pristine Alaskan waters. I suspect that those who see TED on the Senate floor, shepherding appropriations bills through contentious debate to final passage—fists pounding and voice booming—might not recognize Senator STEVENS in his happier and more serene role as grandfather. But to be a grandfather is to be a happy man.

And what feelings of immortality, to be a grandfather. Holding this youngest member of his family, born in the waning days of this second millennium, the namesake of one whose life spanned the opening days of the first millennium, and poised to come into his own birthright in the third millennium, Senator STEVENS can see history unfold into the coming ages. Through children and grandchildren, one has a glimpse of the glorious future, the immortality of the human race, tinged with the bittersweet sorrow of time passing too swiftly and of children who grow up much too quickly.

Lest I overwhelm young Augustus with the great weight of such high expectations and such intimations of immortality, I hasten to wish him a happy childhood, complete with much exploring, great adventures, barked shins and skinned knees, of quiet moments of wonder and learning, of great books to be shared with his parents and grandparents, and of countless hugs and kisses. Be a boy, Augustus, with moments good and bad, tender and terrible. Be like the Augustus in these lines by Heinrich Hoffman (1809–1874), who said:

Augustus was a chubby lad;
Fat ruddy cheeks Augustus had:
And everybody saw with joy
The plump and hearty, healthy boy.
He ate and drank as he was told,
And never let his soup get cold.
But one day, one winter's day,
He screamed out, 'Take the soup away!
O take the nasty soup away!
I won't have any soup to-day.'

Welcome, young emperor, and carry on, bringing ever your illustrious grandfather under your sway with the dictatorial charms of a much loved child.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am uncharacteristically speechless. I think—to listen to my good friend talk about my latest grandchild—he is absolutely right in one thing; and that is, there is nothing so humbling as to look at a grandchild and realize what that child means. Senator BYRD told me once that to have a grandchild is to touch infinity. And it is a very sobering thing to think about. But it is a joy to have these grandchildren. If one must get old, it helps a lot.

I thank the Senator very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the Senate will resume consideration of S. 2312, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, and the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell amendment No. 3379, to provide for appointment and term length for the staff director and general counsel of the Federal Election Commission.

Glenn amendment No. 3380, to provide additional funding for enforcement activities of the Federal Election Commission.

Graham/Mack amendment No. 3381, to provide funding for the Central Florida High Intensity Drug Trafficking Area.

Stevens amendment No. 3385, to provide for an adjustment in the computation of annuities for certain Federal officers and employees relating to average pay determinations.

Campbell (for Grassley) amendment No. 3386, to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

Harkin amendment No. 3387, to provide additional funding to reduce methamphetamine usage in High Intensity Drug Trafficking Areas.

Kohl (for Kerrey) amendment No. 3389, to express the sense of the Senate regarding payroll tax relief.

Mr. TORRICELLI. Mr. President, yesterday I engaged in a colloquy with Senators KOHL and MOSELEY-BRAUN regarding the intent of report language in S. 2312 concerning tax standards for tax-exempt health clubs. In that colloquy, I stated that my expectation was that the report would ''focus on adult fitness provided by tax-exempt organizations that serve only adults.'' However, both tax-exempt health clubs and for-profit health clubs serve entire families including young adults and children. While I believe the report should focus on adult fitness provided by tax-exempt organizations, tax-exempt organizations also offer non-adult service. The fact that they offer service to non-adults does not qualify an entity for tax-exempt status. Therefore, to eliminate any entity that provides any level of services to non-adults would greatly restrict the usefulness of this report in providing guidance to Congress. Again, I want to emphasize that my intent here is only for the IRS to provide Congress guidance in this area.

Therefore, I want to clarify that it is my expectation that the report will reflect the language in the report accompanying S. 2312 with the input of yesterday's colloquies as well as this clarification. Again, I want to thank Senators CAMPBELL and KOHL for their assistance on this and I look forward to working with them and all other interested Senators and parties on this issue.

AMENDMENT NO. 3388

Mr. JOHNSON. Mr. President, I rise today to ask unanimous consent that my name be added as a cosponsor to amendment number #3388 to the FY 1999 Treasury-Postal Appropriations legislation currently under consideration. This amendment is a combination of several amendments aimed at increasing support for the High Intensity Drug Trafficking Areas administered by the Office of National Drug Control Policy. The Midwest HIDTA program has been extremely helpful to cracking down on drug trafficking in my rural state by coordinating federal, state and local law enforcement efforts to combat methamphetamine trafficking. While the Campbell-Kohl amendment addresses HIDTA programs nationwide, the Midwest HIDTA will be increased by $3.5 million, bringing the total methamphetamine elimination funding to $13 million for the Midwestern States of South Dakota, Iowa, Missouri, Nebraska and Kansas. The amendment will also add North Dakota to the Midwest HIDTA program which is crucial to tightening law enforcement's grip on meth traffickers in the area. I appreciate the efforts of my colleagues from Colorado and Wisconsin for recognizing that drug trafficking is not a uniquely coastal or urban problem, and that federal coordination and assistance is necessary for fighting drug use and trafficking nationwide.

DENVER COURTHOUSE

Mr. CAMPBELL. Mr. President, I rise to discuss an important funding issue contained in the Treasury and General Government appropriations bill. This appropriations bill provides $84 million for construction of an annex to the Rogers Courthouse in Denver. The General Services Administration has included this project high on its list of priorities, at the recommendation of the Administrative Offices of the Courts. GSA and the AOC have provided me with detailed information on the costs of this courthouse and assured me repeatedly that these costs are prudent, practical and necessary to meet the future judicial needs of Colorado. I have also been assured that the renovated courthouse will be functional, but not extravagant. I have demanded this of every project on the list and will continue to work to ensure that this standard is applied to all new construction. Members of the Federal bench in Colorado have expressed gratitude that I have included construction money for the Rogers Courthouse. I am of course happy to help meet the needs of our federal legal system, especially in Colorado. In addition to the Rogers Courthouse, this bill contains fourteen other projects totaling almost $500 million. I believe that if Congress is going to pass laws, we'd better provide sufficient attorneys and judges to enforce those laws and adequate facilities in which those laws may be administered.

I am aware of the growing federal caseload in other parts of Colorado. For example, the City of Grand Junction is experiencing rapid growth, and with that comes a need for more government attorneys and judges. Being from the West Slope, I appreciate the time and expense required to travel to Denver. Traveling 5 or 8 hours to get to a federal court can be a burden to all parties in federal lawsuits.

While I am happy to accommodate the wish of the federal bench in Colorado to provide this money, I will continue to listen to members of the Colorado Federal Bar, the Administrative Office of the Courts, and other areas of the state that experience growing needs for judges and courtroom space to ensure that this appropriations bill accurately provides for the needs of the entire state.

The PRESIDING OFFICER. Under the order, the hour of 2 o'clock having arrived, the Senate is to proceed to a sequence of votes on Amendments to the Treasury-Postal bill.

AMENDMENT NO. 3385, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent to withdraw amendment No. 3385.

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

The amendment (No. 3385) was withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

AMENDMENT NO. 3379

The PRESIDING OFFICER. The first vote is on amendment No. 3379.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

This is the McConnell amendment. There are 2 minutes equally divided.

Mr. GLENN. Mr. President, I urged last night to put this on the table. This would really knock the socks off any election law enforcement over at the FEC. We oppose this very much. It would mean there would be a restriction on the FEC that is not on any other agency or department of government as far as their general counsel goes and their staff director.

The efforts to oust him over there, I think, are unconscionable. He has been doing a good job. This just stands starkly opposed to our efforts for campaign finance reform.

At the appropriate time I will move to table this, but I yield the remaining time to Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this amendment is directly aimed at the independence of the Federal Elections Commission. It is aimed at no other commission. Its purpose is obvious—to eliminate a general counsel who has taken an independent position, following the Federal Election Commission's decision relative to soft money and other issues. We should not muzzle them. We should not throttle them. We should not destroy their independence.

Mr. MCCONNELL. Mr. President, the amendment is really quite simple. The Federal Election Commission is like no other commission of the Federal Government. It has three Republicans and three Democrats. The general counsel, under the current system, could serve for a lifetime. All the McConnell amendment does is require that every 4 years the general counsel come up for reappointment and not be reappointed unless he can achieve at least four votes, thereby demonstrating to the full Commission, on a bipartisan basis, enough confidence to continue for another 4-year term.

This guarantees that the general counsel will operate in a bipartisan manner, because a general counsel who, after 4 years, could not achieve votes from both parties, it seems to this Senator, clearly would fail a test of bipartisanship.

This is not about the current occupant of the office. It is about ensuring that the Federal Election Commission continues to operate on a bipartisan basis. I hope the amendment will be approved.

Mr. GLENN. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on the motion to table the McConnell amendment numbered 3379.

Mr. GLENN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3379. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''no.''

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 246 Leg.]

YEAS—45

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Breaux	Harkin	Moynihan
Bryan	Hollings	Murray
Bumpers	Inouye	Reed
Byrd	Johnson	Reid
Cleland	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden

NAYS—54

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 3379) was rejected.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, we have had, obviously, extensive consultation about how to proceed to this point. There is disagreement about this particular amendment and how we can complete the Treasury-Postal Service and other related agencies appropriations bill at this time.

In the interest of Senators to have time to work on the substance, what we have agreed to do is to set this bill aside—I will ask unanimous consent to that effect in a moment—and we would go on to the Department of Defense appropriations amendments and continue to work progressively, with the idea of finishing the Department of Defense appropriations bill as early as possible—hopefully, even tonight—which will allow us time to work on some nominations and allow Senators to attend the funeral tomorrow and adjourn for the recess at a reasonable hour tomorrow, or earlier if there is any way of doing it.

I ask unanimous consent that the pending Treasury-Postal Service appropriations bill be laid aside, not to recur prior to September 1, unless agreement is worked out in the meantime. There is hope that could be done. Maybe we could act on it after the DOD appropriations bill is completed. If not, it would be September 1. And no call for the regular order serves to displace the treasury bill, when it is pending in September, in the status quo.

Mr. DASCHLE. Mr. President, reserving the right to object, just for purposes of clarification, this would lock into place the current situation. The pending amendment would be, of course, the McConnell amendment. Senators wishing to offer amendments in the second degree subject to recognition would be recognized as authors of amendments in the second degree.

It is with that understanding that I do not object. I am sure the majority leader would clarify and would conform with that understanding.

Mr. LOTT. Mr. President, that is correct. Second-degree amendments would be in order. We are freezing everything in place. We would not take it up again before September 1, unless an agreement were worked out. When we do go back to it, we will be right where we are now, and second-degree amendments will be in order.

Mr. GLENN. Mr. President, reserving the right to object, and I don't plan to object, I want to clarify, this would in no way affect the voting order we agreed to last night on other amendments?

Mr. LOTT. Everything would be just like it is at this very moment on this appropriations bill.

Mr. GLENN. Thank you.

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

Mr. LOTT. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The clerk will report the defense bill.

The legislative clerk read as follows:

A bill (S. 2132) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

AMENDMENT NO. 3397

The PRESIDING OFFICER. There are 2 minutes equally divided on the Feingold amendment.

Mr. FEINGOLD. Mr. President, this amendment is about the National Guard. This amendment is about priorities in our Armed Forces, not about the merits of any aircraft proposed to be added to the Navy's aviation fleet. This amendment fills in almost all of the dangerous $225 million shortfall in the National Guard's O&M account. As an offset, we use the House's recommendation on Super Hornet procurement for the coming fiscal year.

Mr. FEINGOLD. Mr. President, this amendment is supported by 25 State adjutants general. I hope my colleagues contact their State adjutants generals to get their opinion before casting their vote. I urge colleagues to support the National Guard and to vote against tabling this amendment.

Mr. STEVENS. Mr. President, this amendment will eliminate the Navy's highest priority, or I would say the Defense Department's highest priority for the Navy, the F–18 E/F. It would move that money into the National Guard. We have already increased the National Guard by more than $500 million above the budget request. So that approval of the National Guard Adjutants is a facade. This is to kill the F–18. I urge that the Senate support my motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3397.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—80

Abraham	Craig	Hatch
Akaka	D'Amato	Hollings
Allard	DeWine	Hutchinson
Ashcroft	Dodd	Hutchison
Baucus	Domenici	Inhofe
Bennett	Dorgan	Inouye
Biden	Durbin	Kempthorne
Bond	Enzi	Kennedy
Boxer	Faircloth	Kerry
Brownback	Feinstein	Kyl
Burns	Ford	Landrieu
Byrd	Frist	Levin
Campbell	Glenn	Lieberman
Chafee	Gorton	Lott
Cleland	Gramm	Lugar
Coats	Grams	Mack
Cochran	Grassley	McCain
Collins	Gregg	McConnell
Coverdell	Hagel	Mikulski
Moseley-Braun	Roth	Specter
Moynihan	Santorum	Stevens
Murkowski	Sarbanes	Thomas
Murray	Sessions	Thompson
Nickles	Shelby	Thurmond
Reed	Smith (NH)	Torricelli
Robb	Smith (OR)	Warner
Roberts	Snowe	

NAYS—19

Bingaman	Graham	Leahy
Breaux	Harkin	Reid
Bryan	Jeffords	Rockefeller
Bumpers	Johnson	Wellstone
Conrad	Kerrey	Wyden
Daschle	Kohl	
Feingold	Lautenberg	

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 3397) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, could we have order for just one moment.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, I want to inform the Senate that tomorrow there will be another funeral. It is the funeral for Officer Chestnut. The agreement today was we would not have any votes until 1 p.m. Then we made that 2 p.m. because of the Intelligence Committee meeting. But we are going to have the same agreement now that we will not vote on the amendments that we take up later this evening until tomorrow at 1 p.m.

I am soon going to seek agreement that all amendments will have to be debated tonight, and we will start voting tomorrow at 1 p.m. on those that require a vote. We will have taken over half—we have agreed to take over half the amendments we know of now, and we very soon hope to be able to know what amendments there are, but we will work out that time agreement.

I think Senators should realize that without regard to anything else we do now, we are going to be here tomorrow, and we are going to start voting at 1 o'clock and not before. The alternative is if we get through these—we might be able to get through them tonight if Senators want to do that and be finished tonight. But we can't do that unless we see the amendments.

Now, I have asked two or three times for an agreement that Senators bring amendments through, that we have a time limit on when they must be disclosed, and we will try that again after the next vote. But we have to have some certainty. If Senators want to, we are going to be here until Sunday, because I will never, never allow a defense bill to hang over a recess. It just will not do. And I think anybody who understands defense understands it cannot happen. So we are going to finish this bill tonight or tomorrow or Saturday or Sunday. My plane doesn't leave until Monday.

Mr. DODD. Will the Senator yield?

Mr. STEVENS. What is the next vote?

Mr. DODD. Will the Senator yield, Mr. President?

I inquire of the chairman of the committee, are we going to have votes this evening? Why wouldn't we vote on into the evening rather than having votes hanging over until tomorrow?

Mr. STEVENS. We might be able to do that.

Mr. President, I ask unanimous consent that no vote on this bill take more than 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Are we going to have votes then this evening, all into the evening?

Mr. STEVENS. We are going to vote on amendments when they come up. Whenever they come up, we will vote on them. Most of them are going to be motions to table, I will tell you. Most of them are going to be motions to table because most of this stuff is not relevant to this bill at all. So you might as well be put on notice, Republican or Democrat, I am going to move to table any nonrelevant amendments.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. If I can question the floor manager relative to his intent, if we are in tomorrow and votes start at 1 o'clock, might it be possible to stack the votes in the event that actuality should be determined, because the last plane that I can catch is 2:20; otherwise, I have to leave the next day. And I don't request special consideration. On the other hand, it just means another day's delay. So if we did go into tomorrow and we start voting, the 2:20 plane is the last one I can catch.

Mr. STEVENS. I tell my colleague I will do my best.

I renew my unanimous consent request that all remaining first-degree amendments in order to be offered to this bill must be presented and offered before 5 p.m.

Mr. BAUCUS. Mr. President, objection. I object.

Mr. STEVENS. There is the answer to my friend. I do not see how we can finish before 2:30 tomorrow afternoon unless we know what we are voting on.

What is the next order of business, Mr. President?

AMENDMENT NO. 3124

The PRESIDING OFFICER. The pending question is on the Hutchinson amendment No. 3124. There are 2 minutes of debate equally divided.

Mr. STEVENS. Mr. President, I might say I am prepared to accept this. It is a sense-of-the-Senate amendment primarily.

This is the Senator from Arkansas. I do have a tabling motion in place on this, do I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for the vote after 1 minute on each side.

The PRESIDING OFFICER. There are 2 minutes equally divided.

The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

There are 2 minutes equally divided. The Senator deserves to be heard.

Mr. HUTCHINSON. Mr. President, thank you for bringing the Senate to order.

This is an amendment that would simply deny visas and travel to those in the Chinese Government who the Secretary of State finds, by credible evidence, are involved in either forced abortions or religious persecution. It is not MFN, it is not IMF, it is not sanctions, but it would deny visas. China denies these practices are taking place. If that is the case, there would be no obstruction at all in diplomatic relations.

We provide in the amendment, and I hope everybody will look closely at the amendment, a Presidential waiver if it is in the national interest. This amendment passed overwhelmingly in the House of Representatives. I think, since the President returned, the most recent round of arrests of democratic dissidents underscores the need for this amendment.

It is a rifleshot, not a shotgun. We want to go after the bad guys, and that is all. It is not against trading. It doesn't deal with trading. A vote against tabling this amendment is a vote for freedom in China.

I ask my colleagues to oppose the tabling motion.

The PRESIDING OFFICER. The question occurs on the motion to table.

Mr. STEVENS. Senator THOMAS has a minute on our side.

The PRESIDING OFFICER. The Chair was under the impression the Senator from Alaska yielded back the time. If that is incorrect——

Mr. STEVENS. No; I did not.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I urge my colleagues to follow the leadership of the floor leader and the bill leader here on this one. No. 1, it doesn't belong in this area. We are taking away all these amendments. I think that is the right thing to do.

The second point is those of us who have been working in this area for a very long time feel as if there is a process that is going on to make things better with China, to make our relations better.

No one disagrees with doing something about religious freedom. No one disagrees with any of these issues. The question is, How do you best do it? And the best way to do it is not to refuse to provide visas to the Chinese.

I urge we table this amendment.

Mr. STEVENS. Vote.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce the the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announcd that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''no.''

The result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—29

Akaka	Glenn	Moynihan
Baucus	Grams	Murray
Bingaman	Hagel	Reed
Bond	Hollings	Robb
Bumpers	Inouye	Roberts
Burns	Jeffords	Rockefeller
Chafee	Kennedy	Stevens
Cleland	Landrieu	Thomas
Domenici	Levin	Thurmond
Feinstein	Lugar	

NAYS—70

Abraham	Faircloth	Mack
Allard	Feingold	McCain
Ashcroft	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Gorton	Moseley-Braun
Boxer	Graham	Murkowski
Breaux	Gramm	Nickles
Brownback	Grassley	Reid
Bryan	Gregg	Roth
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Coats	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Collins	Inhofe	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Thompson
Daschle	Kohl	Torricelli
DeWine	Kyl	Warner
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Lieberman	
Enzi	Lott	

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 3124) was rejected.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am informed now there are at least two, maybe three, amendments that will be offered to this amendment. Under the circumstances, I would like to just suggest we set that aside for a minute and have the proponents of the second-degree amendments talk to the author of the first-degree amendment to see if we might work something out as to how we limit the time or deal with this, if that is agreeable. If it is, then I would ask it be temporarily set aside.

I would like to take up the amendment No. 2964.

The PRESIDING OFFICER (Mr. GORTON). Is that a unanimous consent request?

Mr. STEVENS. It is a request. I ask unanimous consent that it be temporarily set aside, and we take them up one by one. Hopefully, they will talk while we are doing this.

Mr. HUTCHINSON. Reserving the right to object, will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. HUTCHINSON. When we temporarily set this aside and do the negotiations on the various second-degree amendments that are to be considered, when do you anticipate returning to——

Mr. STEVENS. I say to the Senator, there are two other amendments we could act upon now. Your amendment will automatically be the order when we finish those.

The PRESIDING OFFICER. The regular order would bring back the amendment.

Mr. STEVENS. Yes.

Mr. HUTCHINSON. Thank you.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Without objection, it is so ordered.

AMENDMENT NO. 2964

Mr. STEVENS. Mr. President, the next amendment would be amendment No. 2964, offered by Senator ABRAHAM. There was no request for time that I know of for this. We are prepared to and do ask that—are the yeas and nays ordered on that amendment? I do not think they have been ordered. Have they?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. STEVENS. I ask for the adoption of Senator ABRAHAM's amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the Abraham amendment No. 2964.

The amendment (No. 2964) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Was there one more amendment we had to dispose of before we come back to the regular order?

The PRESIDING OFFICER. There is the Kyl amendment.

Mr. STEVENS. For the information of the Senate, Senator KYL asked that his amendment be set aside temporarily because the Armed Services Committee is meeting to consider a similar amendment. We would like to have that set aside until Senator KYL asks that it be brought up. I ask unanimous consent that Senator KYL's amendment be set aside.

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

We have two amendments pending from the Senator from Texas, Mrs. HUTCHISON.

Mr. STEVENS. There is one amendment on which the debate has been finished.

May I inquire of the Senator from Texas, is debate finished on the one amendment?

Mrs. HUTCHISON. That is correct. I have spoken on the first amendment, No. 3409. I am happy to yield back time on that.

Mr. STEVENS. Mr. President, I am informed there is reluctance to accept that amendment until the Bosnia amendment is considered. I ask unanimous consent to set it aside temporarily, also, until that is resolved.

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

AMENDMENT NO. 3124

Mr. STEVENS. We come back, then, to the pending amendment. As I understand, it is the regular order. And that is the amendment that was not tabled.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas, Mr. HUTCHINSON. The motion to table was not agreed to.

Mr. STEVENS. That is open to amendment.

Mr. President, I think they are following the suggestion and perhaps discussing those second-degree amendments. I ask unanimous consent that, again, that be the pending business but it be temporarily set aside until the sponsor of that amendment can return to the floor. I also ask unanimous consent that we proceed with the Bosnia amendment by the Senator from Texas.

The PRESIDING OFFICER. Without objection, the pending amendment will be amendment No.—I ask the Senator from Texas, 3409 or 3413?

Mrs. HUTCHISON. Amendment No. 3413 has to do with Bosnia.

The PRESIDING OFFICER. Amendment No. 3413.

The Senator from Texas is recognized.

AMENDMENT NO. 3413

Mrs. HUTCHISON. Mr. President, amendment No. 3413 is to condition the use of appropriated funds for the purpose of an orderly and honorable reduction of U.S. ground forces in Bosnia.

It is a fact that the U.S. Armed Forces have accomplished the military mission assigned to them as a component of the implementation and stabilization forces. The continuing and open-ended commitment of U.S. ground forces in the Republic of Bosnia and Herzegovina is subject to the oversight authority of Congress.

Mr. President, this is the first time that Congress will vote on any kind of resolution that would establish some kind of policy on Bosnia since the President decided that it would be an unending mission.

On November 27, 1995, the President said that America would be part of a multinational military implementation force that would terminate in about a year. The President declared the expiration of the mandate to be December 20, 1996.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff at the time 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. That was a forceful statement by the Chairman of the Joint Chiefs. He said it is a recipe for mission creep not to have a termination date.

On October 3, 1996, the Chairman of the Joint Chiefs announced the intention of the United States to delay removal until March 1997. In November of 1996, the President announced that we would delay until June of 1998. The President did not request authorization by the Congress of a policy that would result in the further deployment of U.S. forces in Bosnia until June 1998.

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, nevertheless, the President announced on December 17, 1997, that establishing a deadline had been a mistake and that U.S. ground combat forces would be committed to the NATO-led mission in Bosnia for an indefinite amount of time.

What my amendment does is very simple. It says that funds appropriated will not be made available except as conditioned below; that the President will bring the number of troops down to 6,500 by February of next year and 5,000 by October of 1999, so we are staying within this fiscal year. Now, the exceptions are very broad at the discretion of the President and the Secretary of Defense that U.S. forces would have enough forces to protect themselves as the drawdowns proceed. So we are, of course, going to give the protection to the forces as the drawdown goes forward.

This doesn't take us out of Bosnia, which many in this body feel that we should do, that we should begin this at the base, for an honorable withdrawal. It just says, by the end of the fiscal year of the budget that we are considering, that our troop level would be down from about 8,500 to about 5,000. This should start the process of working with our allies to have a better distribution and sharing of responsibility among our allies and the United States.

This is a European security issue. The United States has approximately double the number of forces that any of our European allies have. We want to be a good ally. In fact, I don't want to pull up stakes and leave Bosnia without doing it in a responsible way. I think that is our responsibility. But, in fact, many of us have asked the President repeatedly to lay the groundwork with an established and clear mission that has a chance to succeed, a mission that has a finite term so that both our allies and any enemies of our cause would know exactly what to expect from America. That would not be possible at this time. We have said we were going to leave twice, and we have not left. We have not left, and we have not laid a proper base to leave.

What I am asking the President to consider and what I ask the American people to consider is that we start the process of realigning the forces in Bosnia so that our contribution would be reduced and our allies in NATO would begin to take a greater share of the burden.

Why is this important? We are looking at a time when our military readiness is being called into question. In fact, if you look at all of the responsibilities that America has in the world, we are spending too much on Bosnia and putting the future security of the United States and our ability to respond in the future in other places where America may have to respond, even unilaterally, in jeopardy. That is not the course we should be taking.

It is most important that America start with the issue of Bosnia and address it in a way that we should by putting it in context with our overall responsibilities in the world. The Bosnia operation has already diverted nearly $10 billion from our national defense. A growing lament at the Pentagon among senior officers is that we are in danger of returning to the hollow forces of the militaries of the late 1970s.

Let me mention some of the indicators that demonstrate our military is once again at risk. Last year, the military had its worst recruiting year since 1979. The Army failed to meet its objective to recruit infantry soldiers, the single most important specialty in the Army. A Senate Budget Committee investigator recently reported finding serious Army-wide personnel and readiness problems. At the National Training Center, where our troops go for advanced training, units rotating in typically come with a 60 percent shortage in mechanics and often a 50 percent shortage in infantry. These shortages were blamed on the fact that these personnel, especially the mechanics, are deployed abroad for missions such as Bosnia.

More than 350 Air Force pilots turned down the $60,000 bonuses they would have received to remain in the cockpit another 5 years—a 29 percent acceptance rate. That is compared with 59 percent last year and 81 percent in 1995. That is a stark trend. The Air Force is finding that whatever the perks, it can't hold its best pilots. Last year, about 500 pilots resigned. Most of them were lured by the airlines. This year the number will be 700, and the Air Force says it is not able to train enough new pilots to replace them.

When I have gone and visited our bases overseas and at home and I ask our enlisted military men and women why we are losing our experienced people, almost every time the answer is: Too much time away from our families on operations that don't seem that necessary. A Senate Budget Committee investigator also found that some small units are now being led by junior people because sergeants are off on peacekeeping duty. As a result, subunits from basic squads on up do not train with the leaders they would go to war with—breaking the rule of training just as you would go to war.

Since 1991, the United States has cut its Armed Forces by about a third. It may be more difficult, more risky, and possibly more costly to invade Iraq right now. We are going to debate and vote on a resolution today, hopefully, expressing our support for the President's strong actions toward Iraq. But

the fact is, if anything went wrong, we would have to divert troops from every theater in the world to prevail. Defense cuts of almost 50 percent over the last decade have put our security at risk. But this has been made worse by the diversion of U.S. resources and readiness to places where there is no security threat to the United States, such as Bosnia, Haiti, and elsewhere.

We have spent more time discussing Bosnia than missile defense, which is a security risk to our country. We are not developing a policy that is going to put our country in the best position to deal with the myriad of issues that will face this country and our security in the next century.

President Clinton and his administration are missing a big-picture view of the world and the proper role for the United States. Our growing involvement in Bosnia is a good example of that. Just last week, U.S. forces were directly involved in tracking down and capturing a war criminal.

The Dayton accords have made it clear that apprehension of war criminals would be the responsibility of the parties to Dayton—civilian police and government officials. In fact, a little more than 1 year ago now, the former NATO commander, George Joulwan, told the Congress this:

> The military are not policemen. And I think the proper responsibility rests on the parties. That is what Dayton says. . .[I]f we are not careful, we will go down this slippery slope where the military will be put in the position of hunting down war criminals. That is not within the mandate.

That is Gen. George Joulwan.

I joined with many of my colleagues in the Senate to oppose the decision to send troops to Bosnia. One of our principal concerns was that, once there, our mission would be indefinite, and that it might lead to mission creep. We were bolstered in our concerns by former Secretary of Defense William Perry and former Chairman of the Joint Chiefs, General Shalikashvili. They both warned that without a specific deadline for withdrawal there would be the potential for expanding the mission.

I am concerned that Secretary Perry's warnings are coming true. While we were on a recent recess, the President announced that thousands of U.S. troops would remain in Bosnia after the June 30 deadline, remembering that the Senate had unanimously endorsed that deadline of June 30, 1998, which his administration had established.

After 240 U.S. Marines were killed in Lebanon in 1984, Defense Secretary Caspar Weinberger established six principles upon which the decision to send U.S. ground troops should be based. Here is what he said:

> The U.S. should not commit forces unless the engagement is in our vital national interest. If we do commit forces, we should have clearly defined political and military objectives. We should know how those objectives can be accomplished, and we should send the appropriate forces to complete the objectives. We must constantly reassess and adjust our relationship between our objectives and forces, if necessary. The commitment of troops should be a last resort, not the first.

We have violated virtually every one of Secretary Weinberger's principles in Bosnia. It was supposed to be a 1-year peacekeeping operation that would keep the factions apart until their own forces could come in and keep the peace from the ground up. They would have local elections and general elections for their national leadership. They would begin to resettle refugees.

Dayton has long since passed. I was in Brcko a year ago, 1 week before the eruption there in which U.S. troops were harmed. I was able to see how far we had come. I have been to Bosnia four times.

What I saw in Brcko was the resettling of refugees who did not even meet their next-door neighbors from the other factions, and I thought this is going to take a long time. The atrocities committed right in Brcko against thousands of Muslims are as bad as anything I have ever heard reported from the Nazi atrocities of World War II. Yet, we are trying to say ''come and live together like Americans do.'' It looks like we are trying to create multiethnic neighborhoods, forcing people to do this prematurely, after the atrocities that have occurred in that country. This in itself can be antipeaceful. I think it is going to prolong the uprisings if we try to force this before the people themselves are ready—before the wounds have healed.

So I hope that we can let things settle, let the peace settle in, and let's do what we said we were going to do. Let's start training the people who are there to be a peacekeeping and police force. This could be done in an orderly way. We could begin with a NATO force that transitions and trains the forces that would come in behind them. They will be able to keep their peace, but it will not be an incentive for them to take over this job if they know that we are going to be there to do it for them.

I hope that we can create the base for an honorable exit. My amendment just tries to get a more equitable distribution of forces so that the burden is more equally shared between the United States and our NATO allies in Europe. It validates the legitimate responsibility that Congress has to authorize the long-term deployment of forces around the world by requiring a vote on the President's plan.

Without this amendment, we will be looking at American troops in Bosnia indefinitely. We will be looking at a never-ending commitment, and we will be taking resources that are vitally necessary for our own security and for our responsibilities around the world.

It is most important that we establish a policy that can succeed. Keeping thousands of American troops in a 30,000-troop enclave in Bosnia in perpetuity is not good military strategy and is not based on good policy. Remember what Shalikashvili said: ''Having a defined deadline is important to avoid mission creep.'' We have learned that before and we should not forget the lesson. I think it is important for us to begin to act like the superpower that we are. When a superpower makes a commitment, it must be willing to back it up and do what it says it is going to do. It is so important that we act firmly. It was important in Iraq. It is important in Bosnia that when we set deadlines, we meet them, so that everyone knows what to expect. It is most important, Mr. President, that we look at our security forces and the money that we are spending on our defense. We are lowering our defense expenditures while increasing the OPTEMPO—increasing the operations we are getting involved in around the world. This is despite warning after warning from past Presidents, from past Chairmen of the Joint Chiefs, from the experts who have seen history and have learned from it.

We can do things that no one else in the world can do. We can provide an umbrella of defense for ballistic missiles, for nuclear weaponry, but that takes a commitment of money and a commitment of will. If we are dissipating to the tune of about $3 billion a year in a peacekeeping mission, which can be done just as well by any of our other allies, we are walking away from the responsibility we have to our allies to protect them in a way that only we can, because only we have the resources to do it.

Mr. President, I don't see how our colleagues can express alarm about the decline in U.S. readiness, and at the same time, ignore the policies that are causing the decline. It is our responsibility to act when our troops are going to be sent to an overseas conflict or missions of any kind when they are long-term. The President has now said it is going to be long-term—in fact, unending. If we don't have any set time, we will forget and the Bosnia operation will be in perpetuity. Those who are relying on us will continue to. Why shouldn't they? What incentive do they have to start the training of their own forces, which was envisioned in the Dayton accords?

I hope my colleagues will look at this very small first step in exercising Congress' responsibility. This is a precedent that has been set by Congresses in the past. We have set time deadlines. We have stopped the funding for operations that Congress did not think should be continued. This has happened in Cambodia, Vietnam, Somalia, Rwanda, and even in Korea, in the Philippines, and in Japan. We have spoken. In the past, Congress has stepped up to its responsibility. I hope it will today.

Mr. President, I will stop at this point because others want to speak. I do hope that my colleagues will focus carefully on this step. It is not even a major step of withdrawing from Bosnia. It is to just say we want our allies to accept more of the responsibility so that our troops will be able to do what

they do best, and that is to train for the contingency that only we can address; that we will have the money to be able to invest in the technology that will protect the world from ballistic missiles and nuclear, biological, and chemical weapons; and that we will not lose our most experienced personnel because they are worn out from mission fatigue on operations they do not see as threats to U.S. security.

Mr. President, I thank you. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise today as a cosponsor of the Hutchison amendment, No. 3413, to the DOD appropriations bill concerning Bosnia.

I want to very sincerely commend the Senator from Texas for all the hard work she continues to devote to this important issue and for trying to craft a compromise that would be acceptable to a majority of our colleagues regarding the United States' ongoing presence in Bosnia and Herzegovina.

As my friend from Texas has already explained, this amendment mandates a withdrawal of U.S. forces participating in the NATO Stabilization Force, or S–FOR, requiring that that force, or any future multi-national successor force, shall not exceed 6,500 troops by February 2, 1999, and 5,000 troops by October 1, 1999. The amendment enforces these levels by tying any appropriated funds for the Bosnia mission to this troop reduction.

This amendment represents something less than a funding cut-off for the mission, although that is a policy I have pursued in the past.

Rather, it suggests a slow and careful drawdown of U.S. forces in the region. In fact, it allows for troops to stay there past October of next year!

Mr. President, this is July 30. This is exactly 1 month after the date that we were supposed to be out of Bosnia in the first place. That isn't even accurate, because really we were supposed to be out of Bosnia in the first place, according to the promises that were made by both parties, by December 30, 1996. So we are way beyond that date.

Our troops have been there since 1995—much longer than the original 1-year mandate, and already longer than the expanded 18-month mandate for S-FOR—and I do not think anyone has a good idea how many more years we will be there.

More significantly, the cost of our involvement in Bosnia has increased dramatically—easily more than quadrupling the original $2 billion estimate to over $9 billion.

The estimate is that it is now well over $9 billion for this commitment that has already been spent or obligated.

Mr. President, I regret that the managers of this bill earlier today agreed to a provision that would allow $1.8 billion in additional funds for the Bosnia mission to be added to this bill with an emergency designation.

Mr. President, the mission in Bosnia has clearly ceased to be an emergency, and this amendment even recognizes that fact.

The fact that the emergency designation was inserted into the bill this morning unfortunately highlights the fact that we in Congress continue to be lax in establishing some kind of accountability for our continued operation in Bosnia, and particularly for the taxpayer dollars that are needed to support that operation, soon to approach the astounding figure of $10 billion.

I recognize that my continued opposition to the mission in Bosnia is not shared by everyone in Congress. But I think all of us would agree that the Congress has a constitutional responsibility to provide a check on the manner in which the executive branch spends money.

This is the way the President spends an annual budget request to the Congress with his plans for the following year's spending. From time to time there are emergencies that can not be foreseen, and we deal with those accordingly as emergencies.

But let me repeat again, U.S. involvement in Bosnia has ceased to be an emergency.

Rather, our presence in Bosnia has clearly become a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for the long-term. And we need to evaluate this operation on its merits accordingly, and not pretend that it is an appropriate occasion for an emergency designation.

The amendment by the Senator from Texas can at least put some real pressure on the administration to develop plans for a reduction in troop levels in Bosnia. The amendment also would have a positive budgetary impact, because we would need fewer resources to support a smaller troop presence.

Mr. President, with or without this amendment, I think we all recognize that there will be troops in Bosnia next year.

So, this is not an emergency, and I think the Congress has a responsibility to face that fact and deal with it accordingly.

I hope, therefore, that those of my colleagues who do support the mission in Bosnia will cease to resort to maneuvers regarding the funding of this mission that seek to avoid our budget spending caps! This has been going on far too long, and has eaten up too many of our resources—human, financial and otherwise. We cannot continue with this budgetary game.

Mr. President, I am pleased once again to join the junior Senator from Texas in trying to assert some kind of accountability for this mission. I urge my colleagues to support her amendment.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, it is with reluctance I rise to oppose the amendment offered by my colleague, the Senator from Texas, because we share much the same goal. We had the same concerns about the deployment of our troops to Bosnia initially. We had the same concerns about the Dayton accord, which, as presented to us, was transparent on its face. It was disingenuous on its face that we could accomplish the task incorporated in Dayton with a 1-year period of time of deployment of our troops on the ground, a timetable unachievable by any measure. The continued existence of our involvement in Bosnia is something that I don't support.

But I believe that the amendment has a fatal flaw, and the fatal flaw is that it makes Congress the determiner of how many troops and what time period those troops will be deployed once that decision has been made by the Commander in Chief, the President of the United States.

I find it difficult to stand up here and defend the powers of the President of the United States, particularly at a time like this. But there are constitutional prerogatives and constitutional powers that I think need defending regardless of what your personal assessment is of any particular President.

Second, I believe it is unwise policy for those of us to make decisions about the force levels of our troops or decisions that micromanage how those troops conduct themselves and how they accomplish their mission once the decision has been made. Clearly, our responsibility, if we disagree with the presence of those troops and the deployment of those troops, is to address that by eliminating the funding for those troops, but not to determine the force level of those troops, the kind of equipment they ought to have, and what their timetable ought to be.

I quote from a letter from the Secretary of Defense dated May 21, 1998, when he says, ''Our military commanders in the field have determined the level and type of force required to carry out the mission within acceptable risks. The mission force and guidance of the force currently planned for have been fully agreed to by military authorities. Military commanders''—under the amendment offered here—''Military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational consideration, and the fluid tactical situations they face. In addition, legislating withdrawal would incite heightened intransigence and extremism.''

Mr. President, we sadly learned in Somalia, to cite one example, the disastrous and tragic consequences of political decisions overriding military requests. We lost some brave Americans unnecessarily because the political decision was made to not provide those

forces with the necessary equipment and not base a sufficient force there until our mission was accomplished. I don't want to see us doing that again.

We in Congress do not have the expertise to make that decision. Even if we did, we shouldn't make that decision. That is a decision that ought to be made by those who command the troops and make the decisions about their presence and what they need to be there.

So I strongly, strongly urge my colleagues to vote to table this amendment, not because they necessarily agree or disagree with whether or not this is a proper deployment, not because this impacts our readiness, which it does, not because it is costing a lot of money, which it is, not because it was a bad decision to start with, and an unachievable mission and objective to start with, because it is, but because it tells our troops that we in Congress know more about what they need, what the troop levels should be, what the date of withdrawal should be, how we accomplish the mission of our military commanders. Those men and women in uniform who we put in harm's way have to have every advantage we can give them in terms of protecting their security, in terms of accomplishing their mission, and it is a decision that has to be made by people with military expertise and not Members of Congress. For that reason, I strongly urge that we table this well-intended but, I think, misguided amendment.

Mr. BIDEN. Mr. President, I rise today in opposition to the Bosnia amendment introduced by the junior Senator from Texas. Before I discuss the reasons for my opposition, I would like to commend the Senator for her continuing interest and involvement in U.S. foreign policy. The Senator is one of this body's most active Members, and while I have often opposed her legislative initiatives, which seemed to me unnecessarily to limit American involvement abroad, I value her enthusiasm and engagement.

The amendment that Senator HUTCHISON has proposed today sets arbitrary caps on our troop strength in Bosnia and micromanages their duties from the vantage point of Washington, D.C.—4,000 miles from Bosnia and Herzegovina! The amendment is fatally flawed.

Mr. President, the Hutchison amendment is predicated upon a false assertion: that the U.S. contribution to SFOR is inequitable and disproportionately large. I will return to that inaccurate claim in a moment.

Moreover, the amendment makes several incorrect claims about the current situation in Bosnia, for example that NATO forces participate in law enforcement activities there.

In circumscribing future activities, it also incorrectly implies that NATO forces are transferring refugees or that refugees are relocating in order to control the territory of the other Bosnian entity.

But, Mr. President, the core of my opposition to the Hutchison amendment is the same as was my opposition last month to the Thurmond amendment to the Defense authorization bill.

Put quite simply, if the United States wishes to remain the leader of the North Atlantic Treaty Organization, then it must continue to lead!

Mr. President, leadership means being present in all aspects of NATO operations and sharing in the risks.

The Hutchison amendment is a prescription for ''NATO á la carte.''

By February 1999 it would allow exceptions in Bosnia to the arbitrary troop limits in Bosnia only for self-protection as we withdraw our forces, to protect U.S. diplomatic facilities, or in advisory support roles.

That might work for a junior member of the Alliance, but not for the United States of America. Not for the leader of NATO.

Let me return to the false assumption that underlies the Hutchison amendment—that our participation in SFOR is disproportionately large.

As a matter of fact, Mr. President, while the U.S. contribution to SFOR remains the largest single national contribution, the proportion of U.S. forces within NATO forces in Bosnia has declined dramatically since initial deployment in December 1995.

At the outset, U.S. troops made up fully one-third of IFOR. As a result of steady, measured reductions, U.S. participation has dropped to one-fifth of SFOR.

In other words, our allies and other SFOR partners have agreed to the U.S. taking disproportionate cuts in force numbers at each milestone, while continuing to accept U.S. command of the overall force.

At the current time, our European allies alone contribute more than three-and-one-half times the number of troops in SFOR than we do.

Attempting to lower the U.S. proportion to equal or below that of any single European ally would almost certainly cost us our command position. Some Members of the Senate might welcome such a development. I would not.

I want the United States to retain command of SFOR in order to ensure that the pace of implementing the Dayton Accords holds steady or accelerates.

I want the United States to retain command of SFOR in order to maximize the effectiveness and protection of the U.S. forces in Bosnia.

We are in Bosnia because helping to resolve the Bosnian problem is in our national interest.

As was repeatedly pointed out by this Senator and many others during the debate on NATO enlargement last spring, that is the reason we are in Europe at all.

In political, security, and economic terms, we are a European power. Our engagement in Europe, including Bosnia, is not a charity operation. Stability in Europe benefits us.

The European allies of the United States are playing a major role in Bosnia.

Because of our leadership role in NATO, and because of our superior logistical capabilities, we have maintained command of SFOR. This is how it should be.

Like my colleagues, I am in favor of the speediest fulfillment of the Dayton Accords so that Bosnia and Herzegovina will have a self-sustaining democracy and all foreign troops may be withdrawn. American command of SFOR is the best guarantee that we can rapidly achieve this goal.

The Hutchison amendment would, I submit, gravely undermine that American command in Bosnia and would set in motion a process that could ultimately result in loss of the position of SACEUR, the command of NATO land forces in Europe.

For all these reasons, I oppose the Hutchison amendment, and I urge my colleagues to join me in defeating it.

I thank the Chair and yield the floor.

Mr. President, I will take no more time. I know my friend from Arizona is about to make some comments.

Last spring this was a bad idea. Nothing has caused it to become a good idea in the summer. It was a bad idea then; it is a bad idea now. I hope it will be tabled.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank my friend from Delaware, who obviously is very knowledgeable on this issue and has stayed focused on these issues for many, many years.

I also wish to thank the Senator from Indiana for his very forceful presentation.

Mr. President, I believe everyone in this body knows that I have long had serious concerns about our mission in Bosnia. From the time the IFOR mission was first briefed to the Congress, I knew the job could not be completed in one year—nor against any arbitrary deadline. Instead, I urged the Administration to set concrete objectives and benchmarks for measuring success.

Now, as many members have pointed out, we are in an open-ended and ill-defined military commitment. The Administration has scrapped all the artificial deadlines. But no clear set of objectives and well-defined military missions has taken its place. We seem to drift in and out of going after war criminals, of using the military to resettle refugees, and of taking on a direct political role in parts of Bosnia in the name of supporting international civilian authorities. The role of our military has expanded, and there is no end in sight.

The answer to this problem, however, is not to go back and set new artificial deadlines or troop levels. And make no mistake about it, Mr. President. The amendment before us is little different than the one the Senate rejected last month.

Bosnia is a long-term, complicated problem. It involves not only the warring factions, but has direct effects on Croatia and Serbia, including Kosovo, and threatens to spill over to the wider Balkan region. The credibility of NATO and especially the United States is tied up with finding a solution for the Bosnia crisis. It would be sheer irresponsibility, probably leading to renewed warfare, if we were to precipitously pull Out of Bosnia after investing so much. It would be a betrayal of our commitment to cooperating with our Allies. And it could well lead to an even more costly and dangerous re-introduction of American forces to stop the renewed fighting.

Dealing with the Bosnia crisis—even if though our objective is to get American troops out of there—requires treating Bosnia as a serious long-term challenge. It is not an issue that lends itself to artificial deadlines for withdrawal. Nor is there any rationale to forcing the Congress to vote by some artificial deadline. Worse still would be a funding cut-off, which would only punish our troops for the failure of policy makers in Washington to craft a viable long term policy.

I would like to offer six principles that I believe should guide our policy:

(1) The U.S. has no permanent national interests in Bosnia. We are not interested in nation-building for its own sake. All we want is to create a self-sustaining peace. We must carry out our responsibilities and then get out.

(2) Our withdrawal must not precipitate renewed warfare in Bosnia.

(3) There must be no phony deadlines—whether for a withdrawal date, a Senate vote, or anything else. We have all the power we need to act whenever we want. We don't need a deadline. We need sound policy.

(4) There must be no funding cut-offs or troop limits. This would only hurt our troops on the ground. The real problem is policy making here in Washington. It needs to be solved here.

(5) There must be no micro-management of the military. The Congress and Administration must provide political leadership. We must make the tough decisions and bear the consequences. The military's job is to implement our decisions as effectively as possible based solely on military considerations. The military has no business making political decisions for us, and we have no business making military decisions for them.

(6) The U.S. must provide leadership. No other country in the world has the political, military, and moral authority to exert leadership. Simply packing our bags and walking away is not an option. We must not simply abandon our Allies. We must leave Bosnia, but with dignity and leadership, leaving behind a well-planned succession.

Handling the Bosnia crisis requires us to look beyond just this fiscal year. It requires the United States to develop a multi-year strategy that sets Out our objectives, the means for achieving these objectives, and a target timetable for getting us there—but no phony deadlines. For the sake of our troops, we need to set out clearly the miltary and nonmilitary missions they are being asked to perform. 'Creative ambiguity' may be useful in politics, but it is dangerous for soldiers. We need to be honest with ourselves about the risks we are asking our troops to face, and the costs to the taxpayers of continuing the mission.

I am convinced that the direction we should be taking is to move toward a force made up of European nations inside Bosnia, with U.S. forces just ''over-the-horizon'' outside of Bosnia—providing a rapid response capability to deter security threats, and providing logistical, intelligence, and air support to the European forces inside Bosnia. This step would free up U.S. forces to prepare for other contingencies.

But it is not possible to achieve this goal simply by setting arbitrary numbers, or even numbers arrived at through an averaging process involving contributions of countries with militaries' a fraction the size of our own, and deadlines for troop withdrawals. Doing so could provoke a crisis with our Allies and could have the effect of simply setting a timeable for restoring violence to Bosnia. Instead, achieving this goal requires working together with our Allies and realistically taking account of the situation inside Bosnia.

Mr. President, the Senate already approved an amendment, of which I sponsored, that seeks to do exactly these things. It imposes a number of reporting requirements, designed to provide the basis for moving us in the direction we all want to go. According to the amendment already passed by the Senate just over one month ago, each time the Administration submits a budget request for funding military operations in Bosnia, the Administration must clearly state its best assessment of six items:

(1) our overall objectives and multi-year timetable for achieving these objectives—taking account of the benchmarks already required under the supplemental appropriation passed earlier this year;

(2) the military and nonmilitary missiosn the President has directed U.S. forces to carry out—including specific language on our policy on war criminals, returning refugees, police functions, and support for civil implementation;

(3) the Chairman of the Joint Chiefs of Staff's assessment of the risks these missions present to U.S. military personnel;

(4) the cost of executing our strategy over several fiscal years.

(5) the status of plans to move forward a European force inside Bosnia with a U.S. force outside Bosnia that would deter threats and provide support to the European force; and

(6) an assessment of the impact of reducing our forces according to the timetable proposed in the original Byrd-Hutchison amendment.

This may seem like a detailed and onerous reporting requirement, but it is nothing more than the king of long-term planning the Administration should be doing anyway. And by requiring it in a report to Congress, we ensure that the Congress is operating off the same set of assumptions and plans as the Administration. This will give us an opportunity to look more thoughtfully at the real challenges in Bosnia and structure our decisions more appropriately. Instead of broad swipes through artificial deadlines or prohibitions on certain missions, we will be able to target our policy choices more effectively.

Mr. President, I am not going to elaborate very much on what the Senator from Indiana had to say, except to ask unanimous consent that a letter to Senator STROM THURMOND, the chairman of the Senate Armed Services Committee, written by General Shelton and Secretary Cohen be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, 21 May 1998.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or reduction of US forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkable successful to date.

It is our intention to reduce our forces in Bosnia. Based on the progress achieved to date, our commanders already have been able to reduce US troop levels from almost 20,000 in 1996 to the 6,900 that will be deployed after the current drawdown is completed in September. We will conduct regular reviews of our force posture and progress toward the benchmarks we have established, and we expect further reductions will be possible. But that determination is best based on the actual situation on the ground, the military advice of our commanders in the field, and the approval of the NATO military and political authorities, not an arbitrary withdrawal or reduction dates determined long in advance.

Our military commanders in the field have determined the level and type of force required to carry out the mission within acceptable risk. The mission, forces and guidance of the force currently planned for June 1998 have been fully agreed to by NATO political and military authorities. Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face. In addition, while those opposed to the Dayton Accords have been steadily isolated and diminished in their influence, legislating withdrawal of reduction dates would invite heightened intransigence and extremism.

Additional factors that Congress should consider in reviewing any such amendment are the following:

Under the proposed amendment, command of the SFOR operation and its element in

MND-North might well be transferred to a non-US officer early next year.

Shifting to a posture in which the US has much smaller force levels in Bosnia but enhances its force presence in regions surrounding Bosnia, as envisioned by the amendment, will not save money and indeed could cost more than our current operation in Bosnia. We are continually evaluating the force posture for Bosnia, and do not consider an over-the-horizon force appropriate now.

Accordingly, we strongly urge you to oppose any legislated fixed date or timetable for withdrawal or reduction of US forces in Bosnia.

There is one other factor related to operations in Bosnia of great concern to us, and that is funding. The Department submitted an addition to the FY99 budget to fund a 6,900-person force in Bosnia. Authorizing that request is essential to accomplishing the mission without significantly reducing readiness in other areas. Without that funding, we would have to choose between Bosnia operations and the overall readiness of our Armed Forces.

Sincerely,

HENRY H. SHELTON.
BILL COHEN.

Mr. McCAIN. Mr. President, in Secretary Cohen and General Shelton's letter the Senator from Indiana just referred to, it is very important to understand what they are saying here:

Under a legislated approach, military commanders will be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations and the fluid tactical situation they face. In addition, while those opposed to the Dayton Accords have been steadily isolated and diminished in their influence, legislating withdrawal of reduction dates would invite heightened intransigence and extremism.

So that is the view of the people to whom we entrust the care of our men and women in the military.

I think it would be very appropriate to have a vigorous and, I think, illuminating debate on the issue of whether the troops should be there at all. Congress clearly has the right to cut off funding for any military operation anywhere in the world. But I see nowhere in the Constitution where we have the right to, indeed, decide the levels of troops that should be there. I pride myself on the fact that I had some time in the service of our country wearing a uniform, but no way does that give me the expertise or the knowledge to set a troop level. That responsibility is entrusted to our civilian and military commanders.

So it is with reluctance, because I agree with the thrust of what Senator HUTCHISON is saying, Mr. President, I move to table the Hutchison amendment.

Mr. BYRD. Mr. President, will the Senator allow me to speak on this amendment before he moves to table?

Mr. McCAIN. Absolutely.

Mrs. HUTCHISON. Will the Senator also allow others who said they would like to speak on this amendment to speak and then move to table?

Mr. McCAIN. I do not intend that the request—I will allow the distinguished manager of the bill. It is nearly 5 o'clock. We have 50 pending amendments.

Mrs. HUTCHISON. Mr. President, I would like to be able to close.

The PRESIDING OFFICER. Does the Senator withdraw the motion to table?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McCAIN. I will yield.

The PRESIDING OFFICER. The Chair needs to know whether the Senator has withdrawn his motion to table.

Mr. McCAIN. I withdraw my motion to table and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I was trying to condition that motion to table. I know Senator BYRD is one of the original cosponsors, Senator HUTCHISON also. But we do have to move along. I am a cosponsor also. But I do think we have to have some time limit.

Would the Senator be willing to have some discussion as to a time when we might be able to vote?

Mr. BYRD. I, first of all, wish to thank the distinguished Senator from Arizona for withholding his motion. I would probably need 25 minutes.

Mr. STEVENS. And how much time does the Senator want?

Mrs. HUTCHISON. Mr. President, Senator INHOFE and Senator SESSIONS have both asked to speak for approximately 10 minutes each, and then I would like to close on my amendment with about 10 minutes.

Mr. McCAIN. Senator INHOFE said he does not wish to speak on the amendment.

Mr. STEVENS. He has gone to a meeting.

Mr. President, I would like to put some time restraints on this, if we could. I would like to see if we could have the vote take place no later than quarter to 6.

Could we have that agreement?

Mr. BIDEN. Mr. President, if the Senator will yield, a lot of us withheld speaking against this amendment, and I hope that maybe just the Senator from West Virginia, Mr. BYRD, would speak and then all those who already spoke refrain from speaking again so people such as me don't feel compelled to stand up and respond. We are trying to get this done. Because the Senator from Arizona was kind enough to withhold his motion to table, I hope we could agree that after the Senator from West Virginia speaks, and maybe the Senator from Texas takes a couple minutes to close out, we then let the Senator move. It would be helpful.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, I would then ask unanimous consent that Senator BYRD be recognized, and the Senator from Texas have whatever time is remaining, and the Senator from Arizona be recognized to make his motion to table at 5:30. And it is with the understanding that if the amendment is not tabled, there is no agreement on the amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. After Senator BYRD speaks, I would be allowed at least 5 minutes to close?

Mr. STEVENS. That leaves 10 minutes, I might say to the Senator, in her control; 25 minutes in the control of the Senator from West Virginia.

Mrs. HUTCHISON. That will be fine. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent agreement is accepted.

The Senator from West Virginia.

Mr. STEVENS. Pardon me. The agreement is the Senator from Arizona will be recognized, is that correct?

The PRESIDING OFFICER. That is part of the unanimous consent agreement.

Mr. LEVIN. Mr. President, parliamentary inquiry. Has the agreement been entered into?

Mr. STEVENS. Yes, it has. Is the Senator from Michigan upset?

Mr. LEVIN. I would like 5 minutes, if I could.

Mr. STEVENS. On which amendment?

Mr. LEVIN. On the pending amendment.

Mr. STEVENS. The Senator has not spoken on the amendment.

May I extend him another 5 minutes. We will vote, then—let's put that off. When that time has expired, I do want to ask unanimous consent that we then proceed to the Hutchinson amendment in the second degree to his amendment, and following that, there will be a vote. I understand there is an agreement so I don't think we need a time agreement. But I would ask that the time on this expire at 5:40 and that we then proceed to the Hutchinson amendment in the second degree—there will be three comments about that amendment—and that we vote on both of those amendments at 6 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, why didn't the Senator just leave it at 5:30 the way you had it? I think the Senator from Michigan may be willing to take, say, a minute.

Mr. STEVENS. Very well. At 5:30 he gets a minute, and we will go back. We still want to have a vote on the two amendments at the same time. I will renew that request later.

Mr. COATS. Mr. President, reserving the right to object, but I will not object, could I just inquire, did I understand the Senator to say that the second degree will be in order if the amendment is not tabled?

Mr. STEVENS. If it is not tabled. There is no second-degree amendment available because the Senator from Arizona will be recognized to table at the end of these statements.

Mr. COATS. If not tabled, the second degree—

Mr. STEVENS. If not tabled, the second degree is still in order.

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

Mr. BYRD. Mr. President, I thank all Senators, and I, again, thank the distinguished Senator from Arizona.

Mr. President, I commend the Senator from Texas, Mrs. HUTCHISON, for offering this amendment regarding the continued participation of U.S. forces in the NATO operation in Bosnia. She has been a persistent and thorough overseer of the situation there. I share her concern that Bosnia not become another forgotten war, another long term military mission whose purpose and even existence is largely ignored, unremarked upon unless something terrible happens. In that unhappy event, of course, much shouting and finger-pointing would ensue, amid calls to ''bring our boys home, now.''

It is Congress's Constitutional duty to provide for the maintenance of the military, as we are doing in this bill, and that includes those instances in which U.S. troops are pressed into service. We have an obligation to the men and women in our military services not only to provide for them, but also to provide our concurrence and oversight on the ways and places that they are employed. I believe that that calls for something more compelling than Sense of Congress resolutions, such as those that have been passed, one that has been passed during the debate on the Department of Defense Authorization bill last month, but I recognize that, sadly, the majority of my colleagues do not share my opinion. So I applaud Senator HUTCHISON for steaming ahead on the strength of her convictions, despite the somewhat daunting odds.

U.S. troops have been in Bosnia since the Dayton Peace Accords were signed in December 1995. Some 25,000 U.S. troops formed the U.S. contingent of the NATO-led force that replaced the failing United Nations peacekeeping effort there since 1992. The original mission of the NATO force was quite limited—to separate the warring factions, contain the heavy weapons that were bombarding defenseless towns and cities, and begin to mark the hazardous and indiscriminately strewn minefields so that civilians could take over the arduous task of clearing mines. The U.S. had to lead, because our European allies would not rally behind anyone else. This task, we were assured at that time, would take ''about one year.'' And that was in 1995.

As that initial year drew to a close, the military tasks were declared essentially complete, and the situation on the ground was, indeed, transformed. While far from enjoying the kind of security that we in the United States take for granted, people could at least seek water without dodging shells and gunfire. The civilian efforts to reestablish Bosnian society, however, had barely begun. NATO leaders agreed to leave substantial numbers of troops in place to keep the peace while the civilian rebuilding effort continued. That is understandable. Again, the U.S., we were assured, must take the lead, because if we left, our European NATO allies would march out right behind us. We were told that the troops would be needed only through June 1998. That was in 1996.

Now it is July 1998, almost August. We have been told that the considerable progress being made in rebuilding a government and civilian infrastructure requires the continued reassurance of a NATO peacekeeping force. Elections are scheduled for September, and more work needs to be done to establish a competent and impartial justice system that has the trust of the populace. Therefore, the Administration announced a substantial shift in U.S. policy on Bosnia in December 1997—there would be no further estimates regarding the end of a U.S. presence in Bosnia. The U.S. and NATO would leave when sufficient progress was made in achieving certain benchmarks. The complete and detailed benchmarks are classified, but the unclassified summary that I have seen is fairly lengthy. It basically says that when Bosnian government and institutions resemble those of the United States, then our troops might leave.

Mr. President, that is a pretty big order. Bosnia has never previously resembled the United States, with free press, alternative media, free and fair multiparty elections, a clean and impartial judiciary, free access throughout the country, and so forth. For most of this century, Bosnia was part of communist Yugoslavia. Prior to that, it was part of a monarchy, and before that, it was part of the Ottoman Empire. This leads me to suspect that U.S. troops might be in Bosnia for a very long time, indeed, before Bosnia becomes a happy, peaceful, multi-ethnic republic. And this assumes, of course, that everyone in Bosnia shares this same aspiration, and that no one will try to undermine the progress towards this utopian vision.

Now, Mr. President, I do not want to create the impression that I am against helping the suffering people of Bosnia to establish a sound government that can lead them into a peaceful and prosperous future in the family of nations. The amendment of the Senator from Texas, Mrs. HUTCHISON, also does not call for the withdrawal of U.S. troops from Bosnia. This amendment appreciates the investment that has been made for peace in Bosnia and does not jeopardize that still fragile situation, but it also recognizes the considerable costs of that investment.

I believe that Senator HUTCHISON's effort addresses three very basic questions regarding the continuing role of U.S. forces in Bosnia. These are the questions:

First, does this Senate really want to acquiesce to an open-ended commitment in Bosnia for the foreseeable future? The United States has spent $8.6 billion, or about $2 billion a year, to maintain our presence in Bosnia from Fiscal Year 1996 through Fiscal Year 1999. If you include the U.S. share of the United Nations operation in Bosnia from 1992 through 1995, the total cost is about $9.5 billion.

That is a lot of money. That is $9.50 for every minute since Jesus Christ was born, 2,000 years ago. For every minute since Jesus Christ was born, 2,000 years ago, $9.50. For every minute. That is what it equals.

This bill provides $1.86 billion for Bosnia operating costs for Fiscal Year 1999, under an emergency declaration.

There are approximately 6700 troops inside Bosnia now, down from almost 10,000, and another 3,000 more are supporting them from bases in Hungary, Italy, and on ships in the Mediterranean. These troops and these funds are not available to meet other crises that might arise, such as that developing in Kosovo, and they are not available to protect U.S. core national security interests. Further, the support troops employed in this mission are drawn heavily from the Guard and Reserves, creating hardships for our part-time military and their employers. The President will need to request continued Reserve call-up authority in August to maintain the Bosnia operation. These readiness questions must be measured against the estimate of how many troops are needed to provide continued reassurance for civilian reconstruction in Bosnia—what is the minimum number of troops required to provide that reassurance? And for how long? And at what cost? Let us not be satisfied with the status quo, if a lower number is adequate or if a shorter time is sufficient. There are too many other demands being placed upon U.S. Armed Forces for us to be spendthrifts in this regard.

Second, does the Senate wish to continue to allow the United States to be led by the reluctance of others? Must the United States continue to provide a substantially greater number of troops than any of the other NATO allies, as is now envisioned? If we cannot pass the baton of leadership because our European allies will not lead, then should we not at least push them into carrying an equal military burden for a situation that is, after all, on their borders, not on ours? I know that it is easier to be a follower than a leader, easier to be a critic rather than a playwright, but as the Bosnia operation settles into a routine, surely some of this burden could be assumed by our allies.

Third, does the Senate want to abstain from placing limits on the role that U.S. forces should play in Bosnia? Or do we want to enhance the safety of the men and women we are supporting on the ground there by prohibiting them from performing the kinds of activities that put them in harm's way by making them appear to side with one ethnic group over another? NATO forces have played an increasing role in the capture of war criminals, and have taken over radio transmission towers linked with propaganda practices. A news story from early July reported that U.S. special operations teams

came very close to mounting a ''snatch and grab'' exercise designed to capture Serb military leaders before commanders on the ground declared that the intelligence was insufficient to ensure a reasonable chance of success. The longer we stay in Bosnia, and the more manpower we have to spare, the more such jobs we will be drawn into doing. It is the American way, to say, ''we'll pitch in.'' And we are suckers for the underdog. But that can be dangerous in a place as rife with centuries-old animosities as Bosnia. These ethnic and religious factions know how to carry a grudge, how to nurse an injustice, through centuries if need be.

With these questions in mind, consider the current situation in the Balkans, as Senator HUTCHISON has. Bosnia is relatively stable. No one is shooting at each other, and no one is shooting at the NATO forces. But, Kosovo, on its borders, is not stable. There, the situation is rapidly degenerating. Already more than 10,000 refugees have fled into neighboring Albania to seek refuge from Serbian dominated Yugoslav military forces who are ruthlessly squashing a separatist movement in ethnically Albanian Kosovo, which had been an autonomous region of Yugoslavia until 1989. The situation is complex and, frighteningly, contains the potential to draw in neighboring nations and even NATO members. This is the dreaded ''spillover'' that was much discussed when the ethnic conflagration in Bosnia erupted in 1992.

NATO officials have already contemplated what forces might be necessary to contain the conflict in Kosovo. Even with over 20,000 troops spread along the mountainous border between Kosovo and Albania, they concluded, the probability of success would be low. Air strikes are under consideration. Diplomatic efforts are ongoing, but the Yugoslav leader, Slobodan Milosevic has an unsavory history of playing both ends against the middle to achieve his goals.

It is clear that the cost of maintaining a large presence in Bosnia could be fairly high if forces are needed to contain the conflict in Kosovo and keep it from engulfing a large part of the Balkans. Our NATO allies will happily continue to let the U.S. carry the heaviest load in addition to the burdens of leadership, if all it takes is to threaten to beat us through the exit door, should we decide to leave. To hear them say it, it would be quite a stampede, no matter what the consequences are for Bosnia and their own continent's future.

The amendment offered by Senator HUTCHISON calls for a gradual ramping down of the U.S. presence in Bosnia, reducing our forces there to 5,000 by October 1, 1999, a number roughly equivalent to that of Britain, the next largest contributor to the NATO mission. The amendment of the Senator from Texas also limits the mission of those remaining forces to the security role assigned to them in 1995. This honors U.S. NATO commitments in Bosnia, protects our men and women in the military from being put in a position of playing favorites and therefore creating enemies, while freeing up troops, energy, and funds for other pressing security matters.

The United States cannot continue to pick up the largest burden of every NATO military mission. While our allies have been reducing their military budgets and forces since the cold war ended, the United States military has been strained by the increasing number of calls to respond to crises around the world—in Somalia, Rwanda, Haiti, Iraq, Bosnia, and next, perhaps, in Kosovo. Our generosity in picking up the bulk of the tab has, I fear, marked us as a patsy, a patsy who can be suckered into bankrolling everyone's problems with funds and troops. If we keep doing it, what incentive is there for anyone else to develop the expertise, training, and tools to take over appropriate parts of that role?

I wish that the administration would put its support behind this amendment. I think it would strengthen the administration's position in talking with our allies in Europe, and it would seem to me that would be a very beneficial thing, insofar as the administration is concerned.

Mr. President, I believe that Senator HUTCHISON has offered a blueprint for the continued U.S. participation in Bosnia that supports our NATO commitment, even our leadership role, but not at the cost of maintaining a disproportionate force size. The most important thing we can do here today is to let the soldiers and airmen out there so far away know that we are watching, and that we care enough about them to act in their best interests. They are not America's forgotten heroes, out of sight and out of mind unless trouble comes their way. We are there with them, in thought and in deed, and we will not keep any more of them engaged in lengthy and lonely overseas deployments for any longer than is absolutely necessary. I will vote for the Hutchison amendment. I urge my colleagues to do the same.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I yield 3 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. SESSIONS. Thank you, Mr. President.

I want to say a couple things that I think are very important. I think this amendment is much more important than it may appear to some who probably will be casting their vote on it. We are a great Nation, the greatest Nation in the history of the world. This body, this Senate, has traditionally been involved in American foreign policy and American national defense. We are spending a very large sum of money on this mission which is ill-defined and provides little immediate benefit to our Nation. Other nations which have a far clearer and more direct interest in it are contributing far less to it.

This mission has exceeded $10 billion, money which comes from the American taxpayers. We went through a BRAC process, a base-closing process of which the Senator from Texas and the Senator from Oklahoma, who is here today, are all quite aware. We saved $9 billion. We spent more than that already on Bosnia, an operation that has very little vision. The President has articulated very poorly and inadequately, in my opinion, any justification for an extended mission with no end in sight.

As the President said in remarks earlier, it was a political decision to move into this area of the world. Therefore, it is a decision quite appropriate for this body to respond to. I say it is time for us to confront the issue, demand some answers, require the President to be responsible, and assert our rightful role as a U.S. Senate in American national defense. I am, frankly, disappointed that a Senator would move to table and cut off debate on this issue.

I think we ought to say a lot more about it, and we ought to have a lot of time talking about it, not be cutting off this debate. Maybe some of them have made up their minds, they think they know what is best for everybody else here, but I am not so certain they do. So I don't know.

I do not have much time. I know others do. And we are going to have the vote on the motion to table shortly. And I just feel very strongly about it. We have a role in this world, not to be the policemen. We have ballistic missile defense. We have chemical, biological weapons. We have strategic capabilities that we must fulfill. We cannot just drift into this without a clear understanding of our mission.

Mr. President, I yield the floor.

Mrs. HUTCHISON. Mr. President, I yield up to 3 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Texas for yielding the time. It is very precious time. There isn't nearly time to get into the seriousness of this issue. The Senator from Alabama is exactly right, there is no issue before this body that is more significant than this particular issue.

We have stood here and debated this at least once a month since November of 1995. If I could criticize the Senator from Texas, I would say this isn't strong enough. But I know she knows it is not strong enough either. We should have a date. We should be out of there. And it isn't being hardhearted, it isn't being uncompassionate.

This is something where the times are different now than they were back in 1995. If you just look at a very recent development, the Rumsfeld report came out. And if you will remember,

the national intelligence estimate that came out in 1995, that said we would have a good 3 years' warning, in 3 years, to participate in preparing for a national missile defense system. Now the Rumsfeld report has come out and said that isn't true at all, that we are out of time, we are naked—if we started today to deploy a system and put it into effect, we would not be able to do it.

What has that got to do with Bosnia? It is very simple, because in Bosnia right now they are using up our military assets to the extent that we are not able to carry out the minimum expectations of the American people, which would be to defend America on two regional fronts.

If you do not believe this, go to the 21st TACOM in Germany. They are responsible for the ground support, anything that will happen in that theater. That theater includes Iraq. That means that if something should happen, we should have to surgically strike Iraq—I do not think there is a person in America who does not believe that is a possibility—we would eventually have to go in on the ground and clean it up.

How do you do that? If you go to the 21st TACOM in Germany, they will say we are right now over 100 percent capacity in just supporting Bosnia. We have M–915 trucks that have a million miles on them right now trying to carry the support over there and support Bosnia on the ground. Until we are able to get that out, we are not going to be able to adequately meet the defense needs.

I hope that you read, Mr. President, just in this morning's Inside the Pentagon: ''The Navy's ability to retain its carrier aviators has hit its lowest historical annual rate. . . .''

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

Mr. INHOFE. I thought I had 3 minutes.

The PRESIDING OFFICER. We believe the time allocated to the Senator was 2 minutes. If it was 3, the Senator may continue.

Mrs. HUTCHISON. I had 10 minutes. I authorized up to 3 minutes for Senator SESSIONS and up to 3 for the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator may continue.

Mr. INHOFE. I will wrap up real quickly. I think the point is here in today's report. We talk about the fact that only 27 eligible carrier pilots had applied for the ACP agreements. The minimum expectation of the Navy was 82. That means that approximately one-third are re-upping for this particular duty.

It costs $6 million to put a new pilot in the seat of an F–16. We are at the lowest retention rate in the history of America. And if you look at the exits surveys, they will say it is not because of pay, it is because of the type of operation they are having to do to support Bosnia. And they are unable to carry out the red flag training and all the serious training that would be necessary should we have to send them into combat.

So I do support this. I would like a much stronger amendment than this, but I would certainly support—this is the best thing out there.

The PRESIDING OFFICER. The Senator from Texas—the Chair would advise we have restored the time taken in discussing the misallocation of time back to the Senator. The Senator now has 4 minutes remaining.

Mrs. HUTCHISON. Thank you, Mr. President.

I will withhold until the Senator from Michigan uses his time that was allocated, and then I will finish.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand I have been allocated 1 minute. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Mr. President, this amendment would set arbitrary dates for reductions of troops. It runs smack against the advice of our top military officials, both uniformed and civilian.

In a letter which has been quoted by a number of Senators, including the Senator occupying the Chair, General Shelton and Secretary Cohen, on May 21, told us the following:

> Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face.

Mr. President, that is why military commanders, including our top commander, oppose this amendment. That is why General Shelton opposes this amendment. It is why Secretary Cohen opposes this amendment. It would be mandating an arbitrary date for a troop reduction. That jeopardizes the well-being of our forces in Bosnia.

Mr. President, I want to talk about a number of provisions in the amendment with which I disagree.

First of all, I want to correct an impression that I believe is created by the findings in this amendment. The findings imply that Congress has not played any role nor exercised its oversight authority since U.S. forces were first deployed to Bosnia. I would remind my colleagues of the provisions that were included in the National Defense Authorization Act for Fiscal Year 1998 and the National Defense Appropriations Act for Fiscal Year 1998. Those Acts required the President to certify that the continued presence of U.S. armed forces in Bosnia, after June 30, 1998, is required in order to meet the national security interests of the United States and that it is the policy of the United States that U.S. armed forces will not serve as, or be used as, civil police in Bosnia. It also required the President to submit to Congress a report on why the U.S. armed forces' presence in Bosnia was in the U.S. national security interests, the expected duration of such deployment, the mission and objectives of the U.S. armed forces, the exit strategy of such forces, and a number of other matters.

The President submitted the required certifications and report to Congress on March 3, 1998. In detailing the exit strategy for U.S. forces, the report contained 10 benchmarks that were the goal of the NATO-led Stabilization Force in Bosnia. The report stated that ''These benchmarks are concrete and achievable, and their achievement will enable the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures, and negotiation to continue implementing the Dayton Accords over the longer term.'' I ask unanimous consent that the 10 benchmarks from the President's March 3, 1998 report to Congress be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. LEVIN. Those 10 benchmarks, however, were established unilaterally by the Administration and were not shared with or agreed upon by our NATO allies. Accordingly, I offered an amendment when the Senate was considering the emergency supplemental bill at the end of March. That amendment, which was accepted and eventually became part of the 1998 Supplemental Appropriations and Rescissions Act, urged the President to seek concurrence among the NATO members on the ten benchmarks, on estimated target dates for achieving the benchmarks, and on a process for NATO to review progress towards achieving the benchmarks. It also required the President to submit to Congress a report on these matters by June 30, 1998 and semiannually thereafter so long as U.S. ground combat forces remain in the Stabilization Force in Bosnia.

Mr. President, two days ago the President submitted that report as required by the amendment to the 1998 Supplemental Appropriations and Rescissions Act. That report advises that benchmarks parallel to ours have been incorporated in NATO's Operation Plan or OPLAN for the post-June 1998 mission in Bosnia. The OPLAN requires SFOR to develop detailed criteria for each of those benchmarks, to be approved by the North Atlantic Council.

The President's report also advises that the NATO allies agreed on June 10 to the United States' proposal that the NATO military authorities provide an estimate of the time likely to be required for the implementation of the military and civilian aspects of the Dayton Agreement based on the benchmark criteria. During his testimony before the Armed Services Committee on June 4, General Wes Clark, NATO's Supreme Allied Commander, Europe, stated that the development and approval of the criteria and estimated

target dates should take two or three months.

The President's report further advises that the benchmark criteria will be used during NATO's regular six-month review of the Bosnia mission in December. The President added that, although not required by the amendment to the Supplemental Appropriations Act, the Steering Board of the Peace Implementation Council has included language that corresponds to the benchmarks in its Luxembourg declaration of June 9. The Peace Implementation Council also called on the High Representative to submit a report on the progress being made in meeting those goals by mid-September. This means that both General Shinseki, the NATO on-scene commander, and High Representative Westendorp, the international community's senior civilian in Bosnia, will be using the same framework and that the North Atlantic Council will have the benefit of the judgment of both of these officials.

Mr. President, I ask unanimous consent that the President's July 28, 1998 report to Congress be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 2)

Mr. LEVIN. Finally on this point, I would note that the Senate adopted an amendment during its consideration of the Defense Authorization bill for Fiscal Year 1999 that expressed the sense of Congress that, among other things, stated that the President should work with our NATO allies to withdraw U.S. ground combat forces from Bosnia within a reasonable period of time, consistent with the safety of those forces and the accomplishment of SFOR's military tasks. That amendment passed by a vote of 90–5 on June 24—a little more than a month ago.

Mr. President, I thought that it was important to get that information on the record to correct any impression that Congress has not paid attention to the participation of U.S. military forces in the NATO-led force in Bosnia. But it is far more important, in my view, to focus on the other sections of the amendment, particularly the mandatory reduction of U.S. ground elements from Bosnia to a level of 6,500 by February 2, 1999, and 5,000 by October 1, 1999.

First, I think it would be useful to put the size of the U.S. contingent in Bosnia in perspective. It should be noted that the United States provided about 20,000 of NATO's Implementation Force in 1996—or about 33 percent of the total force. Up until approximately June of this year, the United States provided about 8,500 troops to NATO's Stabilization Force—or about 25 percent of the total force. By September of this year, the United States will provide about 6,900 troops—or about 22 percent of the total force. So the percentage of the U.S. contribution to the NATO-led force has been declining over time—from 33 to 25 to 22 percent.

The amendment before us, however, would use the power of the purse to reduce the number of U.S. ground troops in Bosnia by another 400 by February 2 of next year and then by an additional 1,500 by October 1 of next year. That is the main purpose and impact of this amendment. That is also what makes this amendment unacceptable to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff and should make it unacceptable to us. When the Armed Services Committee was considering a series of amendments during its markup of the Defense Authorization bill earlier this year, we sought the views of the Department of Defense. Secretary Cohen and General Shelton, in their letter of May 21, 1998, gave us their views and I would like to quote from a few parts of their letter:

> We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or reduction of US forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkably successful to date.
>
> * * * * *
>
> We will conduct regular reviews of our force posture and progress toward the benchmarks we have established, and we expect further reductions will be possible. But that determination is best based on the actual situation on the ground, the military advice of our commanders in the field, and the approval of the NATO military and political authorities, not an arbitrary withdrawal or reduction dates determined long in advance.
>
> * * * * *
>
> Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face.

Mr. President, I ask unanimous consent that the May 21, 1998 letter from Secretary Cohen and General Shelton be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it so ordered. (See Exhibit 1)

Mr. LEVIN. Mr. President, Secretary Cohen and General Shelton said it well. I agree with them—Congress should not mandate troop reduction by arbitrary dates.

Mr. President, I also disagree with other sections of this amendment dealing with exceptions to the mandated drawdown and limitations on support for law enforcement activities in Bosnia.

Finally, I would note that the Statement on Administration Policy states that the President's senior advisors would recommend veto of this bill if it contains a provision that would prescribe a arbitrarily scheduled force drawdown in Bosnia.

Mr. President, for all these reasons I will vote against this amendment and I urge my colleagues to vote against this amendment as well.

EXHIBIT 1

TEN BENCHMARKS

1. The Dayton cease-fire remains in place, supported by mechanisms for military-to-military transparency and cooperation.
2. Police in both entities are restructured, re-integrated, re-trained and equipped in accordance with democratic standards.
3. An effective judicial reform program is in place.
4. Illegal pre-Dayton institutions (e.g. Herceg Bosnia, Strategic Reserve Office, Centreks and Selek Impeks) are dissolved and revenue and disbursement mechanisms under control of legitimately elected officials.
5. Media are regulated in accordance with democratic standards; independent/alternative media are available throughout B–H.
6. Elections are conducted in accordance with democratic standards, and results are implemented.
7. Free-market reforms (e.g. functioning privatization and banking laws) and an IMF program are in place, with formal barriers to inter-entity commerce eliminated.
8. A phased and orderly minority return process is functioning, with Sarajevo, Mostar, and Banja Luka having accepted significant returns.
9. In Brcko, the multi-ethnic administration functioning and a secure environment for returns is established.
10. The Parties are cooperating with ICTY in the arrest and prosecution of war criminals.

These benchmarks are concrete and achievable, and their achievement will enable the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures, and negotiation to continue implementing the Dayton Accords over the longer term.

EXHIBIT 2

To the Congress of the United States:

Pursuant to section 7 of Public Law 105–174, I am providing this report to inform the Congress of ongoing efforts to meet the goals set forth therein.

With my certification to the Congress of March 3, 1998, I outlined ten conditions—or benchmarks—under which Dayton implementation can continue without the support of a major NATO-led military force. Section 7 of Public Law 105–174 urges that we seek concurrence among NATO allies on: (1) the bench-marks set forth with the March 3 certification; (2) estimated target dates for achieving those benchmarks; and (3) a process for NATO to review progress toward achieving those benchmarks. NATO has agreed to move ahead in all these areas.

First, NATO agreed to benchmarks parallel to ours on May 28 as part of its approval of the Stabilization Force (SFOR) military plan (OPLAN 10407). Furthermore, the OPLAN requires SFOR to develop detailed criteria for each of these benchmarks, to be approved by the North Atlantic Council, which will provide a more specific basis to evaluate progress. SFOR will develop the benchmark criteria in coordination with appropriate international civilian agencies.

Second, with regard to timelines, the United States proposed that NATO military authorities provide an estimate of the time likely to be required for implementation of the military and civilian aspects of the Dayton Agreement based on the benchmark criteria. Allies agreed to this approach on June 10. As SACEUR General Wes Clark testified before the Senate Armed Services Committee June 4, the development and approval of the criteria and estimated target dates should take 2 to 3 months.

Third, with regard to a review process, NATO will continue the 6-month review process that began with the deployment of the Implementation Force (IFOR) in December 1995, incorporating the benchmarks and

detailed criteria. The reviews will include an assessment of the security situation, an assessment of compliance by the parties with the Dayton Agreement, an assessment of progress against the benchmark criteria being developed by SFOR, recommendations on any changes in the level of support to civilian agencies, and recommendations on any other changes to the mission and tasks of the force.

While not required under Public Law 105–174, we have sought to further utilize this framework of benchmarks and criteria for Dayton implementation among civilian implementation agencies. The Steering Board of the Peace Implementation Council (PIC) adopted the same framework in its Luxembourg declaration of June 9, 1998. The declaration, which serves as the civilian implementation agenda for the next 6 months, now includes language that corresponds to the benchmarks in the March 3 certification to the Congress and in the SFOR OPLAN. In addition, the PIC Steering Board called on the High Representative to submit a report on the progress made in meeting these goals by mid-September, which will be considered in the NATO 6-month review process.

The benchmark framework, now approved the military and civilian implementers, is clearly a better approach than setting a fixed, arbitrary end date to the mission. This process will produce a clear picture of where intensive efforts will be required to achieve our goal: a self-sustaining peace process in Bosnia and Herzegovina for which a major international military force will no longer be necessary. Experience demonstrates that arbitrary deadlines can prove impossible to meet and tend to encourage those who would wait us out or undermine our credibility. Realistic target dates, combined with concerted use of incentives, leverage and pressure with all the parties, should maintain the sense of urgency necessary to move steadily toward an enduring peace. While the benchmark process will be useful as a tool both to promote and review the pace of Dayton implementation, the estimated target dates established will be notional, and their attainment dependent upon a complex set of interdependent factors.

We will provide a supplemental report once NATO has agreed upon detailed criteria and estimated target dates. The continuing 6-month reviews of the status of implementation will provide a useful opportunity to continue to consult with Congress. These reviews, and any updates to the estimated timelines for implementation, will be provided in subsequent reports submitted pursuant to Public Law 105–174. I look forward to continuing to work with the Congress in pursuing U.S. foreign policy goals in Bosnia and Herzegovina.

WILLIAM J. CLINTON,
The White House, July 28, 1998.

EXHIBIT 3

THE SECRETARY OF DEFENSE,
Washington, DC, May 21, 1998.

Hon. CARL LEVIN,
Ranking Democrat, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CARL: We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or reduction of U.S. forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkably successful to date.

It is our intention to reduce our forces in Bosnia. Based on the progress achieved to date, our commanders already have been able to reduce U.S. troop levels from almost 20,000 in 1996 to the 6,900 that will be deployed after the current drawdown is completed in September. We will conduct regular reviews of our force posture and progress toward the benchmarks we have established, and we expect further reductions will be possible. But that determination is best based on the actual situation on the ground, the military advice of our commanders in the field, and the approval of the NATO military and political authorities, not an arbitrary withdrawal or reduction dates determined long in advance.

Our military commanders in the field have determined the level and type of force required to carry out the mission within acceptable risk. The mission, forces and guidance of the force currently planned for June 1998 have been fully agreed to by NATO political and military authorities. Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face. In addition, while those opposed to the Dayton Accords have been steadily isolated and diminished in their influence, legislating withdrawal of reduction dates would invite heightened intransigence and extremism.

Additional factors that Congress should consider in reviewing any such amendment are the following:

Under the proposed amendment, command of the SFOR operation and its element in MND-North might well be transferred to a non-U.S. officer early next year.

Shifting to a posture in which the U.S. has much smaller force levels in Bosnia but enhances its force presence in regions surrounding Bosnia, as envisioned by the amendment, will not save money and indeed could cost more than our current operation in Bosnia. We are continually evaluating the force posture for Bosnia, and do not consider an over-the-horizon force appropriate now.

Accordingly, we strongly urge you to oppose any legislated fixed date or timetable for withdrawal or reduction of U.S. forces in Bosnia.

There is one other factor related to operations in Bosnia of great concern to us, and that is funding. The Department submitted an addition to the FY99 budget to fund a 6,900-person force in Bosnia. Authorizing that request is essential to accomplishing the mission without significantly reducing readiness in other areas. Without that funding, we would have to choose between Bosnia operations and the overall readiness of our Armed Forces.

Sincerely,

HENRY H. SHELTON.
BILL COHEN.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I thank the Senator from Oklahoma, the Senator from Alabama, the Senator from West Virginia, who have all made very strong statements about their commitment and the commitment of Congress to support our troops. It is our responsibility to do this.

I want to answer a couple of points that were made. Somalia—the argument was made that troops were not provided equipment and we lost 18 rangers. That is exactly correct. I would hold up Somalia as the very reason that we should be doing something today to protect our troops in the field—because, in fact, in Somalia Congress was never consulted. The decision not to send the equipment was made by the Pentagon. It is precisely because Congress was not consulted and was not committed to this that it failed so miserably. The mission creep in Somalia is exactly what we are trying to avoid in Bosnia today. And that is why I have this amendment on the floor.

Let us talk about precedent. On July 31, 1989, there was a resolution requiring the President to reduce the number of U.S. forces in Korea. That is exactly what I would hope that we would do today. Nine years ago, almost to the day, Congress met its responsibility. This was an amendment that specifically asked the President to come forward with a plan to have gradual reductions in the number of U.S. military personnel stationed in the Republic of Korea.

This is exactly what we are doing today. We are saying, in this appropriations bill for this fiscal year, that we should reduce the number of forces so that the President can go to our allies and start negotiating for a more equitable spread. That is exactly what we did in Korea.

With Korea we said, ''The Republic of Korea should assume increased responsibilities for its own security.'' This was an amendment that was sponsored by Senator MCCAIN, Senator Nunn, Senator WARNER, Senator Exxon, Senator Dixon, Senator Wirth, Senator SHELBY, Senator THURMOND, Senator Cohen, Senator Wallop, Senator GORTON, Senator LOTT, and Senator COATS.

This is exactly what I hope we will do today. It is the responsibility of Congress to provide support for our troops. We cannot stand by and watch our military disintegrate, lose our most experienced warriors, put them in harm's way, and do nothing.

Have we lost our backbone in 9 years? Or have we lost our compass? Have we lost the will to do what is right for this country?

Congress is responsible for providing the support for our troops. And I hope that we will meet our responsibility today.

Thank you, Mr. President. And I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Nearing the moment, I think, according to the previous unanimous consent agreement, for me to make a motion to table, I would just like to make one quick point.

Back several years ago, in 1990, I was speaking in support of an amendment—in support of the Bush administration, the President of the United States, not in opposition. And it was a peacetime deployment to Korea, a rearrangement of forces, not the situation in Bosnia. An important factor is, I was supporting the President of the United States and the Secretary of Defense.

The Hutchison amendment is in opposition to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, as well as the President of the

United States. I think there is a significant difference there.

Second, one of the Members came to the floor and said that we need to debate this more. As the Senator from Indiana pointed out, this is the same amendment we voted on last May; basically, fundamentally the same thing. We did have lots of debate on it.

As the distinguished chairman of the committee pointed out, we have 50 or 60 amendments that we need to address between tonight and tomorrow, all of which deserve also very thorough debate and discussion, as well, if we expect to get out at a reasonable timeframe either tomorrow or Saturday or Sunday, as the distinguished chairman and ranking member point out.

The hour of 5:30 having arrived, I move to table the Hutchison amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I want to announce, there appears there now is a second-degree amendment to the Hutchison amendment that could be offered and may settle the issue with regard to the previous amendment which was not tabled.

AMENDMENT NO. 3419 TO AMENDMENT NO. 3124

Therefore, I ask unanimous consent the Senate now turn to the Hutchinson amendment in the second-degree and that there be a short period of debate. Can you tell me how long you think it will take?

Mr. HUTCHINSON. I think the amendment has been agreed to and would not need debate, from my standpoint.

Mr. STEVENS. I think we should have at least 10 minutes equally divided between the Senator from Arkansas and the Senators from Michigan and Delaware, and I am informed it will require a rollcall vote.

I ask unanimous consent there be that period now for 10 minutes on this amendment that Senator HUTCHINSON will offer, and following that time that the rollcall on his amendment take place after the rollcall vote on the motion to table that has just been made by the Senator from Arizona.

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that it be in order for me to offer an a second-degree amendment numbered 3419, and I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON], for himself and Mr. LEVIN, Mr. KERRY, Mr. BIDEN and Mr. LIEBERMAN proposes an amendment numbered 3419 to amendment 3124.

The amendment is as follows:

Strike all after the word ''Title'' and insert the following:

IX

HUMAN RIGHTS IN CHINA

Subtitle A—Forced Abortions in China

SEC. 9001. This subtitle may be cited as the ''Forced Abortion Condemnation Act''.

SEC. 9002. Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

SEC. 9003. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue any visa to any official of any country (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible and specific information, has been directly involved in the establishment or enforcement of population control policies forcing a woman to undergo an abortion against her free choice, or forcing a man or woman to undergo sterilization against his or her free choice policies condoning the practice of genital mutilation.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

Subtitle B—Freedom on Religion in China

SEC. 9011. (a) It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China.

(b) As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds.

(c) In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed.

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. 9012. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue a visa to any official of any country (except the head of state, the head of government, and cabinet level ministers) who the Secretary of State finds, based on credible and specific information, has been directly involved in the establishment or enforcement of policies or practices designed to restrict religious freedom.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

SEC. 9014. In this subtitle, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

Mr. HUTCHINSON. Mr. President, I want to express my appreciation to the Senators on the other side of the aisle who, I think, have made very positive and productive suggestions to improve the amendment that I have offered regarding human rights abuses in China.

The simple explanation for the changes that are made, we have made the bill generic in nature rather than country-specific. I have some reservations about that because I don't want to in any way dilute, I think, the proper attention that should be placed upon what our State Department says is the greatest abusers of human rights in the

world today. But at the same time, I think this makes this a very, very powerful human rights amendment applicable to all nations of the world. The ''finding'' section of the amendment remains in which we are able to outline some of the abuses evident in China today.

We would add, I think, a positive suggestion, that the genital mutilation issue be added. So in addition to religious persecution and forced abortions, genital mutilation and those who would condone it would be added as criteria for those countries that would be denied their visas for those condoning that practice, the terrible practice that human rights advocates the world over and all people, I think, condemn.

I want to thank Senator BIDEN for, I think, some very good suggestions regarding the ''definitions'' area on the Secretary's obligations in determining who would be denied these visas. The addition to the phrase ''credible information,'' adding ''and specific information,'' and adding to the phrase ''has been involved in the establishment or enforcement,'' the word ''directly''; so, ''has been directly involved in the establishment or enforcement of population control policies.'' I think that is a very helpful change that will make this much more enforceable and make it much more clear. I am grateful for that suggestion, as well.

We have struck section 9012, which simply lists a number of associations and organizations which are agents of the government in carrying out some of these abuses. It is really unnecessary, an unnecessary provision that has caused confusion, because anyone, any individual, any official, who is involved in perpetrating persecution of religious minorities, coerced abortions or the genital mutilation would be covered by the amendment, without what is really extraneous language and unnecessary language.

So I think these are all very positive changes and that is the content of the second-degree amendment. I think this is relevant. I think it is a very positive improvement to the appropriations bill. I appreciate the support of those on both sides of the aisle in the defeat of the motion to table.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief. I want to thank the Senator from Arkansas. He has been a gentleman.

His amendment is, I think, a good amendment and I thank him for considering some of the suggestions that I and a few others had.

I ask unanimous consent that Senator LEVIN of Michigan, Senator KERRY of Massachusetts and Senator BIDEN of Delaware be added as cosponsors.

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

Mr. BIDEN. Mr. President, I particularly want to thank my friend from Arkansas for adding the prohibition, the ability to deny visas to those countries that engage in the heinous practice of engaging in female genital mutilation. I am not one who thinks we should be erecting sanctions all over the world, but there are certain things that are so, so contrary to our basic values—forced abortion, forced sterilization, mutilation of body parts—that I think that it is appropriate that we use sanctions in those circumstances.

I also ask unanimous consent that the Senator from Connecticut, Senator LIEBERMAN, be added as a cosponsor.

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

Mr. BIDEN. I realize I have a few more minutes, but in order to accommodate this bill moving along, again, I close by thanking the Senator from Arkansas for accommodating some of the changes that he has for his amendment.

I yield the floor.

Mr. STEVENS. Mr. President, I understand that the Senator from Michigan is on his way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, let me commend the Senator from Arkansas for the second-degree amendment, the modification in effect, which he has sent to the desk.

I reluctantly voted to table his original amendment because I was troubled by his narrow focus on one country, when the problem exists not only in China, but a number of other countries. The problems he identifies in his amendment are real problems and they are problems we must be concerned with. He has shown that concern, and I think it is wise that we reflect the concern relating to people engaging in those practices that come from any country—China or anyplace else. And while I reluctantly voted to table his original amendment, the first-degree amendment, for the reason I just gave, I enthusiastically cosponsored the second-degree amendment of the Senator from Arkansas, and I hope it passes with a resounding vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time on the second-degree amendment? Time will be equally divided.

Mr. STEVENS. Mr. President, I now have before me here a managers' package that lists some 33 amendments. Following the next two votes, I intend to ask that no more amendments be in order. I urge Members to come and look at the list and see if their amendment is here. If there are more, fine. I urge Members to let us know if they intend to offer the amendments shown here. Secondly, if they intend to offer any other amendment, I am pleased to have them do that.

Mr. President, as I understand it, the first vote will be on a motion to table offered by the Senator from Arizona, and the second will be the amendment in the second degree offered by the Senator from Arkansas.

I ask for the yeas and nays on the second-degree amendment of the Senator from Arkansas.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. If the pending motion to table is not carried, that amendment will still be open. If the amendment of the Senator from Arkansas passes in the second degree, I intend to ask that the—are the yeas and nays requested on the Senator's original amendment?

The PRESIDING OFFICER. Only on the motion to table the original amendment.

Mr. STEVENS. Very well. If that is adopted, which I urge the Senate to adopt, then we will move to adopt the original amendment, as amended, with a voice vote. I call for the vote.

AMENDMENT NO. 3413

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. I yield back any time I have left.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Texas.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—68

Abraham	Durbin	Lugar
Akaka	Feinstein	Mack
Baucus	Ford	McCain
Bennett	Glenn	McConnell
Biden	Graham	Mikulski
Bingaman	Hagel	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hatch	Murray
Brownback	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Burns	Johnson	Roberts
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Roth
Coats	Kerry	Sarbanes
Cochran	Kohl	Snowe
Collins	Kyl	Specter
Conrad	Landrieu	Thurmond
D'Amato	Lautenberg	Torricelli
Daschle	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Domenici	Lott	

NAYS—31

Allard	Bond	Campbell
Ashcroft	Byrd	Coverdell

Craig	Grassley	Sessions
Dorgan	Gregg	Shelby
Enzi	Hutchinson	Smith (NH)
Faircloth	Hutchison	Smith (OR)
Feingold	Inhofe	Stevens
Frist	Kempthorne	Thomas
Gorton	Murkowski	Thompson
Gramm	Nickles	
Grams	Santorum	

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 3413) was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 10 seconds.

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

Mr. BIDEN. Mr. President, I failed to ask that Senator FEINSTEIN of California be added as a cosponsor to the Hutchinson amendment. I ask unanimous consent she be added.

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

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

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. GRAMS. Mr. President, on rollcall vote No. 249. I voted ''yea.'' It was my intention to vote ''no.'' Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I believe the Senator from Delaware wished to be recognized for just one minute.

The PRESIDING OFFICER. The Senator from Delaware has been recognized.

Mr. STEVENS. He has been?

The PRESIDING OFFICER. Yes.

VOTE ON AMENDMENT NO. 3419

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIDEN. Mr. President, I also ask unanimous consent the Senator from Virginia, Mr. ROBB, be added as a cosponsor.

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

Mr. STEVENS. Vote.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment offered by the Senator from Arkansas. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''aye.''

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—99

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden

NOT VOTING—1

Mr. Helms

The amendment (No. 3419) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3124, AS AMENDED

Mr. STEVENS. Mr. President, I ask for the immediate consideration of the first-degree amendment.

The PRESIDING OFFICER. If there is no further debate, the question before the Senate is on the underlying amendment No. 3124, as amended.

The amendment (No. 3124), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have now exchanged lists. We have a managers' package which we will present in a moment. We have the two lists now from the two sides of the aisle.

I ask unanimous consent that the following amendments be the only first-degree amendments remaining in order, other than the managers' package, and that they be subject to only relevant second-degree amendments:

D'Amato—Air Guard, Coast Guard Search & Rescue.

Faircloth—Spend Fiscal Year 1998 fund (PFNA).

DeWine—Drug interdiction.

Mack—Electronic combat testing.

Santorum—60mm mortar ?.

Mack—Commercial Space Act.

D'Amato G.Smith—Sanctions—Serbia/Montenegro.

Coats—Sense of Senate.

Coats—Next QDR.

Stevens—relevant.

Frist—LME.

Baucus—Bear Paw development canal (20=divided).

Bingaman—Dual use.

Bingaman—White Sands.

Bingaman—Health centers.

Boxer—Relevant.

Bumpers—Relevant.

Byrd—Relevant.

Byrd—Relevant.

Daschle—Relevant.

Daschle—Relevant.

Daschle—Relevant.

Dodd—Army pensions.

Dodd—Lyme disease.

Dodd—Relevant.

Durbin—Land conveyance.

Durbin—Military operations/war powers.

Dorgan—Indian incentive program.

Dorgan—Relevant.

Ford—National Symphony.

Graham—Land transfer.

Graham—Relevant.

Graham—Space.

Harkin—Outlays.

Harkin—P.O.O.

Harkin—Veterans medals.

Harkin—Gulf war illness research.

Harkin—Smoking funding.

Hollings—Environmental report.

Inouye—Manager's amendment.

Inouye—Manager's amendment.

Inouye—Manager's amendment

Kerrey—Sense of Senate on payroll tax.

Kerry—Relevant.

Kerry—Relevant.

Leahy—JSAT.

Reed—Environmental training.

Robb—Reimbursement for Italy accident.

Wellstone—Child soldiers.

Wellstone—Domestic violence.

Wellstone—Relevant.

Mr. STEVENS. I further ask unanimous consent that following disposition of the listed amendments, the bill be advanced to third reading and the Senate proceed to the immediate consideration of the House companion bill; that all after the enacting clause be stricken and the text of S. 2132, as amended, be inserted; and that the bill be advanced to third reading and passage occur without any further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, Mr. President, as I understand what the Senator from Alaska—

Mr. STEVENS. I really can't hear the Senator, I am sorry.

Mr. WELLSTONE. Reserving the right to object, have you eliminated time on debate? I am not quite sure.

Mr. STEVENS. We have not yet addressed the question of time on debate. The only real limitation here is that this list be the only first-degree amendments in order and that they only be subject to relevant second-degree amendments in the event they are considered and not adopted.

Mr. FORD. Reserving the right to object, Mr. President, I have been trying

to work out on our side as it relates to amendments, and I have not seen this list yet. I want to be sure, when I have told my colleagues that their amendment has been accepted, I want it on the managers' list or I want it on the amendments yet to be worked out.

Mr. STEVENS. I say to the Senator from Kentucky, Mr. President, many of the amendments that are on the list that have come from your side are, in fact, on the managers' list. But they will all be qualified if they are on the list you have given us.

Mr. FORD. I want to be sure that all of these amendments—I have not seen the list, I say to my friend, and would like to work it out.

Mr. KEMPTHORNE. Will the Senator from Alaska yield?

Mr. STEVENS. I will be happy to yield, Mr. President.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my request is still pending.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, as I understand the unanimous consent request, what the Senator is saying is that after disposal of the last amendment, we go right to final passage; is that correct? But there is no limit on debate on amendments; is that correct?

Mr. STEVENS. These listed amendments will be disposed of. Once they are disposed of, the bill will go to third reading. They will have to be either acted upon or withdrawn.

Mr. WELLSTONE. I understand. But there is no limit on debate on the individual amendments; is that correct?

Mr. STEVENS. There is no limit there on debate time. I intend to do my best to do that.

Mr. WELLSTONE. I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. I reserved my right to object a moment ago, and I have no objection now. I thank the chairman for his courtesy.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I have been asked to amend my request and add this following portion—I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint the following conferees on the part of the Senate: Senators STEVENS, COCHRAN, SPECTER, DOMENICI, BOND, MCCONNELL, SHELBY, GREGG, HUTCHISON, INOUYE, HOLLINGS, BYRD, LEAHY, BUMPERS, LAUTENBERG, HARKIN, and DORGAN, and the foregoing occur without any intervening action or debate, and I further ask that when the Senate passes H.R. 4103, as amended, that S. 2132 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are proceeding now to a look at the amendments that are not in the managers' package. I would like to address that issue with the Senate.

It is my understanding that Senator BAUCUS has an amendment that he wishes to have 20 minutes equally divided; Senator BINGAMAN has two amendments; Senator BOXER's amendment that was on the list is in the managers' package; Senator BUMPERS' amendment is on the list in the managers' package; Senator BYRD has two amendments which are to be in the managers' package; Senator DASCHLE's relevant amendments are withdrawn, as I understand it; Senator DODD has one amendment dealing with Army pensions which we have not seen; Senator DURBIN's amendment on land conveyance is in the package; his amendment on military operations and war powers will be opposed and we will have to deal with it; Senator DORGAN's amendment on Indian incentive program is in the package, and I understand his second amendment will not be offered; Senator FORD's amendment on National Symphony is not in the package and would have to be debated; Senator GRAHAM has a land transfer amendment which is in the package now, and the space amendment, as I understand it, is the same as the amendment from Senator MACK, and that will have to be debated; Senator HARKIN has the outlay amendment, and the POO amendment is in the package, the vets medals amendment we have not seen and we cannot discuss now; Senator HOLLINGS' amendment will be accepted; Senator INOUYE's manager's amendment is in the managers' package; Senator KERREY's SOS payroll tax amendment cannot be accepted and will have to be debated; there are two relevant amendments by Senator KERRY which we have not seen; Senator LEAHY's amendment cannot be accepted; Senator REED's amendment we have not seen; and Senator ROBB's amendment on reimbursement we would like to discuss with Senator ROBB—it is in the House bill; we prefer not to take it up at this time if we can avoid it—and Senator WELLSTONE's amendment on child soldiers has been accepted, the domestic violence one has not been agreed to yet—we will have to discuss it with them.

Those are the amendments on the Democratic side.

Mr. FORD. Mr. President, would the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. FORD. I was trying to keep up with you, with the Senator. Senator DODD has one as it relates to Lyme Disease.

Mr. STEVENS. That is in the package.

Mr. FORD. That is in the package?

Mr. STEVENS. Yes.

Mr. FORD. Then he still has two left.

Mr. STEVENS. I realize the relevant one is just a place holder.

Mr. FORD. I understand. That is correct.

Mr. INOUYE. Will the chairman yield? I am now working on an amendment for Senator CAROL MOSELEY-BRAUN. Can I discuss that with you later?

Mr. STEVENS. Yes. I would be happy to do that. The Senator has the right to an amendment in the managers' package. That may be the way that is considered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I wonder whether I could ask my colleague from Alaska whether he could include the child soldiers amendment in the managers' package since it has been accepted?

Mr. STEVENS. It is in there.

Mr. WELLSTONE. I am sorry.

Mr. STEVENS. The domestic violence one I do not think I have seen yet. That is also being reviewed by the Armed Services Committee and we cannot report that yet.

Mr. WELLSTONE. I say to my colleague, I am ready to debate it if you want to, but let me know.

Mr. STEVENS. I could not hear you.

Mr. WELLSTONE. I say to my colleague, I am pleased to debate it if you want, but you just let me know.

Mr. LOTT. Mr. President, while the chairman is working on the list, I have a quick unanimous consent agreement we have worked out. I would like to go ahead and get that done while we have a break here.

UNANIMOUS CONSENT AGREEMENT—H.R. 629

Mr. LOTT. I ask unanimous consent that immediately after the conclusion of morning business, following the reconvening of the Senate from the August recess, the Senate proceed to the conference report to accompany the Texas Compact, H.R. 629, and the conference report be considered as having been read. I further ask that there be 4 hours of debate, equally divided, between the Senator from Minnesota, Senator WELLSTONE, and Senator HATCH, or their designees, and following the conclusion or yielding back of time, the Senate proceed to a vote on adoption of the conference report, without any intervening action or debate.

Now, I did not specify whether this would be Monday the 31st or Tuesday, September 1st. I need to talk further about the exact date with the Senators involved, and Senator DASCHLE, but the first day we are back. And I appreciate the cooperation I received from Senator WELLSTONE on this UC.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I do not object. I would also like to thank the majority leader for his cooperation.

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

Mr. LOTT. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 3420 THROUGH 3464, EN BLOC

Mr. STEVENS. Mr. President, I have sent to the desk the first managers' package. And I believe that it has been cleared on both sides. So there is no misunderstanding about it, because Senators may wonder whether the amendments are in this or not, I want to read this package and then ask for its immediate consideration. Senator AKAKA's amendment on electric vehicles R&D funds; Bingaman-Domenici on the Air National Guard Program at White Sands; an amendment that I have offered for Senator COCHRAN on acoustic sensor technology; the Domenici-Harkin amendment on food stamp report; the Durbin amendment on land conveyance at Fort Sheridan; the Gregg amendment on conveyance of former Pease Air Force Base; the Hollings amendment on environmental restoration; my amendment for strategic materials manufacturing; the Inouye amendment on American Samoa vets; the Inouye amendment on Ford Island; the Kennedy amendment on cybersecurity; the Sarbanes amendment on the Korean war vets memorial repairs; the McConnell amendment on chemical demilitarization; the Mack amendment on NAWC transfer of property; the Mikulski amendment on shipbreaking; the Lott amendment on the next-generation Internet; the Murkowski amendment on FERTEC; my amendment for Senator SHELBY on the electronic circuit board manufacturing; the Specter amendment on proliferation of the Weapons of Mass Destruction Commission; my amendment on the MILES training and equipment issue; my amendment on rescission as of the date of enactment; my amendment for Senator COATS on the near-term digital radio issue; my amendment for Senator WARNER on Palmtop computers for soldiers; the Boxer amendment on what we call Shop Stop; the Ford amendment on counterdrug interdiction; the Dodd amendment on Lyme Disease; the Kerry amendment on solid-state dye lasers; the McCain-Kyl amendment on land transfer; my amendment for Senator KYL on passenger safety system for tactical trucks; the Grassley amendment on problem disbursements threshold; the Harkin amendment on the gulf war illness; my amendment on the air combat training instrumentation issue; Faircloth amendment on TRICARE; my amendment on firefighting equipment leasing; the Bumpers amendment on the DTRTCA, Domestic Preparedness Training Center; the Faircloth amendment on the Aerostat Development Program; Burns-Baucus for redevelopment of the Havre Air Force Base; the McCain amendment on foreign students' reimbursements; Dorgan on Indian incentive payments; the McConnell-Ford amendment on chemical demilitarization; the Wellstone SOS, child soldiers, global use amendment; my amendment for Senator Faircloth on spending 1998 funds, so-called PFNA issue; the Bennett amendment on alternate turbine engines; and the Gramm amendment on military voting rights.

There should be 44 separate amendments in that package. They have been cleared on both sides, and unless there is some discussion, I ask unanimous consent the first managers' package be adopted and any statements offered by any Senator appear in the Record prior to adoption of that Senator's amendment that is in the package.

I add to it, Senator Inouye has a managers' amendment—this would be the first amendment of Senator Inouye—for Ms. Moseley-Braun that pertains to the National Guard Armory in Chicago.

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

The managers' amendment is adopted.

Mr. STEVENS. I send the last amendment to the desk to be included, and it makes 45 amendments in the package.

The PRESIDING OFFICER. The clerk will report the en bloc amendments.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments No. 3420 through and including 3463 en bloc, and the Senator from Hawaii [Mr. INOUYE], for Ms. MOSELEY-BRAUN, proposes amendment numbered 3464.

The amendments are as follows:

AMENDMENT NO. 3420

(Purpose: To set aside $12,000,000 for continuation of electric and hybrid-electric vehicle development)

On page 33, line 25, insert before the period at the end the following: ": *Provided*, That of the funds appropriated under this heading, $12,000,000 shall be available only to continue development of electric and hybrid-electric vehicles".

Mr. AKAKA. I have offered an amendment to the Department of Defense Appropriations Bill to provide $12 million for electric and hybrid-electric vehicle development. The funds will be administered by the Defense Advanced Research Projects Agency, known as DARPA. Senators INOUYE, JEFFORDS, LEAHY, COATS, and BOXER have joined me as cosponsors of the amendment.

This is not a new program. Congress provided $115 million to the Department of Defense for the electric vehicle program over the past five fiscal years. Industry has contributed more than $115 million in matching funds. In fiscal year 1998, the appropriation was $15 million, so my amendment represents a budget reduction of 20 percent compared to the current fiscal year.

Seven regional consortia, comprised of more than 200 member companies, participate in the program. Individual consortia, which were selected competitively, include Hawaii, Sacramento, the Mid Atlantic Consortium in Johnstown, PA, the Northeast Consortium in Boston, the Southern Consortium in Atlanta, the Mid America Consortium in Indianapolis, and CALSTART in Burbank, CA.

The President's fiscal year 1999 budget proposed that the DARPA program be transferred to the Department of Energy and the Department of Transportation. The object of the fiscal year 1999 change was to transfer DoD-developed technology to commercial service vehicles such as buses, delivery vans, and service trucks. I support this transfer.

Unfortunately, despite the best efforts of all three federal agencies and the consortia that participate in the electric vehicle program, another year of funding through the Department of Defense is needed before the transition can proceed.

The Department of Defense has long been interested in hybrid electric combat vehicles because they can reduce fuel consumption by 50 percent, leading to a reduced fuel logistics burden, increased endurance, and reduced emissions. In addition, hybrid electric combat vehicles use electric power for mobility, weapons, countermeasures and sensors, and have reduced thermal and acoustic signatures.

The five-year DARPA program has resulted in the development of a number of combat vehicles with hybrid electric propulsion. These include an Army M–113 Armored Personnel Carrier, a Bradley Fighting Vehicle, two High Mobility Multipurpose Wheeled Vehicles, commonly known as Humvees, and a prototype composite armored vehicle.

Other DoD projects are in the planning stages. DARPA and the Marine Corps are jointly developing a hybrid-electric reconnaissance, surveillance and targeting vehicle, designed as a stealthy, fuel efficient vehicle that can be transported by the V–22 Osprey in support of the Marine Corps Sea Dragon operation. DARPA and the Army are jointly developing a combat hybrid power system for a 15-ton future combat vehicle. The system will provide pulse power for electric guns, directed energy weapons, and electromagnetic armor, as well as other components and systems.

The funds provided by my amendment should be used in the same manner, and for the same program objectives, as in fiscal year 1998 funding. As the author of the amendment, it is my intention that DARPA administer the program as it did in fiscal year 1998, and that funds can be used for the development of defense and non-defense electric and hybrid-electric vehicles.

I thank the Chairman, and my colleague from Hawaii, the ranking Democrat on the subcommittee for their consideration of my amendment. I yield the floor.

AMENDMENT NO. 3421

(Purpose: To set aside $2,250,000 for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas)

On page 99 in between lines 17 and 18, insert before the period at the end the following:

''SEC. 8104. (a) That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $2,250,000 shall be available for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas''.

AMENDMENT NO 3422

(Purpose: The purpose is to provide $1,000,000 for Acoustic Sensor Technology Development Planning for the Department of Defense. The funds are provided from within the funds appropriated for Defense-wide RDT&E)

On page 99 insert at the appropriate place the following new section:

SEC. . That of the funds appropriated for Defense-wise research, development, test and evaluation, $1,000,000 is available for Acoustic Sensor Technology Development Planning.

AMENDMENT NO. 3423

(Purpose: To require the Secretary of Defense to report on food stamp assistance for Armed Forces families, and to require the Comptroller General to study and report on issues relating to the family life, morale, and retention of members of the Armed Forces)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on food stamp assistance for members of the Armed Forces. The Secretary shall submit the report at the same time that the Secretary submits to Congress, in support of the fiscal year 2000 budget, the materials that relate to the funding provided in that budget for the Department of Defense.

(b) The report shall include the following:

(1) The number of members of the Armed Forces and dependents of members of the Armed Forces who are eligible for food stamps.

(2) The number of members of the Armed Forces and dependents of members of the Armed Forces who received food stamps in fiscal year 1998.

(3) A proposal for using, as a means for eliminating or reducing significantly the need of such personnel for food stamps, the authority under section 2828 of title 10, United States Code, to lease housing facilities for enlisted members of the Armed Forces and their families when Government quarters are not available for such personnel.

(4) A proposal for increased locality adjustments through the basic allowance for housing and other methods as a means for eliminating or reducing significantly the need of such personnel for food stamps.

(5) Other potential alternative actions (including any recommended legislation) for eliminating or reducing significantly the need of such personnel for food stamps.

(6) A discussion of the potential for each alternative action referred to in paragraph (3) or (4) to result in the elimination or a significant reduction in the need of such personnel for food stamps.

(c) Each potential alternative action included in the report under paragraph (3) or (4) of subsection (b) shall meet the following requirements:

(1) Apply only to persons referred to in paragraph (1) of such subsection.

(2) Be limited in cost to the lowest amount feasible to achieve the objectives.

(d) In this section:

(1) The term ''fiscal year 2000 budget'' means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term ''food stamps'' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 8105. (a) The Comptroller General shall carry out a study of issues relating to family life, morale, and retention of members of the Armed Forces and, not later than June 25, 1999, submit the results of the study to the Committees on Appropriations of the Senate and the House of Representatives. The Comptroller General may submit to the committees an interim report on the matters described in paragraphs (1) and (2) of subsection (c). Any such interim report shall be submitted by February 12, 1999.

(b) In carrying out the study, the Comptroller General shall consult with experts on the subjects of the study who are independent of the Department of Defense.

(c) The study shall include the following matters:

(1) The conditions of the family lives of members of the Armed Forces and the members' needs regarding their family lives, including a discussion of each of the following:

(A) How leaders of the Department of Defense and leaders of each of the Armed Forces—

(i) collect, organize, validate, and assess information to determine those conditions and needs;

(ii) determine consistency and variations among the assessments and assessed information for each of the Armed Forces; and

(iv) use the information and assessments to address those conditions and needs.

(B) How the information on those conditions and needs compares with any corresponding information that is available on the conditions of the family lives of civilians in the United States and the needs of such civilians regarding their family lives.

(C) How the conditions of the family lives of members of each of the Armed Forces and the members' needs regarding their family lives compare with those of the members of each of the other Armed Forces.

(D) How the conditions and needs of the members compare or vary among members in relation to the pay grades of the members.

(E) How the conditions and needs of the members compare or vary among members in relation to the occupational specialties of the members.

(F) What, if any, effects high operating tempos of the Armed Forces have had on the family lives of members, including effects on the incidence of substance abuse, physical or emotional abuse of family members, and divorce.

(G) The extent to which family lives of members of the Armed Forces prevent members from being deployed.

(2) The rates of retention of members of the Armed Forces, including the following:

(A) The rates based on the latest information available when the report is prepared.

(B) Projected rates for future periods for which reasonably reliable projections can be made.

(C) An analysis of the rates under subparagraphs (A) and (B) for each of the Armed Forces, each pay grade, and each major occupational specialty.

(3) The relationships among the quality of the family lives of members of the Armed Forces, high operating tempos of the Armed Forces, and retention of the members in the Armed Forces, analyzed for each of the Armed Forces, each pay grade, and each occupational specialty, including, to the extent ascertainable and relevant to the analysis of the relationships, the reasons expressed by members of the Armed Forces for separating from the Armed Forces and the reasons expressed by the members of the Armed Forces for remaining in the Armed Forces.

(4) The programs and policies of the Department of Defense (including programs and policies specifically directed at quality of life) that have tended to improve, and those that have tended to degrade, the morale of members of the Armed Forces and members of their families, the retention of members of the Armed Forces, and the perceptions of members of the Armed Forces and members of their families regarding the quality of their lives.

(d) In this section, the term ''major occupational specialty'' means the aircraft pilot specialty and each other occupational specialty that the Comptroller General considers a major occupational specialty of the Armed Forces.

Mr. DOMENICI. I am pleased to have Senator HARKIN as a cosponsor of this amendment.

There are two parts to my amendment; both parts have no cost.

The first part addresses the 12,000 military families on Food Stamps.

For 3 years the Defense Department has refused to take this problem seriously.

I first wrote to DoD in 1996; then I was told that this was a problem only because military personnel have decided, and I quote, ''to have a larger family than he/she can afford.'' In other words, it is Defense Department policy to discourage military families and to engineer the size of those families.

In 1997, I wrote again to Secretary Cohen because he publicly stated that it was ''not acceptable'' for military personnel to be on Food Stamps. I regret to say that he wrote back saying only that he would ''monitor'' the issue.

Last year in the fiscal year 1998 Defense Authorization bill, Congress mandated a DoD report on potential solutions. The report is now several months late and will not be submitted in the foreseeable future.

Congress is getting the bureaucratic stiff-arm from DoD on this issue. It's time to bring that to an end.

My amendment will require DoD to propose low cost solutions to this problem, and it requires these proposals as a part of DoD's FY 2000 budget request.

Next year. If DoD still refuses to take this problem seriously, I will propose my own solution. If the Chairman and Ranking Member of the Defense Subcommittee of the Appropriations Committee see fit to support me, I'm sure we can be successful.

The second part of the amendment will permit us to better understand our growing problems in military family life, morale, and retention.

This year, I collected information from each of the services on these issues. Unfortunately, the information I collected confirms my suspicions that

the Defense Department has failed to collect data properly. For example:

Each service collects data on these issues differently—or not at all—which prevents comparing among the services. This also means that successes and failures to address these problems cannot be identified.

Now that everyone agrees that readiness is a serious problem, everyone wants to do something about it. But, because the issues are not fully understood, some of the proposed ''solutions'' may be off the mark. For example, Congress is increasing re-enlistment bonuses for pilots to compete with airline salaries, but there are indications that high airline salaries are not the real problem. We won't really understand the problem until we have better data; only then can we apply effective solutions.

The nature of military life has gone through profound change in the last 20 years, but those changes are not fully understood or taken into account in DoD national security decision making. It is not clear how the new prominence of families in military life should—or should not—be taken into account in making national security decisions.

Because of these problems, my amendment requires a special unit in the General Accounting Office to collect and study the data. They will use an Advisory Panel of experts to assist the study and will report back to the Appropriations Committees next year. With these issues better understood, we will be able to apply more effective solutions, and we should be able to make some real improvements in how Congress and DoD address quality of life and family issues.

AMENDMENT NO. 3424

(Purpose: Relating to the conveyance of the remaining Army Reserve property at former Fort Sheridan, Illinois)

At the appropriate place, insert the following:

SEC. . (a)(1) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out any conveyance of land at the former Fort Sheridan, Illinois, unless such conveyance is consistent with a regional agreement among the communities and jurisdictions in the vicinity of Fort Sheridan and in accordance with section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 573).

(2) The land referred to in paragraph (1) is a parcel of real property, including any improvements thereon, located at the former Fort Sheridan, Illinois, consisting of approximately 14 acres, and known as the northern Army Reserve enclave area, that is covered by the authority in section 2862 of the Military Construction Authorization Act for Fiscal Year 1996 and has not been conveyed pursuant to that authority as of the date of enactment of this Act.

AMENDMENT NO. 3425

(Purpose: To require a conveyance of certain property at former Pease Air Force Base, New Hampshire)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Town of Newington, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, consisting of approximately 1.3 acres located at former Pease Air Force Base, New Hampshire, and known as the site of the old Stone School.

(b) EXCEPTION FROM SCREENING REQUIREMENT.—The Secretary shall make the conveyance under subsection (a) without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 3426

(Purpose: To make available up to $10,000,000 for the Department of Defense share of environmental restoration at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the amounts appropriated or otherwise made available for the Department of Defense by this Act, up to $10,000,000 may be available for the Department of Defense share of environmental remediation and restoration activities at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

AMENDMENT NO. 3427

(Purpose: To designate funds for a strategic materials manufacturing project)

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Of the funds provided under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', for Materials and Electronics Technology, $2,000,000 shall be made available only for the Strategic Materials Manufacturing Facility project.

AMENDMENT NO. 3428

(Purpose: To authorize the transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii.)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following:

''§ 2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii

''(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the purpose of transporting any veteran specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

''(b) VETERANS ELIGIBLE FOR TRANSPORT.—A veteran eligible for transport under subsection (a) is any veteran who—

''(1) resides in and is located in American Samoa; and

''(2) as determined by an official of the Department of Veterans Affairs designated for that purpose by the Secretary of Veterans Affairs, must be transported to the State of Hawaii in order to receive hospital care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

''(c) ADMINISTRATION.—(1) Transportation may be provided to veterans under this section only on a space-available basis.

''(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this section.

''(d) DEFINITIONS.—In this section:

''(1) The term 'veteran' has the meaning given that term in section 101(2) of title 38.

''(2) The term 'hospital care' has the meaning given that term in section 1701(5) of title 38.''.

(b) The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2641 the following new item:

''2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.''.

AMENDMENT NO. 3429

At the appropriate place, insert:

SEC. . Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

Mr. INOUYE. Mr. President, I rise today to raise a matter which I believe could revolutionize the way we finance our defense infrastructure, our family housing, barracks and other base facilities. If successful, it would allow us to recapitalize our bases with a much smaller investment than is currently required. In so doing, it could dramatically improve the quality of life of the men and women in uniform.

Mr. President often Members rise and offer that theirs is a simple amendment. This is not a simple matter, and it will take some time to describe it, but I want all of my colleagues to understand what it would do for national defense.

Several years ago, I sponsored legislation to sell defense property in Hawaii to the State.

In return the proceeds were used to build a new bridge to connect the Pearl Harbor Naval Base to Ford Island, a piece of Navy property located in Pearl Harbor.

Over the years Ford Island has been the home of Battleship Row, the site of the Arizona Memorial, and just last month it became the final home for the U.S.S. *Missouri*. It has had a small airstrip on which some of the Navy's earliest aviators trained.

It has housed a few sailors and families, and has been the workplace for selected other military activities.

But because there was no bridge connecting the island, it could never be fully utilized. The Island comprises 450 acres, about half the size of Pearl Harbor Navy Base, yet it contains less than one tenth of the working and residential population of Pearl Harbor.

The only access to the island has been by ferry. For years, boats have shuttled passengers and cargo from the rest of base about once per hour. In short it has been a very inefficient use of space. And for a small State like mine, especially in and around Honolulu, space is a premium.

In April of this year, this situation was changed forever. Ford Island was opened to the rest of Oahu by the new Chick Clarey Bridge.

Ford Island is now poised to be a more useful part of the Pearl Harbor naval facility. However, as is unfortunately so often the case in these matters, there simply is not enough money in the Navy budget to build the facilities that could make this base more useful. And so, without action, Ford Island will remain underutilized.

About two years ago, when he took over as the Commander in Chief of the Pacific Fleet, Admiral Clemins saw the bridge being constructed and recognized the prospect of developing Ford Island. He began to investigate how he could maximize its vast potential to improve the Navy in Hawaii. He quickly came to the conclusion that there simply was not enough money to build the new facilities the Navy needs.

While some might have given up when faced with this obstacle, that is not the Admiral's way. Instead he directed his staff to keep studying this and identify other ways to achieve his objective.

The Admiral took to heart what we have often heard coming from the Congress, that we need to revolutionize the way the Pentagon does business.

He agreed that we have to become more efficient, more like the private sector. He noted that public/private venture legislation had been approved by the Congress at the request of former Secretary of Defense William Perry for a few family housing projects and he suggested that a similar but expanded approach was needed for Ford Island.

At every step there were those that told him why he couldn't do this.

Some said it would cost billions, others that the State would not support developing Ford Island, still others raised technical arguments on our arcane accounting practices in the Government. But, the Admiral kept after it.

While the lawyers raised legal concerns, and the Navy staff and others raised objections, every decision maker, the leaders of the Navy, State, and local governments, and business leaders always had the same response. This is a good idea, we must figure out how we can do it.

That was the reaction of the Commander in Chief of The Pacific Command, Admiral Prueher. Recently he testified to the Appropriations Committee that he has reviewed the legislation and believes it is the right approach to solving some of the critical housing and facility shortfalls for the Navy.

But, because of the difficulty of moving the legislative proposal within the bureaucracy, the measure was not included in the President's formal budget request. Still the Fleet Commander and CINCPAC were undeterred.

Admiral Clemins brought the idea to Washington directly, where he quickly won support from the uniformed Navy.

The Chief of Naval Operations gave the proposal his approval. He then received personal support from the Secretary of the Navy. His arguments even won the informal support from the Deputy Secretary of Defense. Finally, the Navy gave the proposal its official blessing. And after many, many months, the legislation was finally forwarded unofficially to the Congress.

Unfortunately, all of this took time and the delays in winding through the internal chain of command did not allow the Senate's Armed Services Committee time to review this matter prior to its mark up.

I offered this same amendment to that bill and it was adopted. However, there are some in the House that do not agree with the Navy, DOD and the Senate Armed Services Committee and they hope to gut the proposal.

This amendment requires DOD to report on the current legislative proposal and to submit legislation to carry out the proposal by December 1, 1998. That will provide sufficient time for the authorization committee to pass judgement on the matter next year.

The amendment does not mandate any specific terms for the Defense Department to follow, but offers several Navy ideas to be considered.

What the Navy seeks to do, as a pilot project only for this one base, is to provide authority to the Secretary of the Navy to use his resources in conjunction with the private sector to develop Ford Island. The plan would examine whether it is feasible to provide incentives and other guarantees to businesses to carry out this idea, and establish a framework to carry it out.

It is important that we understand how this differs from our current system and how it might work. Under our normal course of operations, the Navy would identify how much the development of Ford Island would cost, and it would develop a spending plan. It is estimated that the costs of developing the island under normal procedures could be as much as $600 million.

Judging from the military construction budget it would probably require 15 to 20 years to identify sufficient funds to pay for this. That means a whole generation of Navy sailors would enlist, serve and retire, before the base could be completed. This is simply unacceptable to Admiral Clemins as it should be to all of my colleagues.

By relying on a joint venture, the Navy can use resources gained by leasing, exchanging, or selling property that it currently holds in Hawaii and use those assets and revenues to leverage development of the island. It is like taking out a long term loan. The Navy can put down the down payment using its property or newly generated cash resources, and, as is the case under the family housing pilot program, the sailors housing allowances can be used to make the mortgage payments.

In theory, the Navy might offer a commercial developer the opportunity to establish a few small commercial facilities—like parking garages, child care facilities, shops and restaurants—on the base to support the families, and in return the private concern would be responsible for developing additional Navy facilities.

In each case, the Secretary of the Navy would have to approve the specific uses and the Congress would have to allow the funding to be used for the proposed purpose. This means that sufficient oversight would exist at all levels to ensure that the project stayed on course.

Let me tell my colleagues that the business community in my State is very excited about this proposal.

They are positive that the legislation will provide a mechanism for creating a public-private partnership to develop the island.

From Congress' viewpoint, the development will involve very few taxpayer dollars which is exactly what is needed in today's tight budget environment.

Most important is what this will do for the men and women in the Navy. Today in Hawaii, the Navy is spread out throughout the island of Oahu at a number of small posts and with large numbers of military families living in poor conditions a long way away from their jobs at Pearl Harbor.

The development of Ford Island will allow the Navy to move many of its sailors right to the base to live and work. This will cut down on their commutes, and it will keep them on base.

It will also help ease what has become a very congested rush hour on the highways in the area. For many what was an hour commute will now become minutes. For families disconnected from the Navy community, they will now be living and working in a quality family environment—a nice home in a beautiful location, with the working spouse only minutes away.

For our commanders this means many more sailors housed right on base and readily available if needed.

It will probably come as a surprise to my colleagues to learn that my State has some of the worst housing in all the Defense Department. The Army says its worst barracks anywhere in the world are in Hawaii. Some of the Navy's housing is so bad that it is an embarrassment to the service.

Several years ago, Mrs. Margaret Dalton, the wife of Navy Secretary John Dalton visited Hawaii and was taken on a tour of some family housing units. The conditions were so deplorable that she was very troubled. When she returned to Washington she insisted that the Navy provide her with a full briefing on its housing rehabilitation plans for the State. Single handedly she moved the Navy forward.

Since then, the Navy has made great strides toward improving living conditions. But it has become painfully clear, that there simply isn't enough money to do what is required. There are many areas that still need to be torn down and rebuilt. Or, that property could be turned over for a new use by the private sector. Mrs. Dalton will long be remembered by the sailors who serve in Hawaii as the person who started to turn around the Navy's living conditions in my State. This proposal will provide us a means to expand upon her work, but this time without enormous investment in this constrained budget environment.

The benefits of the proposal to the Navy and my State are enormous.

I am sure many are now thinking this sounds good, but if it is that simple why hasn't it been done before. To that I would say, it is not simple.

It will require great leadership and management by the Navy to work with the local authorities and business community to carry this out. But, I am confident that we have the right man for the job in Admiral Clemins. He was demonstrated his skills as both a warrior and as a manager and he has the skills necessary to accomplish this task.

This approach has not been tried before, because no one put the time and energy into working through all the details to formulate a legislative plan to achieve this goal. Furthermore, how many opportunities arise when a military department, for all practical purposes, receives what amounts to a land grant adjoining a base? This is in some ways a unique opportunity because of the location of Ford Island and the new bridge. That is why a pilot proposal is proper. It could also serve as a model for other revitalization efforts at other bases, perhaps not on this grand a scale, but using elements from this approach.

My colleagues all know that there will come a time when the Defense Department will want to establish a new base somewhere. This public private venture could be the method where building new bases could become affordable.

Mr. President, this is an excellent idea, that has been shepherded this far by the Navy because they recognized that it is the only way that we can take Ford Island and develop it in a timely and cost effective manner.

Ten years from now, we can be discussing how we will get enough money and authority to proceed to develop Ford Island for the Navy, or we can be discussing how this model pilot program established a method whereby we have begun to recapitalize our defense infrastructure affordably. This is our choice, there is only one answer, we need to approve this legislation to get the ball rolling.

I think my colleagues for their attention, and I urge all to support this measure.

AMENDMENT NO. 3430

(Purpose: To reduce funds available for Navy S–3 Weapon System Improvement program and to provide funds for a cyber-security program)

On page 99, insert in the appropriate place the following new general provisions:

SEC. 8104. Within the amounts appropriated under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Navy'', the amount available for S–3 Weapon System Improvement is hereby reduced by $8,000,000: *Provided*, Within the amounts appropriated under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Air Force'', the amount available for a cyber-security program is hereby increased by $8,000,000: *Provided further*, That the funds are made available for the cyber-security program to conduct research and development on issues relating to security information assurance and to facilitate the transition of information assurance technology to the defense community.

Mr. KENNEDY. Mr. President, the Department of Defense and many other government agencies are increasing their use and reliance on information technology for a wide variety of applications.

The growing frequency and increasing sophistication of attacks on the Defense Department's computer networks is cause for concern. Other government agencies, as well as the private sector, are also subject to these attacks on their network infrastructure.

Last year, the Administration organized an exercise to test the Pentagon's ability to deal with cyber attacks. In this exercise, several computer specialists from the National Security Agency targeted computers used by our military forces in the United States and our forces in the Pacific. Using computers, modems, and software technology widely available on the Internet, these friendly ''hackers'' were able to penetrate unclassified military computer networks in Hawaii, Washington, D.C., Chicago, St. Louis and Colorado.

We need to do more to protect the Defense Department networks that are critical for the operation of our military forces around the world. My amendment, which is fully offset, adds $8 million to the Air Force Information Systems Security Program. The additional funds will be used for research by the Air Force and will rely on the expertise of two federally funded research and development centers currently working on issues of information security. These efforts will facilitate the development of information security technology for the Armed Forces, and I urge the Senate to approve it.

AMENDMENT NO. 3431

(Purpose: To provide additional funding for repair of the Korean War Veterans Memorial)

On page 99, between lines 17 and 18, insert the following:

SEC. 8 . ADDITIONAL FUNDING FOR KOREAN WAR VETERANS MEMORIAL.

Section 3 of Public Law 99–572 (40 U.S.C. 1003 note) is amended by adding at the end the following:

''(c) ADDITIONAL FUNDING.—

''(1) IN GENERAL.—In addition to amounts made available under subsections (a) and (b), the Secretary of the Army may expend, from any funds available to the Secretary on the date of enactment of this paragraph, $2,000,000 for repair of the memorial.

''(2) DISPOSITION OF FUNDS RECEIVED FROM CLAIMS.—Any funds received by the Secretary of the Army as a result of any claim against a contractor in connection with construction of the memorial shall be deposited in the general fund of the Treasury.''.

Mr. SARBANES. Mr. President, the amendment I am offering would fix and restore one of our most important monuments, the Korean War Veterans Memorial. It authorizes the Secretary of the Army to provide, within existing funds, up to $2 million to complete essential repairs to the Memorial. Joining me as a cosponsor of this amendment is my distinguished colleague from Colorado—a Korean War veteran himself—Senator CAMPBELL.

The Korean War Memorial is the newest war monument in Washington, DC. It was authorized in 1986 by Public Law 99–752 which established a Presidential Advisory Board to raise funds and oversee the design of the project, and charged the American Battle Monuments Commission with the management of this project. The authorization provided $1 million in federal funds for the design and initial construction of the memorial and Korean War Veterans' organizations and the Advisory Board raised over $13 million in private donations to complete the facility. Construction on the memorial began in 1992 and it was dedicated on July 27, 1995.

For those who haven't visited, the Memorial is located south of the Vietnam Veteran's Memorial on the Mall, to the east of the Lincoln Memorial. Designed by world class Cooper Lecky Architects, the monument contains a triangular ''field of service,'' with 19 stainless steel, larger than life statues, depicting a squad of soldiers on patrol. A curb of granite north of the statues lists the 22 countries of the United Nations that sent troops in defense of South Korea. To the south of the patrol stands a wall of black granite, with engraved images of more than 2,400 unnamed service men and women detailing the countless ways in which Americans answered the call to service. Adjacent to the wall is a fountain which is supposed to be encircled by a Memorial Grove of linden trees, creating a peaceful setting for quiet reflection. When this memorial was originally created, it was intended to be a lasting and fitting tribute to the bravery and sacrifice of our troops who

fought in the ''Forgotten War.'' Unfortunately, just three years after its dedication, the monument is not lasting and is no longer fitting.

The Memorial has not functioned as it was originally conceived and designed and has instead been plagued by a series of problems in its construction. The grove of 40 linden trees have all died and been removed from the ground, leaving forty gaping holes. The pipes feeding the Pool of Remembrance' return system have cracked and the pool has been cordoned off. The monument's lighting system has been deemed inadequate and has caused safety problems for those who wish to visit the site at night. As a result, most of the 1.3 million who visit the monument each year—many of whom are veterans—must cope with construction gates or areas which have been cordoned off instead of experiencing the full effect of the Memorial

Let me read a quote from the Washington Post—from a Korean War Veteran, John LeGault who visited the site—that I think captures the frustration associated with not having a fitting and complete tribute for the Korean War. He says, ''Who cares?'' ''That was the forgotten war and this is the forgotten memorial.'' Mr. President, we ought not to be sunshine patriots when it comes to making decisions which affect our veterans. Too often, we are very high on the contributions that our military makes in times of crisis, but when a crisis fades from the scene, we seem to forget about this sacrifice. Our veterans deserve better.

To resolve these problems and restore this monument to something that our Korean War Veterans can be proud of, the U.S. Army Corps of Engineers conducted an extensive study of the site in an effort to identify, comprehensively, what corrective actions would be required. The Corps has determined that an additional $2 million would be required to complete the restoration of the grove work and replace the statuary lighting. My amendment would provide the authority for the funds to make these repairs swiftly and once and for all.

With the 50th anniversary of the Korean War conflict fast approaching, we must ensure that these repairs are made as soon as possible. This additional funding would ensure that we have a fitting, proper, and lasting tribute to those who served in Korea and that we will never forget those who served in the ''Forgotten War.'' I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 3432

(Purpose: To set aside $18,000,000 for the Assembled Chemical Weapons Assessment for demonstrations of technologies and a pilot scale facility)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds available under title VI for chemical agents and munitions destruction, Defense, for research and design, $18,000,000 shall be made available for the program manager for the Assembled Chemical Weapons Assessment (under section 8065 of the Department of Defense Appropriations Act, 1997) for demonstrations of technologies under the Assembled Chemical Weapons Assessment, for planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, and for the design, construction, and operation of a pilot facility for the technology.

AMENDMENT NO. 3433

(Purpose: To authorize the lease of real property at the Naval Air Warfare Center, Training Systems Division, Orlando, Florida)

On page 99, between lines 17 and 18, insert the following:

SEC. 8014. (a) The Secretary of the Navy may lease to the University of Central Florida (in this section referred to as the ''University''), or a representative or agent of the University designated by the University, such portion of the property known as the Naval Air Warfare Center, Training Systems Division, Orlando, Florida, as the Secretary considers appropriate as a location for the establishment of a center for research in the fields of law enforcement, public safety, civil defense, and national defense.

(b) Notwithstanding any other provision of law, the term of the lease under subsection (a) may not exceed 50 years.

(c) As consideration for the lease under subsection (a), the University shall—

(1) undertake and incur the cost of the planning, design, and construction required to establish the center referred to in that subsection; and

(2) during the term of the lease, provide the Secretary such space in the center for activities of the Navy as the Secretary and the University jointly consider appropriate.

(d) The Secretary may require such additional terms and conditions in connection with the lease authorized by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 3434

(Purpose: To provide for the funding of a vessel scrapping pilot program)

On page 99 in between lines 17 and 18, insert the following:

SEC. 8104. Funds appropriated under O&M Navy are available for a vessel scrapping pilot program which the Secretary of the Navy may carry out during fiscal year 1999 and (notwithstanding the expiration of authority to obligate funds appropriated under this heading) fiscal year 2000, and for which the Secretary may define the program scope as that which the Secretary determines sufficient for gathering data on the cost of scrapping Government vessels and for demonstrating cost effective technologies and techniques to scrap such vessels in a manner that is protective of worker safety and health and the environment.

AMENDMENT NO. 3435

(Purpose: Relating to the Next Generation Internet (NGI) initiative)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. The Department of Defense shall, in allocating funds for the Next Generation Internet (NGI) initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the DoD Major Shared Resource Centers and Centers with supercomputers purchased using DoD RDT&E funds, including the high performance networks associated with such centers.

AMENDMENT NO. 3436

(Purpose: To provide $500,000 for payment of subcontractors and suppliers under an Army services contract)

On page 99, between lines 17 and 18, insert the following new section: ''From within the funds provided, with the heading ''Operations and Maintenance, Army'', up to $500,000 shall be available for paying subcontractors and suppliers for work performed at Fort Wainwright, Alaska, in 1994, under Army services contract number DACA85–93–C–0065''.

AMENDMENT NO. 3437

(Purpose: To designate funds to continue an electronic circuit board manufacturing program)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Army'', for Industrial Preparedness, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

AMENDMENT NO. 3438

(Purpose: To reestablish the Commission To Assess the Organization of the Federal Government To Combat the Proliferation of Weapons of Mass Destruction))

At the appropriate place in the bill, insert the following:

SEC. . COMMISSION TO ASSESS THE ORGANIZATION OF THE FEDERAL GOVERNMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (as contained in Public Law 104–293) is amended—

(1) in section 711(b), in the text above paragraph (1), by striking ''eight'' and inserting ''twelve'';

(2) in section 711(b)(2), by striking ''one'' and inserting ''three'';

(3) in section 711(b)(4), by striking ''one'' and inserting ''three'';

(4) in section 711(e), by striking ''on which all members of the Commission have been appointed'' and inserting ''on which the Department of Defense Appropriations Act, 1999, is enacted, regardless of whether all members of the Commission have been appointed''; and

(5) in section 712(c), by striking ''Not later than 18 months after the date of enactment of this Act,'' and inserting ''Not later than June 15, 1999,''.

AMENDMENT NO. 3439

(Purpose: To designate funds for the procurement of Multiple Integrated Laser Engagement System (MILES) training equipment)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title III of this Act under the heading ''Other Procurement Army'', for Training Devices, $4,000,000 shall be made available only for procurement of Multiple Integrated Laser Engagement System (MILES) equipment to support Department of Defense Cope Thunder exercises.

AMENDMENT NO. 3440

(Purpose: To strike the emergency designation for the funds authorized to be appropriate for the costs of overseas contingency operations)

On page 73, line 4 of the bill, revise the text ''rescinded from'' to read ''rescinded as of the date of enactment of this act from''

AMENDMENT NO. 3441

(Purpose: To reduce funds available for development of the Army Joint Tactical Radio and to provide funds for the development of the Army Near Term Digital Radio)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Within the amounts appropriated under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Army'', the amount available for Joint Tactical Radio is hereby reduced by $10,981,000, and the amount available for Army Data Distribution System development is hereby increased by $10,981,000.

AMENDMENT NO. 3442

(Purpose: To designate Army Digitization funds for development of the Digital Intelligence Situation Mapboard)

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Army'', for Digitization, $2,000,000 shall be made available only for the Digital Intelligence Situation Mapboard (DISM).

AMENDMENT NO. 3443

(Purpose: To set aside $5,000,000 for Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System, which is to be developed for use in urban warfare, littoral operations, and peacekeeping operations)

On page 99, between lines 17 and 18, insert the following: SEC. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System''.

AMENDMENT NO. 3444

(Purpose: To revise and clarify the authority for Federal support of National Guard drug interdiction and counterdrug activities)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out ''and leasing of equipment'' and inserting in lieu thereof ''and equipment, and the leasing of equipment,''.

(b) Subsection (b)(2) of such section is amended to read as follows:

''(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

''(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.''.

(c) Subsection (b)(3) of such section is amended to read as follows:

''(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

''(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

''(B) in the case of services, the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

''(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.''.

(d) Subsection (i)(1) of such section is amended by inserting after ''drug interdiction and counter-drug law enforcement activities'' the following: '', including drug demand reduction activities,''.

AMENDMENT NO. 3445

(Purpose: To set aside funds for research and surveillance activities relating to Lyme disease and other tick-borne diseases)

On page 36, line 22, insert before the period at the end the following: '': *Provided*, That, of the funds available under this heading, $3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases''.

AMENDMENT NO. 3446

(Purpose: To make available $3,000,000 for advanced research relating to solid state dye lasers)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the amounts appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', $3,000,000 shall be available for advanced research relating to solid state dye lasers.

AMENDMENT NO. 3447

(Purpose: To authorize the Secretary of Defense to lease a parcel of real property from the City of Phoenix)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of the Air Force may enter into an agreement to lease from the City of Phoenix, Arizona, the parcel of real property described in subsection (b), together with improvements on the property, in consideration of annual rent not in excess of one dollar.

(b) The real property referred to in subsection (a) is a parcel, known as Auxiliary Field 3, that is located approximately 12 miles north of Luke Air Force Base, Arizona, in section 4 of township 3 north, range 1 west of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, is bounded on the north by Bell Road, on the east by Litchfield Road, on the south by Greenway Road, and on the west by agricultural land, and is composed of approximately 638 acres, more or less, the same property that was formerly an Air Force training and emergency field developed during World War II.

(c) The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. MCCAIN. Mr. President, I will be brief. I rise to offer an amendment to the Defense Appropriations bill for fiscal year 1999 on behalf of Senator KYL and myself. The amendment would authorize the Secretary of The Air Force to enter into an agreement to lease from the City of Phoenix, Arizona a parcel of land near Luke Air Force Base that is known as Auxiliary Field 3 for a cost not in excess of one dollar.

I offer this amendment because the U.S. Air Force may foresee a need to acquire or lease land near Luke Air Force Base to more effectively manage public and private development compatibility with the Luke Air Force Base mission. Many communities on the west side of Phoenix are dedicated to ensuring that the Air Force has the additional flexibility it may need in the near and long term to meet Air Force operational and training requirements and preserve its overall readiness.

Mr. President, this simple amendment is discretionary in nature and meets the criteria which I have ensured that my colleagues must meet when amendments are offered to appropriations bills. I urge my colleagues to support this amendment.

AMENDMENT NO. 3448

(Purpose: To designate Army RDT&E funds for integration and evaluation of a passenger safety system for heavy tactical trucks)

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Of the funds provided under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Army'', up to $1,300,000 may be made available only to integrate and evaluate enhanced, active and passive, passenger safety system for heavy tactical trucks.

AMENDMENT NO. 3449

At the end of title VIII, add the following:

SEC. . Effective on June 30, 1999, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended—

(1) by striking out ''not later than June 30, 1997,'', and inserting in lieu thereof ''not later than June 30, 1999,''; and

(2) by striking out ''$1,000,000'' and inserting in lieu thereof ''$500,000''.

AMENDMENT NO. 3450

(Purpose: To increase by $10,000,000 the amount provided for research and development relating to Persian Gulf illnesses)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Of the total amount appropriated under title IV for research, development, test and evaluation, Defense-wide, for basic research, $29,646,000 is available for research and development relating to Persian Gulf illnesses.

Mr. HARKIN. I offered an amendment to the Defense Appropriations bill important to Persian Gulf War veterans. My amendment increases Department of Defense spending on research to determine the causes and possible treatments of those suffering from Gulf War illness by $10 million. It is my understanding that the amendment has been accepted. This is similar to the amendment I offered and was also accepted as part of the Defense Authorization bill.

While the Persian Gulf War ended in 1991, the physical and psychological ordeal for many of the nearly 700,000 troops who served our country in Operations Desert Storm and Desert Shield

has not ended. It's been seven years since our troops were winning the war in the Gulf. Unfortunately, they continue to suffer due to their deployment.

Many of our troops returned from the Persian Gulf suffering from a variety of symptoms that have been difficult to trace to a single source or substance. Our veterans have experienced a combination of symptoms in varying degrees of seriousness, including: fatigue, skin rash, muscle and joint pain, headache, loss of memory, shortness of breath, and gastrointestinal and respiratory problems. Unfortunately, the initial response from the Pentagon and the Department of Veterans affairs was to express skepticism about veterans' claims of illness and disability. This strained the government's credibility with veterans and their loved ones who dealt with the very real affects of their service in the Gulf.

I vividly remember a series of roundtable discussions I held with veterans across Iowa after being contacted by several families of Gulf War veterans stricken with undiagnosed illnesses. And these folks weren't just sick. They were tired. They were tired of getting the runaround from the government they defended. They were tired of people who refused to listen . . . or told them it was in their head . . . or that it had nothing to do with their service in the Gulf.

Their stories put a human face on the results of a study I requested through the Centers for Disease Control and Prevention. The results add to the increasing volume of evidence that what these veterans were experiencing was indeed very real. More than one in three Gulf War veterans reported one or more significant medical problems. Fifteen percent reported two or more significant medical conditions. These Iowa veterans also reported significantly greater problems with quality of life issues than others on active duty at the time but not deployed in the Gulf. For example, Persian Gulf veterans had lower scores on measures of vitality, physical and mental health, ability to work, and increased levels of emotional problems and bodily pain.

In addition, over 80 percent of the Gulf War veterans in the CDC study reported having been exposed to at least one potentially hazardous material during their Persian Gulf Deployment. A recent General Accounting Office report provided an alarming laundry list of such hazards including: ''compounds used to decontaminate equipment and protect it against chemical agents, fuel used as a sand suppressant in and around encampments, fuel used to burn human waste, fuel in shower water, leaded vehicle exhaust used to dry sleeping bags, depleted uranium, parasites, pesticides, multiple vaccines used to protect against chemical warfare agents, and smoke from oil-well fires.''

To this rather exhaustive list, we can also add exposure to nerve gas. The DOD and CIA have admitted that as many as 100,000 or more . . . that's 1 in 7 troops deployed in the Gulf . . . may have been exposed to chemical agents released into the atmosphere when U.S. troops destroyed an Iraqi weapons bunker. A Presidential Advisory Committee also found credible evidence of exposure to chemical agents in a second incident when troops crossed Iraqi front lines on the first day of the ground war. Chemical weapons specialists in these units said they detected poison gas. Unfortunately, these detections were initially neither acknowledged nor pursued by the Pentagon.

That being said, the Pentagon and others have been more forthcoming recently with relevant information, documents, and research. But more needs to be done. I am pleased that the President, acting based on legislation I cosponsored, extended the time veterans will have to file claims with the government for illnesses related to their service in the Gulf. Previously, they had to show their illness surfaced within two years of their service. Now, they have until the end of 2001. This is a great victory for our veterans. Gulf War illnesses do not surface on a time line convenient to the rules of bureaucrats. This extension will help us meet our responsibility to take care of these soldiers. But, more still needs to be done.

There is still substantial mystery and confusion surrounding the symptoms and health problems experienced by Gulf War veterans. While many veterans have been diagnosed with a recognizable disease, I am concerned about those who have no explanation, no label, no treatment for their suffering. More needs to be done to help these Americans.

For example, the Presidential Advisory Committee has suggested research in three new areas to help close the gaps in what we know about Gulf War illnesses. They suggest research on the long-term health effects of low-level exposures to chemical warfare agents, the combined effects of medical injections meant to combat chemical warfare with other Gulf War risk factors, and on the body's physical response to stress. It is also imperative to ensure that longitudinal studies and mortality studies are funded since some health effects, such as cancer, may not appear for several years after the end of the Gulf War.

Although there may be no single Gulf-War related disease so to speak, it is widely acknowledged that the multiple illnesses and symptoms experienced by Gulf War veterans are connected to their service during the war. Therefore, we must not forget on our solemn obligation to those who willingly served their country and put their lives in harm's way.

To that end, I offer this amendment to increase research into the illnesses experienced by Persian Gulf veterans by $10 million. The funds would support much more research, including the evaluation and treatment of a host of neuro-immunological disorders, as well as possible connections to Multiple Chemical Sensitivity, chronic fatigue syndrome and fibromyaglia.

Our veterans are not asking for much. They want answers. They want the truth. Our veterans answered our nation's call in war, and now we must answer theirs. Should our priorities include our Gulf War veterans? I believe the choice is self evident and absolutely clear.

AMENDMENT NO. 3451

(Purpose: To reduce funds available for development of the Navy Hard and Deeply Buried Target Defeat System and to provide funds for the procurement of Joint Tactical Combat Training System (JTCTS) equipment)

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Within the amounts appropriated under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Navy'', the amount available for Hard and Deeply Buried Target Defeat System is hereby reduced by $9,827,000, and the amount available for Consolidated Training Systems Development is hereby increased by $9,827,000.

AMENDMENT NO. 3452

(Purpose: To require a comprehensive assessment of the TRICARE program)

On page 99, between lines 17 and 18, insert the following:

SEC. 8014. (a) Not later than six months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing a comprehensive assessment of the TRICARE program.

(b) The assessment under subsection (a) shall include the following:

(1) A comparison of the health care benefits available under the health care options of the TRICARE program known as TRICARE Standard, TRICARE Prime, and TRICARE Extra with the health care benefits available under the health care plan of the Federal Employees Health Benefits program most similar to each such option that has the most subscribers as of the date of enactment of this Act, including—

(A) the types of health care services offered by each option and plan under comparison;

(B) the ceilings, if any, imposed on the amounts paid for covered services under each option and plan under comparison; and

(C) the timeliness of payments to physicians providing services under each option and plan under comparison.

(2) An assessment of the effect on the subscription choices made by potential subscribers to the TRICARE program of the Department of Defense policy to grant priority in the provision of health care services to subscribers to a particular option.

(3) An assessment whether or not the implementation of the TRICARE program has discouraged medicare-eligible individuals from obtaining health care services from military treatment facilities, including—

(A) an estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period ending with the commencement of the implementation of the TRICARE program; and

(B) an estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period following the commencement of the implementation of the TRICARE program.

(4) An assessment of any other matters that the Comptroller General considers appropriate for purposes of this section.

(c) In this section:

(1) The term ''Federal Employees Health Benefits program'' means the health benefits program under chapter 89 of title 5, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

REQUIRING A COMPREHENSIVE ASSESSMENT OF THE TRICARE PROGRAM

Mr. FAIRCLOTH. Mr. President, this amendment directs the General Accounting Office to take a close look at the health care benefit that we provide to our military dependents, retirees, and their survivors. Enough time has passed since we replaced CHAMPUS with the TRICARE program that it is now time to see whether or not we are providing a proper benefit.

When I speak of a ''proper benefit,'' I use a very simple standard. I want to be sure that our men and women in uniform and their loved ones are being cared for as well as our civilian federal employees are. The Federal Employees Health Benefits program (FEHBP) provides civilian federal employees and retirees with a good health care benefit having a wide range of patient choice. It's the program that covers all of us in Congress, and my goal is to make sure that TRICARE is just as good for our military families.

Mr. President, the FEHBP offers many different managed-care, fee-for-service, and preferred-provider plans from which to choose. If the civilian federal employee or retiree finds his or her health care plan to be inadequate, another plan of the same type can be chosen. For our military families, it is not so simple. With TRICARE, you only get a choice of one managed-care, one fee-for-service, or one preferred-provider plan. To paraphrase Henry Ford, you can pick any HMO-type plan that you want, as long as you choose TRICARE Prime. And if, for example, you are unhappy with TRICARE Prime, you either have to live with it, or go for the one fee-for-service or the one preferred-provider plan—there are no alternate managed-care plans.

Now, I recognize that a comparison between the TRICARE plans and the FEHBP plans will have to be very subjective. The comparison should not be limited simply to objective cost factors, such as co-pays and premiums, but it must be expansive enough to consider factors such as patient satisfaction, administrative requirements, ceilings on reimbursements and timeliness of their payment, covered services, etc. This is why I want the GAO to do this study. They will be independent and can use a combination of objective analyses and subjective surveys and interviews to give us the most clear, unbiased picture.

Of course, we would not have to worry about conducting studies or figuring out how to compare the quality of TRICARE with the FEHBP if we provided more customer choice. Ultimately, the best ''study'' of the quality of a product or service is its acceptance in the marketplace. For this reason, I have long favored considering Medicare subvention and making FEHBP available for military beneficiaries as well as civilians. But, with TRICARE only offering one of each type of plan and having a captive audience, there are no competitive pressures to keep providers focused on customer service, so this study is necessary.

I am also concerned that Department of Defense policies with regard to TRICARE may be further limiting choice. The GAO should identify reasons why TRICARE Prime enrollees should have priority at Military Treatment Facilities. This decision may be effectively eliminating the TRICARE Standard and Extra options because to choose either of these options may close off treatment at a Military Treatment Facility.

And there is another problem. Medicare-eligible military retirees, since the implementation of TRICARE are now having a very difficult time getting to see the doctor at the Military Treatment Facilities, if not facing an impossibility altogether. Let me explain. Because TRICARE Prime patients have first priority for medical treatment, retirees who wish to be served at a Military Treatment Facility have to sign up for TRICARE Prime—their choice for TRICARE Standard or Extra is effectively eliminated. But, the worst of it is that Medicare-eligible retirees are not eligible to participate in TRICARE at all. They and their Medicare-eligible dependents and survivors, if there are no appointments available at the Military Treatment Facility, are left with no military medical benefit, which we all know is contrary to the promise made to these veterans when they decided to make a career in the military.

Mr. President, there is no reasonable explanation that I can think of that could justify a health care benefit for our men and women in uniform, their dependents, and survivors, and retirees who give and gave so much of their lives for our country, that is anything less than what we have provided for ourselves and for civil servants. My amendment will give us a clear idea whether the military medical benefit offered is truly ''prime,'' or even ''standard,'' or whether it is substandard and we need to take action.

AMENDMENT NO. 3453

(Purpose: To authorize the Secretary of the Army and the Secretary of the Air Force to enter into one or more multiyear leases of non-tactical firefighting, crash rescue, or snow removal equipment)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of the Army and the Secretary of the Air Force may each enter into one or more multiyear leases of non-tactical firefighting equipment, non-tactical crash rescue equipment, or non-tactical snow removal equipment. The period of a lease entered into under this section shall be for any period not in excess of 10 years. Any such lease shall provide that performance under the lease during the second and subsequent years of the contract is contingent upon the appropriation of funds and shall provide for a cancellation payment to be made to the lessor if such appropriations are not made.

(b) Lease payments made under subsection (a) shall be made from amounts provided in this or future Appropriations Acts.

(c) This section is effective for all fiscal years beginning after September 30, 1998.

AMENDMENT 3454

(Purpose: To provide funds for a Domestic Preparedness Sustainment Training Center)

At the appropriate place in the bill in Title VIII, insert the following:

''SEC. . Of the amounts appropriated in this bill for the Defense Threat Reduction and Treaty Compliance Agency and for Operations and Maintenance, National Guard, $1,500,000 shall be available to develop training materials and a curriculum for a Domestic Preparedness Sustainment Training Center at Pine Bluff Arsenal, Arkansas.''

AMENDMENT 3455

(Purpose: To ensure that a balanced investment is made in the Aerostat development program)

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Of the funds provided under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Army'', up to $10,000,000 may be made available only for the efforts associated with building and demonstrating a deployable mobile large aerostat system platform.

AMENDMENT NO. 3456

(Purpose: To provide $150,000 for the redevelopment of Havre Air Force Base and Training Site, Montana, for public benefit purposes)

On page 99, in between lines 17 and 18, insert before the period at the end the following: '': SEC. . That of the amounts available under this heading, $150,000 shall be made available to the Bear Paw Development Council, Montana, for the management and conversion of the Havre Air Force Base and Training Site, Montana, for public benefit purposes, including public schools, housing for the homeless, and economic development''.

AMENDMENT NO. 3457

(Purpose: To repeal limitations on authority to set rates and waive requirements for reimbursement of expenses incurred for instruction at service academies of persons from foreign countries)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Section 4344(b) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States''; and

(2) by striking out paragraph (3).

(b) Section 6957(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States''; and

(2) by striking out paragraph (3).

(c) Section 9344(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to

the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States''; and

(2) by striking out paragraph (3).

Mr. MCCAIN. Mr. President, I rise to offer a simple amendment to the Fiscal Year 1999 Defense Appropriations bill on behalf of Senator KAY BAILEY HUTCHISON and myself that merits bipartisan support and speedy passage.

My amendment would repeal the limitations on the military departments to waive the requirement for reimbursement of expenses for foreign students at the service academies. Clearly, the authority to set rates and waive reimbursement expenses for persons from foreign countries undergoing instruction at U.S. service academies should rest with our military departments and not be subject to limitations on their ability to determine the costs of instruction of foreign nationals.

Mr. President, the Senate Armed Services Committee included this provision in its version of the Fiscal Year 1999 Defense Authorization bill, however it was subsequently dropped in Conference. The service academy superintendents all support this legislation, and I urge my colleagues to do the same. Mr. President, I request that letters of support of my amendment from the service academy superintendents and others be placed in the RECORD at the conclusion of my statement.

AMENDMENT NO. 3458

(Purpose: to make small businesses eligible to participate in the Indian Subcontracting Incentive Program)

On page 54, strike Section 8023 and insert the following:

SEC. 8023. (a) In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

(b) Section 8024 of the Department of Defense Appropriations Act (Public Law 105–56) is amended by striking out ''That these payments'' and all that follows through *''Provided further,''*.

Mr. INOUYE. Mr. President, I rise in support of Senator DORGAN'S amendment that would clarify the eligibility of small businesses to participate in the Indian incentive payment program.

Mr. President, I can assure my colleagues that in establishing this program, it was our intent to provide incentives to Defense contractors who would enter into subcontracts with Indian tribal government-chartered entities and tribal enterprises.

Mr. President, it was not our intent to exclude from the Indian incentive payment program, those small businesses that might enter into contracts with the Department of Defense.

It is my understanding that because the original authorizing language which established the Indian incentive payment program refers to a subcontracting plan pursuant to 15 U.S.C. 637(d), the Department of Defense has interpreted that provision to exclude small businesses from participation in the Indian incentive payment program.

Senator DORGAN's amendment would simply strike the reference to a subcontracting plan pursuant to 15 U.S.C. 637(d), to make clear that small businesses who enter into contracts with the Department of Defense may participate in the Indian incentive payment program by entering into subcontracts with tribally-chartered entities or tribal enterprises.

Mr. President, I believe we should include Senator DORGAN's amendment in S. 2132.

I ask unanimous consent to have two pertinent letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, December 19, 1997.

Hon. BYRON L. DORGAN,
U.S. Senate, Washington, DC.

DEAR BYRON: This is in response to your letter dated October 31, 1997, concerning the Department of Defense Indian Subcontracting Incentive Program.

The situation you describe is the consequence of a provision in the Department of Defense Appropriations Act, 1998. Specifically, section 8024 of that Act appropriates $8 million for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544). Section 8024, however, restricts the availability of such incentive payments to contractors that have submitted subcontracting plans pursuant to 15 U.S.C. 637(d). However, subsection 637(d)(7) expressly provides that the provisions relating to submission of a subcontracting plan under section 637(d) do not apply to small businesses. Consequently, the $8 million is not available for payments to small business under this authority.

Accordingly, in order to permit small businesses to participate in the program supported by the $8 million available under section 8024, new legislation, rather than an administrative change, would be required. We strongly support maximum practicable participation of small businesses in the performance of Department of Defense contracts, and accordingly we intend to explore, in coordination with the Office of Management and Budget, whether to advance a legislative proposal to eliminate the restrictive language in section 8024 in future years appropriations acts.

I appreciate your bringing this issue to our attention, and trust that this responds to your concerns.

Sincerely,

WILLIAM COHEN.

UNDER SECRETARY OF DEFENSE, ACQUISITION AND TECHNOLOGY,
Washington, DC, November 12, 1997.

Mr. MARC A. KING,
Vice President, Business Development, GMA Cover Corp., Washington, DC.

DEAR MR. KING: This responds to our telephone conversation of October 9, 1997 relative to whether or not small businesses are eligible to receive incentive payments under the DoD Indian Subcontracting Incentive Program. My staff, in consultation with both the Office of General Counsel and the Office of Defense Procurement, thoroughly reviewed the FY 1998 DoD Appropriations Act and our implementing policy. The conclusion reached based on that review is that the legislation authorizes incentive payments from the $8 Million appropriated only to firms who submit subcontracting plans pursuant to 15 U.S.C. 637(d). Since 15 U.S.C. 637(d) does not apply to small businesses, even if GMA Cover Corporation agreed to submit a subcontracting plan, such a submission would not be pursuant to this provision of the law. Consequently, payment of incentives for subcontracting with Indian organizations or Indian-owned business enterprises using the $8 Million appropriated in the FY 1998 DoD Appropriations Act is not authorized for GMA Cover Corporation or other small businesses.

As the restriction on the use of the $8 Million appropriated for Indian subcontracting incentive payments to large businesses is part of the FY 1998 Appropriations Act, it cannot be eliminated through regulations developed by the Department to implement the legislation. However, since it is our objective to provide for the maximum practicable participation of Indian organizations and Indian-owned business enterprises in our contracts, I have submitted a legislative initiative proposing an amendment to the FY 1998 Appropriations Act language that will allow incentive payments to small businesses which subcontract to Indian organizations or Indian-owned business enterprises.

The point of contact for this subject is Mr. Ivory Fisher. You may contact him directly on this or any other issues associated with the Indian Subcontracting Incentive Program. He may be reached at (703) 697–1688.

ROBERT L. NEAL, JR.,
Director, Office of Small and Disadvantaged Business Utilization.

AMENDMENT NO. 3459

(Purpose: To provide for full funding of the testing of six chemical demilitarization technologies under the Assembled Chemical Weapons Assessment)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Out of the funds available for the Department of Defense under title VI of this Act for chemical agents and munitions, Defense, or the unobligated balances of funds available for chemical agents and munitions destruction, Defense, under any other Act making appropriations for military functions administered by the Department of Defense for any fiscal year, the Secretary of Defense may use not more than $25,000,000 for the Assembled Chemical Weapons Assessment to complete the demonstration of alternatives to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note). The amount specified in the preceding sentence is in addition to any other amount that is made available pursuant to any other provision of this Act out of funds appropriated under title VI of this Act to complete the demonstration of the alternatives and to carry out the pilot program: *Provided*, That none of the funds shall be taken from any ongoing operational chemical munition destruction programs.

AMENDMENT NO. 3460

(Purpose: To express the Sense of the Senate regarding the use of child soldiers in armed conflict)

At the appropriate place, add the following:

Findings:

child experts estimate that as many as 250,000 children under the age of 18 are currently serving in armed forces or armed

groups in more than 30 countries around the world;

contemporary armed conflict has caused the deaths of 2,000,000 minors in the last decade alone, and has left an estimated 6,000,000 children seriously injured or permanently disabled;

children are uniquely vulnerable to military recruitment because of their emotional and physical immaturity, are easily manipulated, and can be drawn into violence that they are too young to resist or understand;

children are most likely to become child soldiers if they are poor, separated from their families, displaced from their homes, living in a combat zone, or have limited access to education;

orphans and refugees are particularly vulnerable to recruitment;

one of the most egregious examples of the use of child soldiers is the abduction of some 10,000 children, some as young as 8 years of age, by the Lord's Resistance Army (in this resolution referred to as the ''LRA'') in northern Uganda;

the Department of State's Country Reports on Human Rights Practices for 1997 reports that in Uganda the LRA kills, maims, and rapes large numbers of civilians, and forces abducted children into ''virtual slavery as guards, concubines, and soldiers'';

children abducted by the LRA are forced to raid and loot villages, fight in the front line of battle against the Ugandan army and the Sudan People's Liberation Army (SPLA), serve as sexual slaves to rebel commanders, and participate in the killing of other children who try to escape;

former LRA child captives report witnessing Sudanese government soldiers delivering food supplies, vehicles, ammunition, and arms to LRA base camps in government-controlled southern Sudan;

children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, unlocatable, dead, or fearful of having their children return home;

Graca Machel, the former United Nations expert on the impact of armed conflict on children, identified the immediate demobilization of all child soldiers as an urgent priority, and recommended the establishment through an optional protocol to the Convention on the Rights of the Child of 18 as the minimum age for recruitment and participation in armed forces; and

the International Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commission on Refugees, and the United Nations High Commissioner on Human Rights, as well as many nongovernmental organizations, also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict:

SEC. 1. (a) The Senate hereby—

(1) deplores the global use of child soldiers and supports their immediate demobilization;

(2) condemns the abduction of Ugandan children by the LRA;

(3) calls on the Government of Sudan to use its influence with the LRA to secure the release of abducted children and to halt further abductions; and

(4) encourages the United States delegation not to block the drafting of an optional protocol to the Convention on the Rights of the Child that would establish 18 as the minimum age for participation in armed conflict.

(b) It is the sense of the Senate that the President and the Secretary of State should—

(1) support efforts to end the abduction of children by the LRA, secure their release, and facilitate their rehabilitation and reintegration into society;

(2) not block efforts to establish 18 as the minimum age for participation in conflict through an optional protocol to the Convention on the Rights of the Child; and

(3) provide greater support to United Nations agencies and nongovernmental organizations working for the rehabilitation and reintegration of former child soldiers into society.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

AMENDMENT NO. 3461

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for Counterterror Technical Support in the Department of Defense Appropriations Act, 1998 (under title IV of Public Law 105–56) for the projects and in the amounts provided for in House Report 105–265 of the House of Representatives, 105th Congress, first session: *Provided,* That the funds available for the Pulsed Fast Neutron Analysis Project should be executed through cooperation with the Office of National Drug Control Policy.

AMENDMENT NO. 3462

(Purpose: To designate funds for the development and testing of alternate turbine engines for missiles)

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Of the funds provided under Title IV of this Act under the heading ''Research, Development, Test and Evaluation, Navy'', up to $1,000,000 may be made available only for the development and testing of alternate turbine engines for missiles.

AMENDMENT NO. 3463

(Purpose: to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections)

At the appropriate place, insert the following:

SEC. . VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 5890 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other Sate; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS:

(1) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(B) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent informed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(2) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out ''FOR FEDERAL OFFICE''.

On page 99, between lines 17 and 18, inset the following:

SEC. 8014. From amounts made available by this Act, up to $10,0000,0000 may be available to convert the Eighth Regiment National Guard Armory into a Chicago Military Academy: *Provided,* That the Academy shall provide a 4-year college prepatory curriculum combined with a mandatory JROTC instruction program.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (No. 3420 through 3464) were agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I say with regard to the unresolved issues: We ask Senator DEWINE or his staff to show us the drug interdiction amendment; the D'Amato Serbia amendment; the two Coats amendments on SOS, and the next QDR, so that we can proceed to review those.

Similarly, we have a series on the Democratic side that we have not seen, and I urge that we see those: the Dodd Army pension issues; the Harkin vets' meals issue. Other than that, I believe we have seen them all.

I might state, it appears that the one amendment that will take the longest time to dispose of is Senator DURBIN's amendment, and I see he is here. I invite him to offer his amendment so that we might determine how to handle it.

Is the Senator prepared to suggest any kind of a time arrangement with regard to that? We would like to have a vote sometime around 8 o'clock, to make sure people understand we are going to stay here until we get done.

Mr. DURBIN. If the Senator will yield.

Mr. STEVENS. I yield.

Mr. DURBIN. I am open to the Senator's request for a time limitation. Whatever the Senator from Alaska would like to suggest, I would certainly entertain.

Mr. STEVENS. Mr. President, I am willing to suggest to the Senator that we divide the time equally between now and 8 p.m., at which time it would be my intention to move to table the Senator's amendment.

Mr. DURBIN. I agree to that. I have no objection. Before agreeing, could I ask the Senator from Alaska, time will be equally divided?

Mr. STEVENS. And I add to that, there will be no second-degree amendments to this motion prior to the motion to table; after the motion to table, it is open.

Mr. DURBIN. And further debate?

Mr. STEVENS. And further debate; obviously, there is no limitation if the amendment is not tabled.

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

AMENDMENT NO. 3465

(Purpose: To prohibit the availability of funds for offensive military operations except in accordance with Article I, Section 8 of the Constitution)

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3465.

The amendment is as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. No funds appropriated or otherwise made available by this Act may be used to initiate or conduct offensive military operations by United States Armed Forces except in accordance with Article I, Section 8 of the Constitution, which vests in Congress the power to declare war and take certain other related actions.

Mr. DURBIN. Mr. President, it is the usual custom in the Senate as long as I have been here—almost 19 or 20 months now—to dispense with the reading of an amendment. In this case, I did not—first, because the amendment in its entirety is very brief, only one page; and, second, I wanted those who are following this debate to hear each word of the amendment, because in the wording of this amendment I think we have an important decision to make on the floor of the U.S. Senate.

This amendment which I offer reaffirms that the United States should only go to war in accordance with the war powers vested in the Congress by the Constitution. My colleague, who has just joined us on the floor, Senator BYRD of West Virginia, carries a well-worn and tattered version of that Constitution with him. I bet he has it on his person as this moment—and I win my bet—and Senator BYRD refers to it frequently to remind all of us that we, when we took the oath of office to become Members of the U.S. Senate, swore to uphold this Constitution.

The section of the Constitution which my amendment addresses is one which is central to the power of the U.S. Senate and the power of Congress. Article I, section 8, includes in the powers of Congress, the power:

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water.

Most constitutional scholars will know the meaning of the term ''marque and reprisal.'' We have read it many times, but for those of us who need to be refreshed, that is an effort, short of war, where the United States, short of some commitment of major troop forces and the like, would seek to impose its will or stand for its own national security.

The most operative section of Article I, section 8, are the simple words ''To declare War.''

This amendment would prohibit the use of funds appropriated to the Department of Defense for ''offensive military operations,'' except in accordance with Article I, section 8, which specifically gives to Congress, and Congress alone, the power to declare war and take other actions to govern and regulate the Armed Forces.

A similar amendment was offered by Congressman DAVID SKAGGS of Colorado and Congressman TOM CAMPBELL of California in a bipartisan fashion. It has passed the House of Representatives. It is part of the Department of Defense appropriations bill, which will be considered in conference with the bill that we are debating.

This amendment that I offer today reaffirms that the Constitution favors the Congress in the decision to go to war, and that Members of Congress have a constitutional responsibility that they cannot ignore with regard to the offensive use of Armed Forces. Why is this necessary? Let me quote from a scholar who has written on this subject extensively. Louis Fisher is a senior specialist in the separation of powers with the Congressional Research Service at the Library of Congress. He wrote in an article entitled ''Sidestepping Congress: Presidents Acting Under the UN and NATO:

Truman in Korea, Bush in Iraq, Clinton in Haiti and Bosnia—in each instance, a President circumvented Congress by relying either on the UN or NATO. President Bush also stitched together a multilateral alliance before turning to Congress at the eleventh hour to obtain statutory authority. Each exercise of power built a stronger base for unilateral Presidential action, no matter how illegal, unconstitutional and undemocratic. The attitude, increasingly, is not to do things the right way, in accordance with the Constitution and our laws, but to do the ''right thing.'' It is an attitude of autocracy, if not monarchy. How long do we drift in these currents before discovering that the waters are hazardous for constitutional government?

On January 12, 1991, the Congress, in addition to authorizing the use of force to drive Saddam Hussein from Kuwait, took an important vote asserting its constitutional responsibilities and insisting that the President follow the wisdom of the framers of our Constitution when considering a question as serious as war. Despite the vocal opposition of the Bush White House, the House of Representatives in which I served voted 302–131 in favor of a resolution that I offered with Congressman Bennett of Florida. You may recall what happened. When Saddam Hussein of Iraq invaded Kuwait, there was fear that he would continue and then invade Saudi Arabia. The United States began positioning forces in Saudi Arabia. At the invitation of the Saudis, we brought in a sufficient force to at least discourage, if not deter, Saddam Hussein.

Over time, it became clear that the force in place was growing and the intention was just not to protect Saudi Arabia, but in fact to remove Iraqi forces from Kuwait. At that moment, the nature of our commitment changed, and at that moment, the congressional responsibility changed, from my point of view. We were no longer in Saudi Arabia just at the invitation of the Saudis to defend; we were preparing a massive military force to, in fact, invade Kuwait and to oust the Iraqis. We knew that that would necessarily involve the loss of life, and many of us in Congress believed that it clearly fit within the four corners of Article I, section 8, that Congress should act and, in fact, we did. There was an extensive debate on the floor of the Senate, as well as the House of Representatives, and ultimately, Congress voted to authorize the use of force by the President—President Bush at the time—in order to push the Iraqis out of Kuwait.

Another important congressional action was a 1994 Senate resolution rejecting the Clinton administration's claim that the United Nations Security Council 940 constituted ''authorization for the deployment of U.S. Armed Forces in Haiti under the Constitution of the United States.'' The Senate passed this resolution by a resounding 99–0 vote. The framers never intended the Armed Forces to be employed by the Executive as a blunt instrument for enforcing U.S. foreign policy without congressional approval. Yet, in the Iraq crisis earlier this year, and in the unstable situation in Kosovo today, that is exactly what we have seen. Absent a reaffirmation by Congress of its proper constitutional war powers, we will certainly see it again. The time for this amendment is now. I will speak to the Kosovo situation toward the close of my opening statement.

Article I, section 8, clause 11 of the Constitution, the so-called war powers clause, vests in Congress this power that I have read. Other clauses of the same article I, section 8 vests in Congress the power to ''define and punish piracies'' and ''offenses against the Law of Nations,'' ''raise and support armies,'' ''to provide and maintain a navy,'' and ''make rules for the government and regulation of the land and naval forces,'' and ''to provide for organizing,'' arming, and disciplining the militia, and ''governing such part of them as may be employed in the service of the United States.''

Very significantly, clause 18 of this section gives Congress the power to ''make all laws which shall be necessary and proper for carrying into execution the foregoing powers.'' This clause clearly states that it is Congress that makes the laws for the regulation of the Armed Forces, especially in matters of war.

Article II, section 2 of the Constitution states:

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States.''

That is all the war powers vested in the President by the Constitution. It is instructive for us to look back at the

debate which gave rise to these constitutional provisions.

Comments by the framers of the Constitution clearly indicate their intent in favor of Congress in matters relating to the offensive use of military force.

James Wilson, speaking at the Pennsylvania State Convention on the Adoption of the Federal Constitution, argued that the system of checks and balances built into the Constitution ''will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man or a single body of men to involve us in such distress; for the important power of declaring war is vested in the legislature at large.''

No one less than Thomas Jefferson explained that he desired Congress to be ''an effectual check to the dog of war.''

James Madison wrote that Congress would have the power to initiate war, though the President could act immediately ''to repel sudden attacks'' without congressional authorization.

Roger Sherman further delineated on the President's war powers: ''The executive should be able to repel and not to commence war.''

Constitutional scholar Louis Henkin of Columbia University wrote this in 1987:

> There is no evidence that the framers contemplated any significant independent role—or authority—for the president as commander in chief when there was no war. . . . The president's designation as commander in chief . . . appears to have implied no substantive authority to use the Armed Forces, whether for war (unless the United States were suddenly attacked) or for peacetime purposes, except as Congress directed.

International law scholar, John Bassett Moore, wrote in 1944:

> There can hardly be room for doubt that the framers of the Constitution, when they vested in Congress the power to declare war, never imagined that they were leaving it to the Executive to use the military and naval forces of the United States all over the world for the purpose of actually coercing other nations, occupying their territory, and killing their soldiers and citizens, all according to his own notions of the fitness of things, as long as he called his action something other than 'war' or persisted in calling it peace.

The constitutional framework adopted by the framers for the war power is remarkably clear in its basic principles. The authority to initiate war lay with Congress. Other U.S. Presidents have affirmed this interpretation of war powers under the Constitution.

Abraham Lincoln wrote this in 1848:

> This, our (Constitutional) 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.

Fast forward 100 years into the 20th century, as we debated the possibility of creating a United Nations. The U.N. Charter was written against the backdrop of the disaster of the Treaty of Versailles and President Wilson's determination to make foreign policy without Congress. When President Wilson submitted that treaty to the Senate in 1919, he attached the covenant of the League of Nations. Senator Henry Cabot Lodge offered a number of reservations, specifically including a protection of the prerogative of Congress, and Congress alone, to declare war. President Wilson called this reservation ''a nullification of the treaty.'' The issue was joined. The Senate rejected the treaty, and thereby the League of Nations, in 1919 and again in 1920.

In the midst of World War II, when the concept of another world organization began to form, care was taken not to cross the line that had doomed the League of Nations. Any commitment of U.S. forces to a world body would require prior authorization by both Houses of Congress. Debate on the Hill between the House and Senate had more to do with each body's prerogative and role than the underlying assumption. Even under the auspices of the United Nations, congressional approval was necessary before troops could be committed.

Section 6 of the United Nations Participation Act is explicit. Agreements ''shall be subject to the approval of the Congress by appropriate act or joint resolution.''

Ultimately the decision was reached that both Houses of Congress—not just the Senate under its treaty authority—was necessary.

Soon after President Roosevelt's death, President Harry Truman sent a cable from the conference in Potsdam that led to the establishment of the U.N., stating that all agreements involving U.S. troop commitments in the U.N. would first have to be approved by both Houses of Congress.

President Eisenhower assured the press, in January of 1956, in an often-quoted statement, ''When it comes to a matter of war, there is only one place I would go, and that is the Congress of the United States and tell them what I believe. I will never be guilty of any kind of action that can be interpreted as war until Congress, which has constitutional authority, says so. I am not going to order any troops into anything that can be interpreted as war until Congress directs it.''

In the creation of NATO, Secretary of State Dean Acheson told the Senate Foreign Relations Committee in 1949 that the North Atlantic Treaty Organization ''does not mean the United States would automatically be at war if one of the other signatory nations were the victim of an armed attack. Under our Constitution the Congress alone has the power to declare war.''

Then came Korea. President Truman sent U.S. troops in 1950 without ever seeking, or obtaining, congressional authority. By historical fluke, the Soviet Union was absent from the U.N. Security Council when a crucial vote was taken responding to the possibility that the Korean peninsula would be overrun. Without a Soviet veto, the U.N. moved forward, and President Truman rationalized the use of force in this ''police action'' to uphold the rule of law.

I recall that particularly, because my two older brothers served in the Korean war, and there was an ongoing joke about the fact that this was just a ''police action.'' They knew better. All of the families and all of those involved knew that it was, in fact, a war.

The courts, too, have supported the constitutional prerogatives of Congress with regard to war-making, including the implied constitutional power to ''authorize'' war.

The Supreme Court in Bas v. Tingy, in 1800 said, ''Congress is empowered to declare general war, or Congress may wage a limited war; limited in place, in objects, and in time. . . .''

Chief Justice Marshall, writing in Talbot v. Seeman in 1801: ''The whole powers of war being, by the Constitution of the United States, vested in Congress, the acts of that body can alone be resorted to as guides in this inquiry.''

U.S. Circuit Court, New York, U.S. v. Smith, 1806: ''It is the exclusive province of Congress to change a state of peace into a state of war.''

More recently, during the Persian Gulf episode, a case was filed in the U.S. district court in Washington. I joined with petitioners who filed this action to ask the court to spell out the power of Congress when it came to the declaration of war. The court rejected the Justice Department's contention that ''the question whether an offensive action taken by American armed forces constitutes an act of war (to be initiated by a declaration of war) or an 'offensive military attack' (presumably undertaken by the President in his capacity as Commander in Chief) is not one of objective fact but involves an exercise of judgment based upon all the vagaries of foreign affairs and national security.''

The court said, ''This claim on behalf of the Executive is far too sweeping to be accepted by the courts. If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute war-making but only an offensive military attack, the congressional power to declare war will be at the mercy of a semantic decision by the Executive. Such an 'interpretation' would evade the plain language of the Constitution, and it cannot stand.''

Mr. President, over the last 40 or 45 years, Congress has virtually ceded its constitutional war powers responsibilities to the President. Many of the significant instances of use of force by the Executive without congressional authorization, including the only major unauthorized war in Korea, and localized conflicts in the Dominican Republic, Grenada, and Panama, among others, occurred during this period.

I will not visit that sad and contentious chapter of American history surrounding the Vietnam war, but suffice

it to say that after that war Congress made the decision, through the passage of legislation, to take a more active role in the decisionmaking process.

The 1973 War Powers Resolution, which then-Armed Services Committee Chairman John Stennis called ''an important step in this Congress to assume its duty in representing the people of this Nation,'' unfortunately has done little to slow down the gradual assumption of war powers claimed by successive administrations or to embolden Congress to properly exercise its war powers responsibilities under the Constitution.

Even in signing the congressional authorization of the use of force against Iraq in 1991, President Bush went to great pains to emphasize his claim that he possessed constitutional authority to act. ''As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing of this resolution does not, constitute any change in the longstanding position of the Executive Branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests, or the constitutionality of the War Powers Resolution.''

The Clinton administration echoed President Bush's comments and even took it one step further.

During her congressional testimony during the Iraq crisis this last February, Secretary of State Madeleine Albright spoke of ''the President's constitutional authority as Commander in Chief to use armed forces to protect our national interests.''

In a Statement of Administration policy threatening a veto of the House version of this bill if the Skaggs-Campbell amendment were included, the administration stated that, ''The President must be able to act decisively to protect U.S. national security and foreign policy interests.''

I do not believe that the framers of our Constitution would have ever accepted such inflated claims of executive authority, or the idea the Armed Forces should be used by the President as a device for implementing administration foreign policy, without the approval of Congress.

President Bush's comments notwithstanding, Congress made a good start in regaining its proper constitutional war powers in its thorough 1991 debate and vote to authorize the war in the Persian Gulf. Congress affirmed at that time that its responsibilities extended far beyond merely paying the bills for Presidents' wars.

Now it is time for the Congress to take the next step. This amendment will restore the proper constitutional balance between the executive and legislative branches in deciding when or if the United States is to go to war.

Mr. President, in the time that I have served on Capitol Hill, in both the House and Senate, it has been my sad responsibility on several occasions to attend funerals in my home district, in my congressional district, for the families of those who have fallen in combat.

I can't think of a sadder occasion—one of the saddest that I can recall—than the one that involved the sending of Marines to Lebanon, putting them in harm's way, and after a terrible bombing of the barracks, the loss of life of a young man from Springfield, IL. Time and again, I thought at those sad services that there is a legitimate question the family could ask of their elected representative in Congress, and now in the U.S. Senate. Was I part of the decision that led to the war that took their son's life? Because the Constitution makes it clear that I should have been part of that decision. In so many instances, I was not; the decision was made by the President. The only course for Congress is control of the purse, and virtually nothing else. As a direct result, we lost lives without the American people speaking to the question of war through their elected Congress.

I caution my colleagues to read carefully this amendment and to realize that it does more than assert our constitutional authority to declare war. It also asserts our responsibility. Be careful for what you wish because with the passage of this amendment and the reassertion of our constitutional responsibility, we will be and should be called on more frequently to make important decisions about committing American troops.

There is one operative and very important word in this amendment. It is the word ''offensive,'' as in offensive military operations. So the Record is eminently clear, there is no doubt in my mind nor in anything I have read that the President of the United States, as Commander in Chief, has the power to protect American citizens and the property of the United States. He need not come to the Congress and seek our approval when he is, in fact, defending Americans and their property. We are talking about a separate circumstance, a circumstance where instead of taking a defensive action, the President decides to take an offensive action.

I might also add that for those who say, clearly the Senator from Illinois is offering this amendment because he is concerned about some current conflict, well, yes, I am concerned. I am concerned about any conflict that involves American lives, but that isn't what motivates me to join the gentleman from Colorado who offered this amendment in the House of Representatives. As I mentioned earlier, it was almost 7 years ago that I joined Congressman BENNETT of Florida in a similar effort. I do believe this principle is sound, and those who want to gainsay this effort should know that I have tried to stand by this principle through the time that I have been in Congress.

Is there a need for us to consider it now? I will leave that to your judgment. Consider the statements made by Robert Gelbard, special representative of the President and Secretary of State on Implementation of the Dayton Peace Agreement, when he spoke before the House International Relations Committee in Washington on July 23, 1998, relative to the tragedy in Kosovo.

Mr. Gelbard said:

> In NATO councils, planning for possible NATO action is nearly completed. While no decision has been made regarding the use of force, all options, including robust military intervention in Kosovo, remain on the table. NATO planning is on track and Milosevic understands that this is no idle threat. The deteriorating situation in Kosovo is a threat to regional peace and security. The potential for spillover into neighboring States remains a paramount concern. We and our allies have made clear to President Milosevic that spillover of the conflict into Albania or Macedonia will not be tolerated.

Make no mistake, if Mr. Gelbard's statement is a statement of administration policy, the administration is poised to initiate an offensive military action relative to Kosovo, an action which I believe clearly requires congressional approval, If the men and women in service to our country who are presently in Bosnia—and I believe the number is about 6,900—should be called to take offensive military action and lives are lost, from all that I have read, it is clearly in derogation of article I, section 8 of the Constitution. This President, my President, any President, has the responsibility to come to Congress to seek our approval. Of course, then the responsibility is on our shoulders to decide whether or not this is in America's national security interest.

I ask my colleagues in the Senate in considering this amendment to consider the historical perspective here. For the first time since World War II, when President Franklin Roosevelt hobbled up the steps to take the podium for a Joint Session of Congress in the House of Representatives, asking for a declaration of war, we will state in clear and unequivocal terms that we are asserting our constitutional responsibility and authority when it comes to a declaration of war.

I understand that this will require more dialogue and conversation between the executive and legislative branches about our foreign policy, and particularly about committing troops, but I do believe that is what the framers of the Constitution had in mind. Those of us who must face the families and explain to them why their daughters and sons, their husbands, their wives and friends and relatives are called on to not only serve this country, but stand in harm's way and risk their lives have to have the authority to stand before them and say we have done our part, we have played our role, we have made the judgment, the judgment which the Constitution gives to us and us alone to make.

At this point, Mr. President, I ask unanimous consent, to add Senator FEINGOLD as an original cosponsor of this amendment.

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

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

Mr. BYRD. Mr. President, will the Senator yield me some time?

Mr. DURBIN. I would be happy to yield to the Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. BYRD. Mr. President, I can't get started in 9 minutes on this subject.

Mr. DURBIN. I wonder if the Senator from West Virginia might be able to secure some time from the other side. I would be happy to ask, if there is anyone in the Chamber. They might be called for that purpose.

Mr. BYRD. Mr. President, I was not in the Chamber when the agreement was entered into. My friend knew of my interest in speaking on the amendment, and I wish I had been protected.

Mr. DURBIN. May I ask the Chair, it was my understanding that at about quarter of 7 we agreed we would debate this until 8 o'clock equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. That is correct. That is how time was calculated. I am sorry; I apologize to the Senator from West Virginia, whom I asked to come to the floor, and I would be glad to give him every minute remaining. I am sorry that I had gone as long as I did, because I am anxious to hear his remarks.

Mr. BYRD. Mr. President, I don't know how much time the opponents of this amendment will require.

Mr. President, I think I will just ask for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. I wish to thank the opponents for offering 10 minutes to me, but I feel that I will just ask that my speech be printed in the RECORD.

On a matter of this gravity, I am disappointed that the Senate has entered into an agreement to speak for what would amount to about 1 hour and 15 minutes for both opponents and proponents. Of course, the distinguished Senator from Illinois is preeminently correct in what he has said about the Constitution and what he has said about the efforts toward aggrandizement on the part of this administration and most recent administration when it comes to the war powers.

We have in the Senate particularly, may I say, additional responsibilities over those of the House in this area of war powers because of the Constitution and provisions therein, and it seems to me that we ought to take a little more time when it comes to debating an amendment of this importance. This is an amendment that is calculated to protect the prerogatives of the Senate when it comes to our constitutional powers and duties, and here we are limited to 1 hour and 15 minutes.

In saying this, of course, I am complaining, but I also want to thank Mr. DURBIN and I want to thank Mr. STEVENS for their consideration and kindness in offering to give me some additional time.

Mr. DURBIN. Mr. President, before the Senator from West Virginia leaves the floor, I have just contacted the majority in an effort to postpone the vote so we can extend this debate. I certainly would like the Senator from West Virginia to have an opportunity to state his position clearly. I believe it will be a valuable addition to this debate. I will be happy to afford an equal amount of time to the other side, so there is no disadvantage created.

Before I make that unanimous consent request, I have asked the majority side if there is objection.

Mr. STEVENS. What? I object. Just a second.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. If I might ask the Senator from Alaska, Senator BYRD has come to the floor to speak to this issue. I was wondering if it might be allowed by unanimous consent to extend —postpone the vote for a sufficient time so that each side could have an equal amount of time, to give the Senator from West Virginia his opportunity.

Mr. STEVENS. I say to the Senator, I have talked with Senator BYRD. We are perfectly prepared to have him continue to take time.

Under a unanimous consent agreement, at 8 o'clock we have Senators coming back to vote, and hopefully we can vote at approximately that time. I don't know how long my good friend is going to speak, but I will limit the amount of time spent in opposition. We will just make the motion to table when the time comes. We do not want to extend it now. We are going to have to be here until 3 or 4 o'clock in the morning as it is, so I object to any further change in this time agreement, and I urge my good friend from West Virginia to make his statement. He knows we will accommodate him with such time as he needs. But let's not change the time agreement yet.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 16, 1998, the Senate having received H.R. 4194, the provisions of the unanimous consent agreement are executed.

The provisions of the unanimous consent agreement are as follows:

That when the companion measure to S. 2168, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, is received from the House of Representatives, the Senate proceed to its immediate consideration; that all after the enacting clause of the House bill be stricken and the text of S. 2168, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the following conferees on the part of the Senate: Mr. Bond, Mr. Burns, Mr. Stevens, Mr. Shelby, Mr. Campbell, Mr. Craig, Ms. Mikulski, Mr. Leahy, Mr. Lautenberg, Mr. Harkin, and Mr. Byrd; and that the foregoing occur without any intervening action or debate.

Ordered further, That upon passage of the House companion measure, as amended, the passage of S. 2168 be vitiated and the bill be indefinitely postponed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 23, 1998, having received H.R. 4328, the provisions of the unanimous consent agreement are executed.

The provisions of the unanimous consent agreement are as follows:

That when the Senate receives the House companion bill, the Senate immediately proceed to its consideration; that all after the enacting clause be stricken and the text of S. 2307, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the motion to reconsider the vote be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the following conferees on the part of the Senate: Senators Shelby, Domenici, Specter, Bond, Gorton, Bennett, Faircloth, Stevens, Lautenberg, Byrd, Mikulski, Reid, Kohl, Murray, and Inouye; and that the foregoing occur without any intervening action or debate.

Ordered further, That when the Senate passes the House companion measure, as amended, the passage of S. 2307 be vitiated and the bill be indefinitely postponed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding when the Senator returns to the floor, Senator BYRD will speak. I state to the Senate, there is substantial opposition to this amendment. I am one who voted against the War Powers Act, but I think this goes too far. It is an amendment that should be considered by the Armed Services Committee and not debated at the last minute on an appropriations bill.

In the old days, we had a point of order against legislation on an appropriations bill. This is purely legislation on an appropriations bill. That point of order is not available to us now, but the concept is still there, and that is what we are trying to establish once again—the concept that we limit this to relevant amendments to the provisions of this bill that regard spending of money for our defense in the fiscal year 1999.

This is a provision that is ongoing for years. It is not related to this bill. It is not a matter that was before the Senate Appropriations Committee in any way, and it should be part of the Armed Services' consideration. There was an Armed Services bill brought before us before. It would have been perfectly proper to have that brought up at that time in connection with the Armed Services' bill. But I do not think it is proper to bring it up in this bill.

For that reason, as I said before, when the time for Senator BYRD has expired, I intend to move to table the amendment. But, as I indicated to him, I offer him the full amount of time that was allocated to this side to present his statement, plus what is left to the Senator from Illinois.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Could I ask for clarification of the time remaining to both sides?

The PRESIDING OFFICER. The Senator from Illinois has 4½ minutes. The Senator from Alaska, 32 minutes.

Mr. DURBIN. Mr. President, I reserve the remainder of my time.

Mr. STEVENS. I suggest the absence of a quorum, the time to be charged to our side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. It is my understanding the Senator from Illinois will use the remainder of his time. I understand it is 4 and some-odd minutes.

The PRESIDING OFFICER. Four-and-a-half minutes.

Mr. STEVENS. It is my understanding Senator BYRD, to my great regret, is not going to make his statement. Under the circumstances, I yield back the remainder of our time and ask that the time of the Senator from Illinois start at 4½ minutes before 8 o'clock, and we will vote at 8 o'clock.

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

Mr. STEVENS. Mr. President, I just conferred with Mr. Cortese, the staff director. I am told that we have but one other Senator who has indicated an intention to debate an amendment tonight. We are working now on the remainder of the second managers' package which we should be able to present to the Senate in about 10 to 15 minutes. I ask the cloakrooms to send out notice to Senators that after presentation of that second managers' amendment, I shall move to go to third reading, unless Senators who have amendments on this list come forth to debate them.

We have a very serious situation tomorrow morning. Many Senators told me they want to go to the second funeral of our deceased friend, the officer who was killed in the line of duty. That means we cannot commence voting until 1 o'clock.

We have accepted a great many of these amendments and are prepared to accept them. If Senators want to know whether that is the case, I urge them to come and review the managers' package.

I will not indicate the name of the Senator who we think wants to debate the amendment, because he may not want to debate it. If no one comes after the motion to table the Durbin amendment to present an amendment, I shall move to go to third reading. It is a debatable motion, and we may have some debate on that. I recall my good friend from West Virginia taught me how to do that, Mr. President. So we are going to proceed along that line. I ask my friend from Hawaii if he knows of any amendments or any matter to take up at this time.

Mr. INOUYE. No, we are prepared to go to third reading.

Mr. STEVENS. The managers of the bill are prepared to go to third reading, unless a Senator appears to debate an amendment. I suggest the absence of a quorum and ask that it extend only until 5 minutes of the hour of 8 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3465

Mr. BIDEN. Mr. President, I ask unanimous consent, since there is no one seeking to speak, to speak for 7 minutes in support of the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, debate will end at 5 of the hour.

Mr. BIDEN. Mr. President, I am asking only to go until 10 of the hour.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BIDEN. Thank you very much.

Mr. President, I am going to support the Durbin amendment, and I admire what he is attempting to do and respect his effort. I am not, quite frankly, certain it will have its intended effect.

I strongly agree with the views expressed by my friend from Illinois, that what I call the ''monarchist'' view of the war power has become the prevalent view at the other end of Pennsylvania Avenue, and it does not matter whether it is a Democratic President or a Republican President. And the original framework of the war power clause envisioned by the Founding Fathers, I think, has been greatly undermined over the last several decades.

On the question of war power, I believe the Constitution is as clear as it is plain. Article I, section 8, provides that the Congress has the power ''to declare War, [and] grant Letters of Marque and Reprisal . . . .'' Article II, section 2, provides, ''The President shall be Commander in Chief of the Army and Navy of the United States.''

To be sure, the Commander in Chief ensures that the President has the sole power to direct U.S. military forces in combat. But that power—except in very few limited instances—derives totally from congressional authority. It is not the power to move from a state of peace to a state of war. It is a power, once the state of war is in play, to command the forces, but not to change the state.

Until that authority is granted, the President has no inherent power to send forces to war—except, as I said, in certain very limited circumstances, such as to repel sudden attacks or to protect the safety and security of Americans abroad.

On this point, the writings of Alexander Hamilton, a very strong defender, as the Presiding Officer knows, of Presidential power, is very instructive. In Federalist No. 69, Hamilton emphasized that the President's power as Commander in Chief would be ''much inferior'' to that of the British King, amounting to ''nothing more than the supreme command and direction of the military and naval forces.''

During the cold war, and during the nuclear age, the thesis arose that, at a time when the fate of the planet itself appeared to rest on two men thousands of miles apart, Congress had little choice, or so it was claimed, but to cede tremendous authority to the Executive.

Unfortunately, despite the end of the cold war, the view that the President had this authority has continued to survive—and flourish—under Presidents of both political parties.

On the eve of the gulf war, President Bush insisted that he did not need congressional authorization to send half a million men and women into combat with Iraq. I insisted at that time we hold hearings on that subject and there be a resolution concluding whether or not he had that power.

More recently, President Clinton asserted sweeping theories about his power to deploy forces to Haiti and to begin offensive military action against Iraq.

I believe we need to remedy this constitutional imbalance. Accordingly, I have offered in the past, and I have drafted, comprehensive legislation called the Use of Force Act, which is designed to replace the War Powers Resolution.

The Durbin amendment is far shorter and more direct in its approach. And although I support it, as I said, I am skeptical that it will achieve its total desired effect. The Durbin amendment would bar the use of appropriated funds for ''offensive military operations'' by

Armed Forces ''except in accordance with Article I, section 8 of the Constitution.''

I believe the Constitution already says that, that we need not redeclare that. But I think it is valuable to do it if it sends a message that we are going to be looking a whole lot closer.

In my view, the President may not use force, except in certain limited circumstances, without the authorization of the Congress, period. The war power is not limited to a formal declaration of war—of which we have had only five in our history. The Founding Fathers had little interest, it seems, in the ceremonial aspects of war. The real issue was congressional authorization of war.

As Hamilton noted in Federalist 25, the ''ceremony of a formal denunciation of war has of late fallen into disuse.'' Obviously, the founders were not talking about a circumstance where the only circumstance that the Congress could impact on whether we use force or not is with a formal declaration of war. Even in 1789—to quote Hamilton—ceremonial declarations of war had fallen into disuse, so obviously that is not what they were talking about alone.

The conclusion that Congress has the power to authorize all uses of force is buttressed by the inclusion in the war clause of the power to grant letters of marque and reprisal. An anachronism today, I acknowledge, letters of marque and reprisal were, though, in the 18th century, their version of limited war. Even back then, for a President to engage in limited war, he needed the authorization of the U.S. Congress. The vehicle was issuing letters of marque and reprisal.

I understand that the administration has expressed its strong opposition to this provision and is threatening to veto it. I have called the administration and indicated they are being foolish in even making that threat, with all due respect. It is merely an institutional instinct that does not surprise me, but I am somewhat surprised by the volume of the objection.

The Durbin amendment, if enacted, may have one salutary effect: It could force the President and his advisors to pause before continuing to make broad assertions of Presidential war power.

If even that result is achieved, the enactment of the Durbin amendment will be a positive development in restoring the constitutional imbalance.

Mr. President, I will not take the time now, but I will, at the appropriate time, reintroduce the Use of Force Act that I have in previously attempted to have passed, working with a number of constitutional scholars who have written extensively in this area.

Let me conclude in the 30 seconds I have left to again compliment the Senator from Illinois. It is time the Congress, with the changed world, reassert its rightful role in the conduct of the use of force, and, now that the world has changed, the old saw about the need for this emergency power—the Congress being less relevant in that regard—should be put to bed once and for all.

I thank him for his effort and I yield the floor.

Mr. STEVENS. Mr. President, I know that the Senator from Illinois still has 5 and a half minutes. But I ask unanimous consent that it be in order for me to put down the first of the series of the second managers' package.

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

AMENDMENT NO. 3466

(Purpose: To require the Air National Guard to provide support for Coast Guard seasonal search and rescue operations at Francis S. Gabreski Airport, Hampton, New York)

Mr. STEVENS. So I send to the desk an amendment I offer on behalf of the Senator from New York, Mr. D'AMATO.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8014. (a) The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 15, 1999, provide support at the Francis S. Gabreski Airport, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.

(b) The support provided under subsection (a) shall include access to and use of appropriate facilities at Francis S. Gabreski Airport, including runways, hangars, the operations center, and aircraft berthing and maintenance spaces.

(c)(1) The adjutant general of the National Guard of the State of New York and the Commandant of the Coast Guard shall enter into a memorandum of understanding regarding the support to be provided under subsection (a).

(2) Not later than December 1, 1998, the adjutant general and the Commandant shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a copy of the memorandum of understanding entered into under paragraph (1).

Mr. STEVENS. Mr. President, I ask unanimous consent that this amendment be set aside to be considered along with the other managers' package at the conclusion of the vote. And I ask unanimous consent that that shall be at 8 o'clock.

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

AMENDMENT NO. 3392, AS MODIFIED

Mr. STEVENS. Mr. President, there is a technical correction to amendment No. 3392. It was earlier adopted. Its citation needs to be corrected. I ask unanimous consent that it be corrected.

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

The amendment (No. 3392), as modified, is as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. ____ For an additional amount for ''Overseas Contingency Operations Transfer Fund,'' $1,858,600,000: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, the defense health program appropriations and working capital funds: Provided further, That the funds transferred shall be merged with and shall be 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 paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount 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. STEVENS. Mr. President, at this time the Senator from Illinois is left. I say to my good friend, be my guest for the extra 1½ minutes.

AMENDMENT NO. 3465

Mr. DURBIN. Mr. President, I thank the Senator from Alaska for his generosity. I will conclude at 8 o'clock, as we promised, and ask for a vote on this. Allow me to try to describe what is at stake, because for everybody in the gallery and those listening to the debate, this could hit home some day. It is a question about when or if the United States should ever go to war, who will make the decision. If you were called on, or one of your children was, who will decide whether or not that person will stand in harm's way, risk their lives for their country?

I have the deepest respect and admiration for those who serve in the armed services. They have given up their lives to protect this Nation and we owe them a great debt of gratitude. What we are talking about is how this decision is made. The men who wrote this Constitution understood very clearly that if they were going to have a voice in the process, they would have to rely on the Senators and Members of Congress to make that decision on the declaration of war.

This amendment is very brief. By Senate standards, it is amazingly brief—just a few lines. But it states very clearly what I think is an important constitutional concept. First, the President of the United States as Commander in Chief of all of our Armed Forces still retains all of his power and authority to defend the United States and its citizens. He does not have to come to Congress on bended knee and beg for that authority. It is his; he is Commander in Chief. But when he crosses that line and no longer is defending us, but rather is pushing forward in an offensive capacity, saying that we are now going to invade a nation, we are now going to try to secure a certain objective or target, beyond a defensive objective, then the Constitution is clear: That is not his decision to make; it is our decision to make. Better yet, it is your decision to make—to speak to your elected Representatives in the House and Senate and to express your heartfelt feelings.

I can recall the debate over the Persian Gulf war. There was quite a division within the military, and even

within Congress. But I don't think there was a finer moment in the 16 years I have served on Capitol Hill than that period of time when each Member of the U.S. Senate and the House came to the floor and took all the time necessary to speak their hearts about whether or not we should put our children in harm's way to stop this aggression by Saddam Hussein.

I can speak for myself—and I am sure for many colleagues, Republicans and Democrats alike—there were sleepless nights when you knew that a vote to go forward and commit our troops in an offensive capacity was going to lead to the loss of life. It was a painful decision, but it is one that I accepted, and everybody as a Member of the House and Senate accepted as well.

I say to my colleagues in the U.S. Senate, who I hope are following this debate, that this is about whether or not the oath of office that we took is meaningful. When we swore to uphold the Constitution of the United States, I don't believe they asked us to turn to Article I, section 8 and make an amendment to take it out. No, it was included. It was part of that responsibility—an awesome responsibility.

My friend, the Senator from Alaska, has raised a procedural point. He says that this is beyond the scope of an appropriation or a spending bill. I disagree with his conclusion on that. I have seen what is considered authorizing language and much more expansive language easily adopted on the floor of the Senate and in the House time and time again. So I hope that those who vote on the amendment will vote on it on all fours, straightforward, up or down; do you agree or disagree? Do you agree with our Constitution, which says this is our responsibility in Congress to declare war? Or are you prepared to accept the drift that has gone on for half a century now, which says we will continue to give more and more power to the President to make this decision?

If you should decide this is the President's province and we are going to cede all of our constitutional authority, mark my words, you should think twice before you come to the floor of the Senate—or our colleagues in the House—and question when the President uses this authority, because if you are not prepared to say that we accept our responsibility under the Constitution, that we will stand up and decide and vote when it comes to putting our troops in harm's way, then I think you may have forsworn any opportunity to come to this floor and second-guess the President—a President who uses the power that we have handed to him.

As I have said in previous moments in this debate, there is no sadder moment than going home to your State or district and facing a casket, draped with a flag, of a fallen soldier, sailor, airman or marine and then facing that family. I believe that it is our constitutional responsibility to be part of the decisionmaking that leads to military action. It will not be an easy task. It will be a tough burden, but it is exactly why we have stood for office and why we have asked to represent our States.

I hope my colleagues in the U.S. Senate will support this amendment. I believe this is straightforward and honest in its approach. I believe that as you consider the possibilities just in the weeks ahead—perhaps even while we are gone over the August recess—that there may be an effort in the Bosnian region, in Kosovo or some other place, to assert and take offensive military action. Those who have voted against this amendment tonight will not be able to say the President should have called on us first, because that is what this amendment says. This amendment says anywhere in the world where the President wants to take offensive military action—not to defend the property and the persons of America, but offensive military action—he is bound by the Constitution of the United States.

Mr. President, I believe my time has expired. I yield the remainder of my time.

Mr. STEVENS. Mr. President, I ask that the text of the amendment be placed before both parties on the appropriate table.

I move to table the amendment of the Senator from Illinois and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''aye''.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—84

Abraham	Craig	Hatch
Akaka	D'Amato	Hutchinson
Allard	Daschle	Inhofe
Ashcroft	DeWine	Inouye
Baucus	Dodd	Jeffords
Bennett	Domenici	Kempthorne
Bond	Dorgan	Kerrey
Breaux	Enzi	Kerry
Brownback	Faircloth	Kohl
Bryan	Feinstein	Kyl
Bumpers	Ford	Landrieu
Burns	Frist	Lautenberg
Campbell	Glenn	Leahy
Chafee	Gorton	Levin
Cleland	Graham	Lieberman
Coats	Gramm	Lott
Cochran	Grams	Lugar
Collins	Grassley	Mack
Conrad	Gregg	McCain
Coverdell	Hagel	McConnell
Mikulski	Roberts	Snowe
Moynihan	Rockefeller	Stevens
Murkowski	Roth	Thomas
Murray	Santorum	Thompson
Nickles	Sessions	Thurmond
Reed	Shelby	Torricelli
Reid	Smith (NH)	Warner
Robb	Smith (OR)	Wyden

NAYS—15

Biden	Feingold	Kennedy
Bingaman	Harkin	Moseley-Braun
Boxer	Hollings	Sarbanes
Byrd	Hutchison	Specter
Durbin	Johnson	Wellstone

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 3465) was agreed to.

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

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to change a vote. On the last vote, I voted ''nay.'' I meant to vote ''yea.'' The vote will not affect the outcome. I did not realize it was a tabling motion. I ask unanimous consent to change my vote.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 3398, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that I may withdraw the Kyl amendment No. 3398, with the consent of the sponsor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 3398) was withdrawn.

AMENDMENTS NOS. 3466 THROUGH 3475, EN BLOC

Mr. STEVENS. Mr. President, I want to announce that we have left outstanding one amendment of Senator GRAHAM which I understand may be disposed of by separate—two amendments of Senator HARKIN, and we have two outstanding amendments on this side which I hope will be cleared soon.

We have a package here ready to present. We have before the Senate—the pending amendment I believe is Senator D'AMATO's amendment on search and rescue. I add to that amendment the following amendments: the Bingaman amendment on donation of surplus dental equipment; the Bingaman amendment on furnishing of dental care to dependents; the Dodd amendment on retired pay backlog; the Harkin amendment on backlog of medals; the Harkin amendment on smoking cessation; the Frist amendment on Marine Corps lightweight maintenance enclosures; the Dorgan amendment on environmental cleanup; the DeWine amendment on drug interdiction; the Wellstone amendment on family violence.

I ask unanimous consent that it be in order to consider the managers' amendment en bloc and that the amendments be adopted en bloc and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, I am curious what the Dorgan amendment is—environmental. Would you briefly describe that?

Mr. STEVENS. It is $1.4 million for a site in North Dakota as a permissive amendment for cleanup. It has been cleared on both sides, I might say to the Senator.

Mr. CHAFEE. Not totally.

Mr. STEVENS. What?

Mr. CHAFEE. Not totally cleared on both sides.

Mr. STEVENS. It is a permissive amendment. It does not mandate. It authorizes. It provides the money if they want to do it. We thought on that basis it is up to the administration to do it or not do it.

I inquire of the Senator from Florida——

The PRESIDING OFFICER. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], on behalf of others, proposes en bloc amendments 3466 through 3475.

The PRESIDING OFFICER. If there is no objection——

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. May we have order.

If there is no objection, the amendments are considered and agreed to en bloc.

Mr. STEVENS. And the motion to reconsider is laid on the table.

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

The amendments (Nos. 3466 through 3475) were agreed to, as follows:

AMENDMENT NO. 3466

(Purpose: To require the Air National Guard to provide support for Coast Guard seasonal search and rescue operations at Francis S. Gabreski Airport, Hampton, New York)

On page 99, between lines 17 and 18, insert the following:

SEC. 8014. (a) The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 15, 1999, provide support at the Francis S. Gabreski Airport, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.

(b) The support provided under subsection (a) shall include access to and use of appropriate facilities at Francis S. Gabreski Airport, including runways, hangars, the operations center, and aircraft berthing and maintenance spaces.

(c)(1) The adjutant general of the National Guard of the State of New York and the Commandant of the Coast Guard shall enter into a memorandum of understanding regarding the support to be provided under subsection (a).

(2) Not later than December 1, 1998, the adjutant general and the Commandant shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a copy of the memorandum of understanding entered into under paragraph (1).

AMENDMENT NO. 3467

(Purpose: To require the Secretary of Defense to carry out a program to donate surplus dental equipment of the Department of Defense to Indian Health Service facilities and Federally-qualified health centers that serve rural and medically underserved populations)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) Not later than March 15, 1999, the Secretary of Defense shall submit to Congress a report on the program, including the actions taken under the program.

AMENDMENT NO. 3468

(Purpose: To require a report on uniformed services dental care policies, practices, and experience pertaining to the furnishing of dental services to dependents of members of the uniformed services on active duty)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Not later than March 15, 1999, the Secretary of Defense shall submit to the Committees on Appropriations and on Armed Services of the Senate and the Committees on Appropriations and on National Security of the House of Representatives a report on the policies, practices, and experience of the uniformed services pertaining to the furnishing of dental care to dependents of members of the uniformed services on active duty who are 18 years of age and younger.

(b) The report shall include (1) the rates of usage of various types of dental services under the health care system of the uniformed services by the dependents, set forth in categories defined by the age and the gender of the dependents and by the rank of the members of the uniformed services who are the sponsors for those dependents, (2) an assessment of the feasibility of providing the dependents with dental benefits (including initial dental visits for children) that conform with the guidelines of the American Academy of Pediatric Dentistry regarding infant oral health care, and (3) an evaluation of the feasibility and potential effects of offering general anesthesia as a dental health care benefit available under TRICARE to the dependents.

AMENDMENT NO. 3469

(Purpose: To make appropriations available for actions necessary to eliminate the backlog of unpaid retired pay relating to Army service and to report to Congress)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Of the total amount appropriated for the Army, the Army Reserve, and the Army National Guard under title I, $1,700,000 may be available for taking the actions required under this section to eliminate the backlog of unpaid retired pay and to submit a report.

(b) The Secretary of the Army may take such actions as are necessary to eliminate, by December 31, 1998, the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(c) Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (b).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

AMENDMENT NO. 3470

(Purpose: To require the Secretary of Defense to take action to ensure the elimination of the backlog of incomplete actions on requests for replacement medals and replacement of other decorations)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense may take such actions as are necessary to ensure the elimination of the backlog of incomplete actions on requests of former members of the Armed Forces for replacement medals and replacements for other decorations that such personnel have earned in the military service of the United States.

(b)(1) The actions taken under subsection (a) may include, except as provided in paragraph (2), allocations of additional resources to improve relevant staffing levels at the Army Reserve Personnel Command, the Bureau of Naval Personnel, and the Air Force Personnel Center, allocations of Department of Defense resources to the National Archives and Records Administration, and any additional allocations of resources that the Secretary considers necessary to carry out subsection (a).

(2) An allocation of resources may be made under paragraph (1) only if and to the extent that the allocation does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

AMENDMENT NO. 3471

(Purpose: To provide tobacco cessation therapy)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Beginning no later than 60 days after enactment, effective tobacco cessation products and counseling may be provided for members of the Armed Forces (including retired members), former members of the Armed Forces entitled to retired or retainer pay, and dependents of such members and former members, who are identified as likely to benefit from such assistance in a manner that does not impose costs upon the individual.

AMENDMENT NO. 3472

(Purpose: To make available funds for procurement of light-weight maintenance enclosures (LME) for the Army and the Marine Corps)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Of the amounts appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'', $5,000,000 may be available for procurement of lightweight maintenance enclosures (LME).

(b) Of the amounts appropriated by title III of this Act under the heading ''OTHER PROCUREMENT, ARMY'', $2,000,000 may be available for procurement of light-weight maintenance enclosures (LME).

LIGHTWEIGHT MAINTENANCE ENCLOSURES

Mr. FRIST. Mr. President, I appreciate having the opportunity to offer this amendment which I hope will be accepted by both floor managers on this important Defense bill.

Mr. President, the amendment that I am offering today would provide $5,000,000 for the Marine Corps within the Operation and Maintenance, Marine Corps account, and $2,000,000 within the Other Procurement, Army ac-

count for the Army to allow both Service branches to obtain lightweight maintenance enclosures or LMEs for deployment in forward maintenance operations in the field. More specifically, these funds will provide our soldiers and Marines the capability to forward-deploy lightweight, low cost shelter systems that are easy to operate, provide protection for field maintenance operations in difficult environments, and at a cost that is one-quarter the cost of the older model units previously utilized by the Army and Marine Corps.

The House of Representatives recognized the requirement for these Lightweight Maintenance Enclosures by authorizing the identical level of funding that I am recommending in my amendment, in the House version of the National Defense Authorization bill for fiscal year 1999 (H.R. 3616). In the House Committee report (H. Rept. 105–532), the House National Security Committee stated that the Army identified its requirement for the LMEs after the President's budget request was submitted to the Congress, and therefore authorized funding for LMEs in the House authorization bill. The House also approved a $5,000,000 authorization for the Marine Corps to meet their requirements for LMEs as well.

Furthermore, Mr. President, the Chief of Staff of the Army, General Dennis Reimer, identified ''Soldier Life Support'' equipment, including LMEs, as being among the Army's top 10 highest unfunded priorities.

Unfortunately, despite the authorization in place in the House-passed Defense authorization bill, no appropriations have been provided in either the House or Senate versions of the Defense appropriations bills. Therefore, it is my hope that the distinguished Senator from Alaska, Senator STEVENS, and his outstanding Ranking Member, Senator INOUYE, would be willing to accept this small amendment and take it to conference with the House. Let me quickly say that I would be pleased to work with the two managers of the bill to find appropriate offsets to accommodate this small but important amendment as we head toward conference following final disposition of this bill.

Finally, we are working vigorously with our counterparts in the House, including Representative VAN HILLEARY of Tennessee, and Members of the Virginia delegation, including Representative RICK BOUCHER, to hold the LME authorization levels in conference with the Senate and to, hopefully, pave the way for acceptance of this pending amendment in conference on the Defense appropriations bill.

Therefore, Mr. President, I would hope that the Senate would approve this amendment today. The funding that I am seeking meets a real soldier life support requirement for both the Army and the Marines. It will allow our soldiers and Marines to have a cost-effective, lightweight, forward-deployed maintenance shelter system that is easy to operate, durable and significantly less expensive than the current, older, less effective shelters and tents that we currently use in the field. For these reasons, I would ask that the Senate approve this modest amendment today.

AMENDMENT NO. 3473

(Purpose: To require the abatement of hazardous substances at Finley Air Force Station, Finley, North Dakota)

On page 10, line 15, before the period, insert the following: '': *Provided further*, that out of the funds available under this heading, $300,000 may be available for the abatement of hazardous substances in housing at the Finely Air Force Station, Finely, North Dakota''.

AMENDMENT NO. 3474

(Purpose: To provide additional resources for enhanced drug interdiction efforts in the Caribbean and South America)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104: Of the funds available for Drug Interdiction, up to $8,500,000 may be made available to support restoration of enhanced counter-narcotics operations around the island of Hispaniola, for operation and maintenance for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, for procurement of 2 Schweizer observation/spray aircraft, and for upgrades for 3 UH–IH helicopter for Colombia.

AMENDMENT NO. 3475

(Purpose: To provide for enhanced protections of the confidentiality of records of family advocacy services and other professional support services relating to incidents of sexual harassment, sexual abuse, and intrafamily abuse)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(1) a dependent of a member of the Armed Forces who—

(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(B) has engaged in such misconduct; and

(2) a therapist, counselor, advocate, or other professional from whom the victim seeks professional services in connection with effects of such misconduct.

(b)(1) The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection.

(2) The regulations shall provide the following:

(A) Complete confidentiality of the records of the communications of dependents of members of the Armed Forces.

(B) Characterization of the records under family advocacy programs of the Department of Defense as primary medical records for purposes of the protections from disclosure that are associated with primary medical records.

(C) Facilitated transfer of records under family advocacy programs in conjunction with changes of duty stations of persons to whom the records relate in order to provide for continuity in the furnishing of professional services.

(D) Adoption of standards of confidentiality and ethical standards that are consistent with standards issued by relevant professional associations.

(3) In prescribing the regulations, the Secretary shall consider the following:

(A) Any risk that the goals of advocacy and counseling programs for helping victims recover from adverse effects of misconduct will not be attained if there is no assurance that the records of the communications (including records of counseling sessions) will be kept confidential.

(B) The extent, if any, to which a victim's safety and privacy should be factors in determinations regarding—

(i) disclosure of the victim's identity to the public or the chain of command of a member of the Armed Forces alleged to have engaged in the misconduct toward the victim; or

(ii) any other action that facilitates such a disclosure without the consent of the victim.

(C) The eligibility for care and treatment in medical facilities of the uniformed services for any person having a uniformed services identification card (including a card indicating the status of a person as a dependent of a member of the uniformed services) that is valid for that person.

(D) The appropriateness of requiring that so-called Privacy Act statements be presented as a condition for proceeding with the furnishing of treatment or other services by professionals referred to in subsection (a).

(E) The appropriateness of adopting the same standards of confidentiality and ethical standards that have been issued by such professional associations as the American Psychiatric Association and the National Association of Social Workers.

(4) The regulations may not prohibit the disclosure of information to a Federal or State agency for a law enforcement or other governmental purpose.

(c) The Secretary of Defense shall consult with the Attorney General in carrying out this section.

(d) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions taken under this section. The report shall include a discussion of the results of the study under subsection (a) and the comprehensive discussion of the regulations prescribed under subsection (b).

Mr. STEVENS. Mr. President, may I inquire of the Senator from Florida, Mr. GRAHAM—is he here?

The PRESIDING OFFICER. May we please have order in the Chamber.

Mr. STEVENS. Is Mr. HARKIN here?

Mr. President, I am in error on the Leahy amendment on JSAT. That is still on the list. It has not been removed.

AMENDMENT NO. 3476

Mr. STEVENS. Mr. President, Senator ROBB now has a sense of the Senate with regard to the Italy incident, which we are prepared to take. I yield to the Senator to present and explain his amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, this amendment has been converted to a sense of the Senate. It simply recognizes an obligation of the United States to compensate the victims of the Marine Corps jet incident involving a jet aircraft flying out of Aviano. At this point, the Ambassador of the United States to Italy has already agreed that, under the Status of Forces Agreement, that the United States

would pick up the 25 percent normally assigned to the host nation. We were going to try to present an arrangement where this could be worked out more expeditiously. At this point it is simply a sense of the Senate. Instead, it ought to be resolved as quickly and fairly as possible.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 3476.

Mr. ROBB. 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:

Findings:

On the third of February a United States Marine Corps jet aircraft, flying a low-level training mission out of Aviano, Italy, flew below its prescribed altitude and severed the cables supporting a gondola at the Italian ski resort near Cavalese, resulting in the death of twenty civilians;

the crew of the aircraft, facing criminal charges, is entitled to a speedy trial and is being provided that and all the other protections and advantages of the U.S. system of justice;

the United States, to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by a United States military aircraft;

a high-level delegation, including the U.S. Ambassador to Italy, recently visited Cavalese and, as a result, 20 million dollars was promised to the people in Cavalese for their property damage and business losses;

without our prompt action, these families continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability;

under the current arrangement we have with Italy in the context of our Status of Force Agreement (SOFA), civil claims arising from the accident at Cavalese must be brought against the Government of Italy, in accordance with the laws and regulations of Italy, as if the armed forces of Italy had been responsible for the accident;

under Italian law, every claimant for property damage, personal injury or wrongful death must file initially an administrative claim for damages with the Ministry of Defense in Rome which is expected to take 12–18 months, and, if the Ministry's offer in settlement is not acceptable, which it is not likely to be, the claimant must thereafter resort to the Italian court system, where civil cases for wrongful death are reported to take up to ten years to resolve;

while under the SOFA process, the United States—as the ''sending state''—will be responsible for 75 percent of any damages awarded, and the Government of Italy—as the ''receiving state''—will be responsible for 25 percent, the United States has agreed to pay all damages awarded in this case;

It is the Sense of the Congress that the United States should resolve the claims of the victims of the February 8, 1998 U.S. Marine Corps aircraft incident in Cavalese, Italy as quickly and fairly as possible.

Mr. STEVENS. Mr. President, we have agreed to take this amendment. It is now a sense-of-the-Senate amendment and requires a report concerning the Italy incident.

I ask for its immediate consideration.

THE PRESIDING OFFICER. If there be no further debate, without objection, the amendment is agreed to.

The amendment (No. 3476) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3477

Mr. STEVENS. Senator LEAHY's amendment on JSAT, has he sent the amendment to the desk?

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 3477.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in paragraph (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

Mr. STEVENS. Mr. President, I ask the Senator's indulgence. We have to finally clear this amendment. There is some confusion, I might say to my friend from Vermont, because our indication was that there was a position from the Department which opposed the amendment. The Senator's information is the Department supports the amendment. We intend to take it to conference and confer with the Department and then confer with the Senator with regard to the final disposition of it.

Mr. LEAHY. The Senator from Alaska is correct. This is a Xerox copy, but I do have the actual signoff from DOD on the amendment, which I will give to the distinguished chairman.

Mr. President, I note this was primarily a clarification so the Department of Defense and Department of State could be saying the same thing in this area. I understand the Senator from Alaska and the Senator from Hawaii may want to discuss it further between now and conference. I will be a conferee on that, and will be happy to do so.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 3477) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the chairman will yield 2 minutes to the Senator from New Mexico?

Mr. STEVENS. Reluctantly, Mr. President.

Mr. DOMENICI. When you hear my remarks, you will be pleased that you did.

Mr. President, let me suggest the Appropriations Committee has come in right on the number, in terms of the budget. They have no directed spending or anything else that would seek to gimmick this budget. Some were asking, ''Will you turn the other way and let us have some directed spending that breaks the caps?'' I haven't been able to do that for anyone, and I am very grateful we do not have to do it on this bill. The chairman of this committee came in, and everywhere he moved, he said, ''Let's meet the budget right on the money.'' And he did. I commend him for that.

Mr. President, I strongly support S. 2132, the Defense Appropriations bill for FY 1999. The pending bill provides $250.5 billion in total budget authority and $168.2 billion in new outlays for the Department of Defense and related activities. When outlays from prior years and other adjustments are taken into account, outlays total $245.2 billion.

There are some major elements to this bill that are important for the Senate to review.

The bill is consistent with the Bipartisan Balanced Budget Agreement.

This year the defense budget is once again confronted with a serious mismatch between the DoD/OMB and the CBO estimates of the outlays needed to execute the programs in the budget request. CBO's estimate was $3.7 billion higher than OMB and DoD's estimate.

Because the President's proposed defense spending was right up to the discretionary spending caps adopted in the Bipartisan Budget Agreement, compensating for CBO scoring would require large reductions in manpower, procurement, or readiness, or all three. Cuts like that are simply not acceptable.

During the Senate's consideration of the congressional budget resolution in March, the Senate received an excellent suggestion from the Chairman of the Appropriations Committee. We adopted a Stevens Amendment that called on CBO and OMB to resolve their differences. Several meetings occurred as a result, and under the auspices of the Budget Committee, we devised a solution. The solution has three parts:

First, Congress would legislate policies recommended by the Administration to better manage cash in DoD's Working Capital Funds. This would lower fiscal year 1999 outlays by $1.3 billion.

Second, Congress would agree to changes proposed by the Administration in two classified accounts in the Air Force budget that would lower 1999 outlays by $700 million.

Third, Congress would enact asset sales amounting to $730 million.

The Chairman of the Appropriations Committee has assured me that taken together these actions help reduce the 1999 outlay shortage to manageable dimensions and help avoid the negative effect on readiness or modernization that was feared.

I strongly support this bill, and I urge its adoption. I want to compliment the Chairman of the Appropriations Committee on his very skillful handling of this important legislation and for his statesmanlike approach to some serious and troubling issues in this year's defense budget.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be printed in the RECORD.

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

S. 2132, DEFENSE APPROPRIATIONS, 1999: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1999, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	250,289	27		202	250,518
Outlays	244,942	27		202	245,171
Senate 302(b) allocation:					
Budget authority	250,290	27		202	250,519
Outlays	244,942	27		202	245,171
President's request:					
Budget authority	250,763	27		202	250,992
Outlays	242,863	27		202	243,092
House-passed bill:					
Budget authority					
Outlays					
Senate-reported bill compared to:					
Senate 302(b) allocation:					
Budget authority	−1				−1
Outlays					
President's request:					
Budget authority	−474				−474
Outlays	2,079				2,079
House-passed bill:					
Budget authority	250,289	27		202	250,518
Outlays	244,942	27		202	245,171

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. STEVENS. Mr. President, the Budget Committee chairman is too kind. We do appreciate his constant watch over the budget and our spending of the money from the Treasury.

Mr. DOMENICI. I yield the floor.

AMENDMENT NO. 3409

Mr. STEVENS. Mr. President, there still is pending the Hutchison amendment, the sense of the Senate on Bosnia, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. May I make a parliamentary inquiry? It is my understanding that is the only other amendment that is pending?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. We still have four more beyond that to deal with. So I suggest the absence of a quorum until we find out what is going to happen with these three amendments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I have a number of problems with the amendment offered by the Senator from Texas that contains a series of findings, expresses the sense of Congress, and requires the President to submit a report relating to the readiness of the United States Armed Forces to execute the National Security Strategy.

I realize that the managers of the Defense Appropriations bill are up against a tight deadline to finish their bill and I want to cooperate with them. But, I do want to note for the record a few points.

I believe a number of statements in the amendment are overdrawn and I believe that the sense of Congress section of the amendment, particularly subparagraph (B), improperly singles out the Bosnia operation and badly overstates its impact on the units participating in and supporting that operation.

Nevertheless, I believe that it would be useful to the Congress to receive a report from the President on the military readiness of the Armed Forces of the United States. Accordingly and despite the problems I have noted, I will not object to this amendment.

Mr. STEVENS. The Senator has indicated he is prepared to not object to this amendment. There being no objection to the sense-of-the-Senate amendment on Bosnia of the Senator from Texas, I ask it be laid before the Senate for action. Is it the pending business?

The PRESIDING OFFICER. It is the pending question.

Mr. STEVENS. I ask for the adoption of the sense-of-the-Senate amendment of the Senator from Texas.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3409) was agreed to.

Mr. MCCAIN. 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, I ask unanimous consent that Senator CAMPBELL be included as a cosponsor of amendment No. 3431 previously been adopted.

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

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Stewart Holmes, a fellow on Senator COCHRAN's staff, be granted the privilege of the floor during consideration of this defense appropriations bill.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator HUTCHISON of Texas be added as a cosponsor to the Gramm amendment No. 3463 on military voting rights.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3394

(Purpose: To add $8,200,000 for procurement of M888, 60-millimeter, high-explosive ammunition for the Marine Corps, and to offset the increase by reducing the amount for Air force war reserve materials (PE 13950) by $8,200,000)

Mr. STEVENS. Mr. President, I call up amendment No. 3394 offered by Senator SANTORUM.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3394.

Mr. STEVENS. 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:

On page 26, line 8, increase the amount by $8,200,000.

On page 10, line 6, reduce the first amount by $8,200,000.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3394) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I seek recognition for the purpose of engaging the manager of the bill in a colloquy.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Thank you Mr. President. I rise to update the distinguished Chairman of the Appropriations Defense Subcommittee on the status of the CH–47 engine upgrade program, which the committee reduced by $27.3 million in its reported bill. The basis for the reduction was program delays.

The committee's action has called Army leadership attention to the delays in getting the FY 1997 and 1998 funds on contract. This delay was due in part to disruptions from relocating the contracting office from St. Louis to Huntsville and in part to unsuccessful, protracted efforts to use commercial pricing practices on the contract.

I understand that the strong support from the CINC's combined with the Committee's recommendations made completion of these contracts a high priority. I am pleased to report that the FY97 kit production contract was signed July 1 and that the FY97 engine conversion contract and the FY 1998 kit production contract was signed as of July 29. Further, the full rate production contracts are scheduled to be signed early in fiscal year 1999.

Fortunately, production of the engine conversion kits has been underway on a letter contract since December 1997 with actual engine upgrades now underway and on schedule at the Greer, South Carolina plant to meet the initial delivery of upgraded engines in October 1998.

Mr. STEVENS. I thank my good friend from South Carolina for the update on action since the committee markup. The committee recommendations were not meant to be pejorative but reflective of what was likely to be a fact of life delay in the program.

Mr. HOLLINGS. I thank the chairman for that assurance. I hasten to add my support for the upgrade program, which is done in part at two separate facilities in Greer, South Carolina.

While I voted for the bill in subcommittee and full committee, I strongly urge the chairman to give careful consideration to restoring full program funding in conference based on this new information. The upgrade program is just phasing out of its low rate initial production phase with the FY 1999 funds. Maintaining the production schedule is critical to controlling costs and achieving efficiencies. The FY 1999 funding in question starts full rate production for which all the necessary Army approvals have been given.

Mr. STEVENS. I accept the Senator's point on timing of the committee mark. I point out that the House has reduced the program by $12.7 million for other reasons. I can assure the Senator that we will do our best in conference if the contracts are signed in accordance with the schedule given to you.

Mr. HOLLINGS. I thank my good friend, the distinguished Senator from Alaska. Mr. President, I yield the floor.

FIRST PROGRAM

Mr. DEWINE. Mr. President, as the Senate continues consideration of the Fiscal Year (FY) 1999 Defense appropriations bill, I would like to take a moment to express my concerns regarding the funding and administration of the Air Force's Financial Information Resources System (FIRST) program. This is a controversial program for a number of reasons. First, legitimate questions have been raised about the necessity of this program. It is my understanding that even though all the military departments and agencies were to move toward a single system for program, budgeting and accounting (PBAS), the Air Force has not moved in that direction.

The Air Force intends for the FIRST program to perform the functions intended for PBAS, which would make the program duplicative. This issue was raised by the house National Security Committee, which zeroed out funding for the FIRST program in its version of the Fiscal Year 1999 Defense Authorization Bill.

The House National Security Committee also noted in its Committee report that the Air Force has chosen to utilize the Global Combat Supply System-Air Force (GCSS–AF) contract for the program, rather than competitively bid for the program. This decision raises both fiscal and policy concerns because this would be work outside the scope of the GCSS–AF contract. The GCSS–AF contract was advertised and awarded for ''base-level systems modernization.'' In contrast, the FIRST program involves a budget system modernization plan that would impact all Air Force functional levels: base level, wholesale level, major air command, and headquarters. Clearly, the FIRST program would exceed the scope of the GCSS–AF contract.

I should also point out that the Air Force's decision to utilize GCSS–AF for the FIRST program was made after the Air Force announced an open competition, and after eighteen companies acted in good faith and submitted qualification applications for evaluation and screening. This course reversal, and the rational behind it has not been made clear to me or others that are concerned about this decision.

Mr. President, I also believe the Air Force's decision merits close review because it's not clear to me that it would be wise for the Air Force to place a disproportionate amount of its systems modernization work all in one contract.

Finally, the entire process raises policy concerns with respect to organizational planning within the Air Force. Currently, the development and execution of corporate information management systems for combat support is, in my view, not conducted in a coordinated and integrated fashion. In other words, the way the FIRST program is being administered is a symptom of a much larger organizational issue that deserves review by Congress and the Air Force.

In short, given all the issues that I have briefly described, I believe we should withhold going forward with the FIRST program until we can sort these and any other related issues that others may have. In fact, I had intended to offer an amendment that would allow for the Defense Department to use these funds for drug interdiction programs, but I have worked with the chairman and the ranking member to find other ways to help our drug interdiction strategy.

Mr. President, we cannot understate the importance of information technology programs to the future of our armed services. Thousands of people at Wright-Patterson Air Force Base and in the surrounding Miami Valley area play a leading role in the development

of these programs. However, these programs have to be pursued with an eye toward fiscal soundness and effective coordination with similar systems defense-wide. I see the distinguished chairman of the Appropriations Committee on the floor and I hope that he will take the issues and concerns I have raised into consideration as he proceeds to conference with the House of Representatives.

Mr. STEVENS. Mr. President, I thank my friend from Ohio for raising these issues with respect to the FIRST program. I have listened closely to his remarks, and he certainly has offered food for thought. I will take his comments into consideration as we move to conference, and look forward to working with him and others interested in this issue to find an appropriate solution.

Mr. DEWINE. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his remarks, and I look forward to working with him as well.

PULSED FAST NEUTRON ANALYSIS (PFNA) CARGO INSPECTION SYSTEMS (CIS) OPERATIONAL FIELD DEMONSTRATION

Mr. FAIRCLOTH. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Committee in a colloquy regarding the Senate's action on the Pulsed Fast Neutron Analysis (PFNA) program. On behalf of the many Senators on both sides of the aisle who support this initiative, I wish to thank you for agreeing to include an amendment to the FY 1999 DoD Appropriations bill that directs the Department of Defense (DoD) to immediately obligate all of the funds which Congress has mandated be used for a fair, and rigorous operational field demonstration of the PFNA system at a major U.S. border crossing or at a major U.S. port of entry.

Mr. STEVENS. The committee has previously supported the PFNA project by adding funds to permit this new technology to be developed and tested. Like you, I am dismayed that the Department has failed to make available to PFNA the $3 million appropriated by Congress in FY 1998 and so far has demonstrated an unwillingness to carry out the PFNA test program according to congressional intent. It is the clear expectation of this Senator, and the Committee as a whole, that the Department will place no further obstacles in the path of a meaningful PFNA field test program.

Mr. FAIRCLOTH. I thank the Senator from Alaska. Furthermore, I believe that the Defense Department should take whatever steps are necessary to transfer full administrative and operational responsibility for the PFNA program to the Office of National Drug Control Policy (ONDCP). It is my understanding that General Barry McCaffrey, Director of ONDCP, is willing to serve as the Executive Agent for the program next year and then assume full management control as long as the funds already appropriated by Congress are used to complete the activities planned under the FY 98 program. I expect that the Secretary of Defense and the Director of ONDCP will work together to ensure this transfer of authority and funding is carried out as expeditiously as possible.

Mr. STEVENS. I thank my colleague. I agree with his understanding of the situation and the Committee expects DoD to proceed with obligation of the fiscal year 1998 funds and with the transfer of future program responsibility to ONDCP.

Mr. FAIRCLOTH. In the light of the recent terrorist attacks on U.S. soil, our Nation's growing problem with drug smuggling and even the proliferation for weapons of mass destruction, it would be a tragedy if we did not take full advantage of the best technologies available to meet these threats. PFNA has enjoyed extraordinary success in laboratory tests, consistently detecting the presence of contraband in sealed containers well over 90 percent of the time and with false alarm rate near zero. No other technology, including X-ray, can come close to this level of detection.

Mr. STEVENS. I am aware of these results and believe that the U.S. Customs Service is one government agency which should seriously consider deploying PFNA should the field test program yield positive results. The committee hopes that Customs Service will work closely with ONDCP to provide whatever assistance is necessary to ensure a complete and honest evaluation of the technology.

Mr. FAIRCLOTH. This would include space at a port of entry or border crossing where a test might be conducted. Once this is done, I hope that ONDCP and the Customs Service will provide the committee with a recommendation on the strategy to guide the possible future acquisition, deployment, and support of neutron interrogation systems, including PFNA, at land border crossings and ports of entry around the nation. I believe a useful assessment would provide: (1) a range of deployment options for the PFNA system; (2) a cost comparison between PFNA deployment options; and (3) an evaluation of how the employment of new and existing contraband detection technologies might be optimized to meet changing threats to U.S. security.

I will consult with my colleague from Alaska and with the chairman of the Senate Treasury, Postal Appropriations Subcommittee, on what resources might be available through that subcommittee to support a continuation of the PFNA test program and the possible procurement of multiple systems in future years.

Mr. STEVENS. I thank my colleague from North Carolina for his thorough and careful review of this matter.

SHIPBREAKING PROVISION

Ms. MIKULSKI. Mr. President, I would like to engage the chairman and ranking member of the Defense Appropriations Subcommittee in a colloquy.

The Department of Defense appropriations bill provides funds for a Navy ship disposal pilot program. I would like to clarify the Senate's intent in creating this pilot program.

I support the Navy's goal of disposing of these ships efficiently. However, by considering only short-term costs, the Navy has ignored the long term costs of worker death and injury and environmental degradation.

For example, during the scrapping of the Coral Sea in Baltimore, there were many worker injuries and fires. We don't yet know the environmental damage caused by the improper disposal of asbestos. The ship is still in the Baltimore harbor, and it will now cost millions of dollars for the Navy to dispose of the ship properly. American taxpayers would have saved a lot if we had disposed of the ship correctly the first time.

To prevent these problems, does the distinguished ranking member agree that it is the Senate's intent to encourage the Secretary of the Navy to give significant weight to the technical qualifications and past performance of the contractor in complying with federal, state and local laws and regulations for environmental and worker protection?

In addition, do you agree that in making a best value determination in granting contracts, the Secretary should give a greater weight to technical and performance-related factors than to cost and price-related factors?

Mr. INOUYE. I agree that the Navy must give more consideration to ensuring worker and environmental safety to prevent the problems we have had in the past.

Ms. MIKULSKI. I thank the Senator.

In addition, does the distinguished chairman agree with me that this pilot program will help the Navy to develop safer, more efficient methods of disposing of unneeded vessels—and that this pilot program should not be delayed?

Mr. STEVENS. I agree that this pilot program is in the best interest of the Navy and is not contingent on any other legislative action.

Ms. MIKULSKI. I thank the chairman and ranking member for their courtesy and assistance in this important matter.

SUPPLEMENTAL IMPACT AID PROGRAM

Mr. KEMPTHORNE, Mr. President, I rise today to discuss the Department of Defense's Supplemental Impact Aid Program. As chairman of the Military Personnel subcommittee of the authorization committee, I included $35 million in the FY99 Defense Authorization bill for this important program.

As many of my colleagues already know, supplemental Impact Aid funding is focused specifically on school districts that are heavily impacted by large numbers of military connected students or the effects of base realignment and closures. The DoD funds are in addition to funds appropriated to

the Department of Education for all federally impacted schools. The $35 million included in the FY99 Defense Authorization bill will be used to ensure that military impacted schools can maintain the same standards as other, non-impacted, school districts. Without these funds, these districts, quite frankly, would be hard pressed to provide adequate educational opportunities.

Mr. President, I know many of my colleagues believe that education is, and should remain, a local and state issue. I wholeheartedly agree. If there is any role for the Federal Government in funding education, however, impact aid is it. Without a Federal presence, these impacted districts would be able to provide for a quality education for their students. Because of the military presence in the districts we are discussing today, however, educational resources are severely strained. We owe it to the families of the men and women who proudly serve our country, and the families who live near an installation, to provide adequate resources to offset the military presence.

Originally, it was my intention to offer an amendment today that, if passed, would have set aside $35 million in this appropriation bill for DoD supplemental impact aid. After consultation with Chairman STEVENS, I will not offer the amendment. Instead, Chairman STEVENS has assured me this matter will be addressed in conference. I would like to ask the distinguished Chairman, if it is still his intention to do so?

Mr. STEVENS. Mr. President, the House passed FY99 Defense Appropriations bill contains $35 million for impact aid for school districts impacted by excessive students from nearby defense installations. I would like to assure my friend, the Senator from Idaho, that it is my intention to give fair consideration to the House position regarding funding for impact aid during the conference to see if we can include these funds in the final conference report without negatively impacting the important operations and maintenance accounts of the Department of Defense.

Mr. KEMPTHORNE. Mr. President, I thank my friend from Alaska, the distinguished chairman of the Appropriations Committee, for his consideration of this important program, which is important to the good citizens of Alaska. In addition, this program is equally important to the people of Mountain Home, Idaho, home of the 366th Composite Wing.

REPORT 105–200

Mr. GREGG. Mr. President, I would like to direct a question to the majority manager of the Defense Appropriations bill, the distinguished Senator from Alaska. I note that the Committee on Appropriations directs the Department of Defense to make available, from existing funds, up to $8,000,000 for a community retraining, reinvestment, and manufacturing initiative to be conducted by an academic consortia with existing programs in manufacturing and retraining. It is my understanding that the consortia referred to is the New Hampshire Network for Science, Technology and Communication, and further, that the funds should be provided to that organization to create a state wide higher education network among small independent colleges to improve and expand research and training opportunities in science, technology, and communication for undergraduate students and for community, business, and K–12 schools. Am I correct, is that not the intent of the committee?

Mr. STEVENS. The distinguished Senator from New Hampshire is correct. The committee intends that the funds be provided to the New Hampshire Network for Science, Technology and Communication to conduct the effort described.

ADVANCED MATERIALS INTELLIGENT PROCESSING CENTER

Ms. MOSELEY-BRAUN. Mr. President, I rise today to engage in a short colloquy with the distinguished Chairman of the Appropriations Committee, the senior Senator from Alaska, Senator STEVENS.

As I understand it, the committee included $5 million in the Research, development, Test, and Evaluation Navy account of your Fiscal Year 1999 Department of Defense Appropriations bill for continued funding of the Advanced Materials Intelligent Processing Center in Evanston, Illinois. I want to confirm that the intent of the committee was to provide this additional $5 million to continue the activities of the Center in affiliation with the Naval Air Warfare Center in Lexington Park, Maryland, as well as other industrial and governmental partners. This continuation funding will allow the Center first to complete a state-of-the-art resin transfer molding system with all required equipment functionality, monitoring, and intelligent supervisory control, and then to transfer it to the Center's industrial and governmental partners for prove out in a production environment.

Mr. STEVENS. I thank the senior Senator from Illinois for her interest in this matter. I would like to confirm that the intent of our committee's action was as she stated.

Mr. MOSELEY-BRAUN. I thank the Senator from Alaska for his clarification on this important matter, and for his leadership with Senator INOUYE of the Committee. I would also like to say to my colleagues that I am confident the work of the Center can help reduce the cost of our defense systems through the use of faster, cheaper, and better means of processing composite materials for military hardware. These improvements will provide substantial dividends to the American people.

ANTI-CORROSION RESEARCH AT NORTH DAKOTA STATE UNIVERSITY

Mr. DORGAN. Mr. President, I would like to take a moment to thank the Managers of this bill, Senator STEVENS and Senator INOUYE, for the fine job they have done on this important legislation. It has been my great pleasure to work with the Managers as a member of the Defense Subcommittee, and they do a masterful job of balancing many competing needs and interests in this bill.

Mr. President, I would like to call the Chairman's attention to one key provision in the committee report. In the Defense-Wide Research, Development, Test, and Evaluation section, the committee has included report language regarding the importance of anti-corrosion technologies to the Department of Defense. As the report says ''New anti-corrosion technologies are needed to prevent corrosion, reduce corrosion-related costs, and extend the life of aircraft in a manner compatible with environmental concerns.''

North Dakota State University has a long history of excellence and nationally-recognized expertise in polymers and coatings, and has received significant competitively-awarded funding to investigate new methods of fighting corrosion. Last year DoD awarded a $2 million competitive grant to NDSU for this purpose. Mr. President, given NDSU's expertise in this area and DoD's experience working with NDSU, does the Chairman believe NDSU would be well-qualified to compete for this work?

Mr. STEVENS. Mr. President, I appreciate Senator DORGAN'S comments. The Air Force in particular is confronted with severe coatings problems in maintenance of its aging aircraft fleet. To protect the country's investment in these aircraft, it is important that the committee provide for increased research on anti-corrosive coatings. I agree with the Senator that NDSU would be a solid candidate for these anti-corrosion research funds.

ELECTRONIC COMBAT TESTING

Mr. MACK. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Committee in a colloquy regarding threat emitters used to support electronic combat training by the Air Force Special Operations Command as well as testing by the Air Force and other services. These emitters replicate the surface-to-air missile threats and jammers which our combat aircraft might encounter if deployed to execute a real mission—a mission which would take them into harm's way. It is essential that these systems be available to train our first to fight, the special operations forces.

Mr. GRAHAM. Mr. President, I would like to agree and emphasize the remarks of my colleague. Unfortunately, there has been a debate over the status of these emitters which are presently at Eglin Air Force Base. Some believe the Base Closure and Realignment process mandated the relocation of these emitters. However, the BRAC also insisted that training requirements must be met. I believe these

emitters should remain at Eglin to meet the warfighters training requirements until we can resolve this dispute. I believe this would be consistent with the BRAC direction.

Mr. MACK. Mr. President, my colleague is correct. We cannot let ambiguity about words hinder the training and readiness of our forces. These emitters should be supported at Eglin until we can resolve these issues. I would ask the distinguished chairman of the Senate Appropriations Committee if he can assist us by working on this issue in the appropriations conference if we can find a solution. We will work with the Department of Defense as well as the defense authorizing committees to find a solution which can be accommodated in the defense appropriations conference.

Mr. STEVENS. I agree with my colleague from Florida. I have followed this difficult issue for some time. I firmly support the need for adequate training. And I believe that training can best be conducted in varying environments, including the terrain and surrounds of Eglin Air Force Base. I assure my colleagues from Florida that I will do my best to work this issue with my House counterparts during conference.

PROJECT AT ELLSWORTH AIR FORCE BASE

Mr. JOHNSON. Mr. President, my colleague from South Dakota, Senator DASCHLE, and I would like to engage the distinguished Chairman of the Appropriations Committee, Senator STEVENS, and the distinguished Ranking Member of the Subcommittee on Defense, Senator INOUYE, in a colloquy regarding a housing project at Ellsworth Air Force Base.

Mr. STEVENS. Mr. President, Senator INOUYE and I are pleased to discuss this matter with our colleagues from South Dakota.

Mr. DASCHLE. Mr. President, I thank the Chairman and the Ranking Member for their indulgence. As both of you know, the Hunt Building Corporation (HBC) constructed an 828-unit military family housing complex, known as the Centennial Housing Project, at Ellsworth Air Force Base in 1990 and 1991. Unfortunately, within a year of the completion of construction, serious and often dangerous defects were found in many of the units. It is my understanding that over half of the units in the Centennial Housing Project constructed by HBC are currently uninhabitable.

Mr. JOHNSON. Mr. President, Senator DASCHLE is correct. In fact, the extensive damage in these units includes: severe racking due to the unit's design not holding up to wind; unlevel floors, sticking windows and doors, and cracking due to badly designed and constructed rim joists; collapse of interior ceilings caused by defective garage eaves, which allow heavy snow and rain to enter some attics; sewer gas back up due to improperly vented plumbing; deck and porch supports and stairs that have separated from the units and become unlevel because caissons supporting these structures were not placed below the frost line; and other problems both with the work done and problems resulting from work required by the contract but never completed by the Corporation. Despite these serious problems, the Air Force continues to pay rent on these units.

Mr. STEVENS. Mr. President, Senator INOUYE and I are aware of these severe problems.

Mr. DASCHLE. Mr. President, it is my understanding that the Air Force and HBC agreed to enter into an alternative dispute resolution in an attempt to resolve the construction and liability issues associated with the defective housing in the Centennial Housing Project at Ellsworth.

Mr. JOHNSON. Mr. President, the Senator is correct. The two parties have met with a mediator appointed by the Justice Department and have had several subsequent meetings to continue negotiating an agreement. I have been told that the next meeting between the Air Force and HBC will be next week. Although some progress has been made, it is critically important that the negotiations between the Air Force and HBC result in a timely, workable resolution that guarantees the expeditious repair of the housing units and the return of military personnel to the homes. While it is my understanding that the Department of Justice has been looking into this matter for some time and is considering litigation against HBC if no resolution can be found through the mediation process, I am hopeful that action by the Department of Justice can be avoided.

Mr. DASCHLE. Mr. President, I agree with the comments made by Senator JOHNSON. I, too, am hopeful that the mediation process will soon yield an agreement. Necessary repairs to these homes simply cannot be delayed any longer. I would also like to inform the Chairman and Ranking Member that we brought this situation to the attention of the Senate Armed Services Committee earlier this year.

Mr. STEVENS. Mr. President, I appreciate this update on the situation at Ellsworth Air Force Base regarding the Centennial Housing Project.

Mr. JOHNSON. Mr. President, I want to thank both the distinguished Ranking Member, Senator INOUYE, and the distinguished Chairman, Senator STEVENS, for your willingness to help Senator DASCHLE and me monitor this situation, which is of critical importance to the quality of life at Ellsworth Air Force Base. We will keep you apprised of progress made through the negotiating process.

Mr. DASCHLE. Mr. President, I would also like to thank Senator STEVENS and Senator INOUYE for their assistance. This matter is extremely important to me, Senator JOHNSON and everyone at Ellsworth Air Force Base.

Mr. INOUYE. Mr. President, I thank Senator DASCHLE. I share the concern expressed by the two Senators from South Dakota that taxpayers are not getting their money's worth out of the Centennial Housing Project. You can be assured that I will assist you in your efforts to find a timely solution to this matter that will result in the repair of the housing units and the return of military personnel to the homes.

ENCOURAGING GREATER USE OF DISTANCE LEARNING BY THE DEPARTMENT OF DEFENSE

Mr. CLELAND. Mr. President, I rise today to offer my support for the many distance learning initiatives contained in the Defense Appropriations Act for Fiscal Year 1999. Senators INOUYE and STEVENS have done an outstanding job in encouraging the Department of Defense to take full advantage of the opportunities provided by great advances in telecommunications technology, particularly with respect to distance learning.

This bill contains funding for distance learning programs for the Marine Corps, and a new initiative for the Army National Guard. In particular, the National Guard initiative would create a distance learning network to reduce the cost of training soldiers, enhance readiness and furthering community development. The Subcommittee on Defense has a demonstrated its support for these and a number of other initiatives underway.

Mr. STEVENS. I thank the Senator from Georgia for his comments. The Subcommittee on Defense indeed supports these initiatives. Would the Senator from Hawaii agree?

Mr. INOUYE. That is correct. We have attempted to encourage such initiatives wherever we could, and wherever such initiatives made sense.

Mr. CLELAND. As the Ranking Member of the Personnel Subcommittee of the Senate Armed Services Committee, I believe I can report that our Subcommittee is also very supportive of distance learning initiatives. We are keenly aware of the advantages of distance learning. As you know, Mr. President, many of our military personnel are expected to available for deployment at a moments notice. Others are deployed around the world where they do not have ready access to educational opportunities. Rapid developments in technology have enabled them to continue in their educational development, even while deployed.

The ability to continue in one's educational pursuits is a quality of life issue that is not necessarily always at the top of a soldier's list. However, many military personnel are only able to pursue higher education by leaving the military. I believe the maintenance of a viable distance learning program for higher education could be a useful retention mechanism to keep highly motivated individuals in the service.

Mr. STEVENS. If the Senator would yield, the Senator raises an interesting point. I would be interested in learning of some of the types of initiatives that are under way that may prove useful in retaining personnel in the military.

Mr. CLELAND. I thank the Senator. I am particularly proud of one such program which is managed by the Georgia College and State University. The Distance Education Unit and the Department of Government there were recently awarded a contract by the Navy to provide two graduate courses aboard the USS Carl Vinson which is deployed in the Pacific Ocean. The courses use two-way video and audio which links educators at the school with students on board the Carl Vinson. We all knew that aircraft carriers were small cities, but this Senator was pleasantly surprised to see that sailors could take graduate level courses while at sea.

Mr. INOUYE. I am aware of the Carl Vinson project. It is certainly a promising concept, but are we providing any educational opportunities for service personnel nearing retirement or leaving the military due to the draw down of the military?

Mr. CLELAND. That is a very good question. I am told that more than 50 percent of military personnel reentering civilian life either change or lose their jobs in the first year after leaving the military. Given this, I believe we should consider providing opportunities for job training and placement for active-duty service members nearing separation or retirement from service without regard to their duty locations.

Clayton College and State University has developed a program that could serve as a worthwhile demonstration project to demonstrate how technology can be utilized to provide pre-separation training for civilian jobs to military personnel. The program would provide training via the Internet and other technology to active-duty personnel at their duty locations for specific, existing job opportunities which would be available upon their separation from the military. The program would then link these personnel to these specific jobs ensuring that when the leave the military, employment is available.

I am not immediately aware of any initiatives underway that would offer similar opportunities. It is my view that we should encourage the Department of Defense to explore such initiatives, perhaps in conjunction with the Department of Veterans Affairs.

Mr. INOUYE. I agree with the Senator from Georgia. He makes a good point, and I hope the Department of Defense will take a look at such initiatives in the future.

Mr. STEVENS. I thank Senator CLELAND for his remarks. He is a good friend of America's men and women in uniform.

Mr. CLELAND. I thank my colleagues for their leadership and for allowing me to speak on this matter.

Mr. FEINGOLD. Mr. President, I rise to voice my opposition to the fiscal year 1999 Department of Defense appropriations bill.

Once again, we have loaded up this bill with unnecessary, extravagant, and flat-out wasteful items. In a time when we are cutting programs and fighting for a true balanced budget, we cannot afford to insulate any department from scrutiny as we seek to reduce the Federal debt. Unfortunately, the DoD budget remains immune to any and all attempts at responsible spending.

Mr. President, I offered an amendment to this bill that aimed to invest fully in the best bargain in the Defense Department. According to a National Guard study, the average cost to train and equip an active duty soldier is $73,000 per year, while it costs $17,000 per year to train and equip a National Guard soldier. The cost of maintaining Army National Guard units is just 23 percent of the cost of maintaining Active Army units.

It failed, however, but that should not come as a surprise. DoD and a complicit Congress have never been known as a frugal or practical when it comes to defense spending. From $436 hammers to $640 toilet seats to $2 billion bombers that don't work and the department doesn't seem to want to use, we have a storied history of wasting our tax dollars. I presented an opportunity to spend defense dollars on something that works and is worthwhile, but the lobby for the wasteful and unnecessary Super Hornet prevailed.

Speaking of which, the bill appropriates $2.9 billion for the procurement of 30 Navy F/A–18E/F Super Hornets.

The current Hornet program has been proven reliable and cost-effective. Why do we want to replace the Hornet with a bloated, cost-prohibitive aircraft that offers marginal benefits over a reliable fighter?

This bill also contradicts the House's overwhelming recommendation on Super Hornet procurement. Twice, once in their authorization bill and again in their appropriations bill, the House, by margins of nearly 300 members, voted to procure 27 Super Hornets in fiscal year 1999.

The House correctly notes that the Navy asks for an inexplicable procurement increase from fiscal year 1998; that the Navy's low rate initial production schedule is not consistent with its procurement objective of 548 aircraft; and that the wing drop problem has not been resolved.

Mr. President, it seems we have thrown rationality out the window when it comes to this plane. Judging by the Super Hornet's past performance, I'm sure we'll be hearing more about it soon.

Finally, Mr. President, authors of the bill have again loaded it up with projects and hundreds of millions of dollars the Pentagon didn't even ask for. Just to give my colleagues a taste of these extravagant morsels, the bill adds: $78.5 million for 8 additional UH–60 helicopters; $30.0 million for JAVELIN anti-tank missiles; $208.3 million for Marine Corps procurement priorities; $50 million for advance procurement of the LHD–8 amphibious ship, which is a program DoD didn't even want to fund next year; $65.7 million for Humvee vehicles; $90 million for C–135 aircraft; and $40 million for F–15 Eagles.

Further, there is $1.8 billion in additional funds for the deployment of U.S. troops in Bosnia that are designated as ''emergency'' funds. The Bosnia mission is no longer an emergency. It is a long-term commitment for the United States military, and we should pay for it on budget.

Mr. President, this is shameful. We have a duty to act responsibly with our constituents tax dollars. Instead of looking after our constituents, we continue to pick their pockets.

We have to make smart choices, Mr. President. A truly balanced federal budget is in sight for the first time in three decades. But we are not going to be able to maintain a balanced budget, let alone start bringing down the federal debt, so long as we continue to commit to programs and force structures that are so blatantly unaffordable. We must continue to fight for further spending reductions until we achieve the most effective and cost efficient military which serves our national security interests.

I thank the Chair and I yield the floor.

PROSTATE CANCER RESEARCH

Ms. MIKULSKI. Mr. President, I rise today to support the Department of Defense's research in prostate cancer. I know that this program has no greater champion than the distinguished Chairman of the Appropriations Committee, Senator STEVENS.

Throughout my time in Congress, I have fought for women's health initiatives. Women's health is one of my highest priorities and it always will be. However, I also strongly support efforts to improve the health of men. One such effort that I believe deserves our attention is prostate cancer research.

In my home state of Maryland alone, 3,500 men receive the ominous diagnosis of prostate cancer each year. Nationwide, the number soars to over 200,000. Even more frightening, 42,000 American men lose their lives to this ruthless killer annually. This means that every 15 minutes, 1 man somewhere in our country dies from prostate cancer, and during the same time span, 5 more men are newly diagnosed with the disease.

I am very pleased that the frequency of prostate cancer screening has increased over the past five years. These efforts have led to an overall decrease in the prostate cancer death rate. The importance of early detection through regular screening cannot be overstated. When prostate cancer is detected early, survival rates are over 90%. But, when detected late, prostate cancer kills 70% of its victims. The increased emphasis on the use of current screening techniques has certainly been a step in the right direction. However, we can, and must, do better for the men of our country. How? Through improvement

of diagnostic screening and imaging technology, we can make detection of prostate cancer easier and more efficient. We've done it before—mammograms have made screening for breast cancer a much more reliable process. We must do the same for prostate cancer.

Last year, Congress provided $40 million to the Department of Defense for prostate cancer research. Overall, $130 million in government-funded prostate cancer research was performed, compared with $650 million for breast cancer. Of course, we all recognize the importance of fighting breast cancer. It is a major threat to the women of our nation and the fight to find new and better prevention methods must continue. I think it is time we started fighting prostate cancer with the same tenacity.

In this year's Defense Appropriations bill we have provided $40 million for prostate cancer research. In addition to funds for peer review prostate cancer research, we have provided funding to the Walter Reed Army Medical Center for research on prostate cancer diagnostic imaging. This research is extremely important, as it could pave the way to better, faster, and more reliable screening and diagnosis.

One in every ten American men will develop prostate cancer at some point during his life. We need to target sufficient resources for research into the causes, treatment and cure of prostate cancer.

I hope that when the Defense Appropriations bill is in Conference, we will increase funding for prostate cancer research. Increased funding is necessary to give our scientists and researchers the tools they need to combat this deadly disease.

We are blessed with great medical scientists who are scattered across our country at universities, medical schools, and government research agencies. They are an incredible resource. I believe that we owe it to ourselves, to our children, and to the American people to ensure that these great men and women have the support they need to continue their efforts to bring the people of our nation a better, healthier tomorrow.

DOD IMPACT AID

Mr. DORGAN. Mr. President, I would like to take a moment to express my concern about the lack of funding within the Senate's Department of Defense Appropriations bill for fiscal year 1999 for schools that have been heavily impacted by their proximity to military installations.

Fortunately, the House bill does include $35 million for this purpose, and I want to put my colleagues on notice that I will be working through my position on the House-Senate conference committee to see that this funding is preserved.

This extra assistance is needed by schools on or near our military bases because their tax base is eroded by the large amount of federal land taken off the tax rolls. In addition, military personnel often are not required to pay local taxes, which support the schools, even if they have children enrolled in those schools. The DOD funding would be aimed at those schools most in need of the extra aid—school districts whose student population is made up of at least 20 percent military children.

This funding is sufficiently important to the quality of life of military personnel and their families that both the House and Senate fiscal year 1999 Defense Authorization bills authorize $35 million for this purpose. It is my strong hope that the Congress will see fit to include this funding in the final version of the Defense Appropriations bill.

Mr. HARKIN. Mr. President, during the deliberations over the fiscal year 1999 Defense Authorization bill, I offered an amendment to increase spending for our nation's veterans medical needs. The amendment, offered on June 25th and numbered as 2982 would have allowed the transfer of $329 million from the defense budget to support the VA medical budget. The amendment would have transferred funds so as to avoid harming the readiness of the Armed Forces and the quality of life of military personnel and their families.

The amendment's description was incomplete as to the listing of cosponsors and I would like to correct the record at this time. Along with Senator WELLSTONE of Minnesota, Senator BINGAMAN of New Mexico, also a longtime champion of veterans, should have been included as a cosponsor.

Although the amendment did not receive the support of a majority of my colleagues, I appreciate the cosponsorship by Senator BINGAMAN and Senator WELLSTONE. I also appreciate the support of the 35 other Senators who voted in favor of increasing VA medical funding.

Mr. STEVENS. Mr. President, I tell the Senate, there are now three amendments that are not disposed of, to my knowledge: the Graham amendment on space and two Harkin amendments. I call on those Senators to ask what they intend to do.

Mr. HARKIN. One amendment; I have one amendment.

Mr. STEVENS. I will be happy to eliminate one of the two.

Mr. President, again, I call on the Senators involved to inform us if they going to proceed with the amendment.

Mr. President, it is my understanding that the Senator from Florida is going to make a motion concerning the space amendment. I ask someone to inquire about that amendment.

May I inquire of the Senator from Iowa, does he intend to proceed with his amendment?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADAK NAVAL FACILITY AT ADAK, ALASKA

Mr. MURKOWSKI. Mr. President, as the chairman of the Appropriations Committee knows, we have been working for some time with the Natives of the Aleut Corporation, the Navy and the Department of the Interior on an effective plan for the reuse of Adak Naval Base, and I thank the Chairman for the inclusion of funding to help resolve remaining environmental problems with the facilities at Adak.

The Aleut Corporation, one of Alaska's 12 Native regional corporations, is the only entity that has expressed an interest in assuming the closed base, and has proposed a land exchange involving the Navy and the Department of the Interior. The Senate Energy committee, as you know, is considering and has held a hearing on S. 1488, which would authorize an exchange of property that would promote the reuse of Adak and improve the Aleutian refuge through incorporation of Aleut Corporation inholdings. This legislation is designed to ratify an agreement that will very shortly be executed by the Aleut Corporation and the Departments of the Navy and the Interior.

Mr. STEVENS. I am familiar with that legislation and fully support its adoption. In closing out its operations and responsibilities on Adak I understand the Navy wishes to transfer from Navy ownership as much as the base as possible; this includes both facilities that have foreseeable reuse and those that do not. Many of the moth-balled buildings on Adak were constructed before restrictions were imposed on the use of asbestos and lead paint. The environmental conditions at Adak, to which anyone who has visited there can attest, take a hard and quick toll on buildings and other facilities, especially those that are unused and not maintained. The Committee has included $15 million to resolve potential environmental hazards from deteriorating facilities. This funding will help to protect those who move to Adak to participate in its economic revitalization.

Mr. MURKOWSKI. With the expectation that all the parties to the Adak exchange will sign an agreement within the next few weeks, it is also my hope that the Conference Committee on S. 2312 would consider the inclusion of the language ratifying the agreement.

Mr. STEVENS. If all parties to the exchange are supportive, I would be open to the possibility of having the Conference consider that language.

Mr. MURKOWSKI. I thank the chairman, the distinguished senior Senator from Alaska.

NATIONAL ADVANCED TELECOMMUNICATIONS AND APPLICATIONS CENTER

Mr. FAIRCLOTH. Mr. President, I would like to enter into a colloquy

with the distinguished chairman of the Defense Appropriations Subcommittee. I was disappointed that the Defense Appropriations Subcommittee did not include funding for the National Advanced Telecommunications and Applications Center in the Research Triangle Park in North Carolina. I ask the chairman whether this is an indication that the subcommittee disapproves spending for this project or if it is merely because sufficient funds were unavailable?

Mr. STEVENS. The Senator from North Carolina will be pleased to know that the subcommittee believes that this project is very worthy, but we did not directly provide funding in FY 1999.

Mr. FAIRCLOTH. Therefore, may I assume that the chairman would support a reprogramming request from any branch of the Department of Defense if that branch found that unavoidable delays in its other programs made funding available for the NATAC?

Mr. STEVENS. The Senator is correct.

Mr. FAIRCLOTH. I thank the chairman. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I understand the Senator from Iowa will ask to be recognized, and I urge Members of the Senate to stay around. In my opinion, we are very close to final passage. We are very close to final passage. I expect final passage within 20 minutes. I might not get my expectations, right?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3478

(Purpose: Express sense of Senate regarding payroll tax relief)

Mr. STEVENS. Mr. President, I send to the desk a sense-of-the-Senate resolution on behalf of Senator KERREY and Senator MOYNIHAN and Senator BREAUX, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KERREY, for himself, Mr. MOYNIHAN and Mr. BREAUX, proposes an amendment numbered 3478.

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

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

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. SENSE OF THE SENATE REGARDING PAYROLL TAX RELIEF.

(a) FINDINGS.—The Senate finds the following:

(1) The payroll tax under the Federal Insurance Contributions Act (FICA) is the biggest, most regressive tax paid by working families.

(2) The payroll tax constitutes a 15.3 percent tax burden on the wages and self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used to pay the medicare benefits of current beneficiaries.

(3) The amount of wages and self-employment income subject to the social security portion of the payroll tax is capped at $68,400. Therefore, the lower a family's income, the more they pay in payroll tax as a percentage of income. The Congressional Budget Office has estimated that for those families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes.

(4) In 1996, the median household income was $35,492, and a family earning that amount and taking standard deductions and exemptions paid $2,719 in Federal income tax, but lost $5,430 in income to the payroll tax.

(5) Ownership of wealth is essential for everyone to have a shot at the American dream, but the payroll tax is the principal burden to savings and wealth creation for working families.

(6) Since 1983, the payroll tax has been higher than necessary to pay current benefits.

(7) Since most of the payroll tax receipts are deposited in the social security trust funds, which masks the real amount of Government borrowing, those whom the payroll tax hits hardest, working families, have shouldered a disproportionate share of the Federal budget deficit reduction and, therefore, a disproportionate share of the creation of the Federal budget surplus.

(8) Over the next 10 years, the Federal Government will generate a budget surplus of $1,550,000,000,000, and all but $32,000,000,000 of that surplus will be generated by excess payroll taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) if Congress decides to provide tax relief, reducing the burden of payroll taxes should be a top priority; and

(2) Congress and the President should work to reduce this payroll tax burden on American families.

Mr. KERREY. I am delighted to be joined by Senators MOYNIHAN and BREAUX in offering this important Sense of the Senate on reducing the payroll tax burden. This Sense of the Senate is simple: the payroll tax is the biggest, most regressive tax that working families in this country face. According to the CBO, 80 percent of American families pay more in payroll taxes than they do in income taxes.

Here's what that means. The average household income in 1996 was $35,492. That family, taking the standard deductions and exemptions, paid $2,719 in Federal income tax. But they paid a whopping $5,430 in payroll taxes—double what they paid in income taxes!

What this Sense of the Senate says is that if we talk about relieving the tax burden on American's families, we ought to look first at the payroll tax burden. After all, of the over $1.5 trillon surplus we expect to generate over the next ten years, all but $32 billion is being generated through payroll taxes. If anyone is going to get tax relief in this country, it ought to be the working people responsible for that surplus. I urge my colleagues to support this Sense of the Senate.

Mr. MOYNIHAN. Mr. President, my colleague Senator KERREY, with whom I am pleased to cosponsor this Sense of the Senate resolution, has it exactly right. The payroll tax is regressive. The statistic he quoted bears repeating. Among families that pay payroll taxes 80 percent pay more in payroll taxes than in income taxes.

If—and I say if—we are going to have a tax cut look no further than the payroll tax. Albert Hunt, writing in today's Wall Street Journal, agrees, noting that for most families it is ''the most onerous levy. . ..''

Even excluding interest income, the Social Security Trust Funds will generate $698 billion of surpluses over the next 10 years. That is just about enough to finance the 2 percentage point reduction in the payroll tax that Senator KERREY and I have proposed in our comprehensive Social Security rescue plan.

In contrast, the operating budget will only have a $32 billion surplus over the next 10 years—and no significant surplus until 2006.

Finally, maybe we shouldn't be considering any tax cuts. Those surpluses can easily evaporate, even in the absence of a recession. Growth of one percent for the next two or three years —rather than the 2 percent projected by CBO—just about wipes out surpluses for the next several years.

Mr. BREAUX. Mr. President, I am pleased to be an original co-sponsor of the Sense of the Senate offered by Senator KERREY and accepted tonight by unanimous consent regarding payroll tax relief.

We keep hearing the good news about surpluses but of the $1.55 trillion surplus over the next decade, all but $32 billion comes from the social security trust fund—from payroll taxes paid by working Americans on their wages—taxes that American workers paid to insure the viability of their Social Security benefits.

Of families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes. The payroll tax is the most regressive tax in America, disproportionately burdening low income families. Remember that almost 50 percent of households in this country earn under $35,000 per year and most of this income is from wages which are subject to the payroll tax. Given these facts, the payroll tax cut is clearly the tax cut this Congress should be discussing.

And we should be discussing it along with the reforms necessary to fix Social Security for all Americans for all time. I know there are many Senators

here who share my sentiments. I served with Senator GREGG on a bipartisan commission that thorougly studied this issue and we have recommended a comprehensive reform package. Senator KERREY and Senator MOYNIHAN have been working on a bill. Others in this bodies are also working on social security reforms. I look forward to working with all of my colleagues in a bipartisan effort to not only reduce taxes but to shore up social security and create wealth for working Americans.

Mr. STEVENS. I ask for the adoption of the amendment.

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

The amendment (No. 3478) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I state for the record, according to my understanding, the only amendment we have not disposed of that was listed on the two lists is the amendment that Senator HARKIN is about ready to discuss.

Does any Senator have another amendment?

Mr. President—I repeat the request—does any Senator have another amendment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, it is my understanding the Senator from Iowa will speak in a minute. And no Senator has raised any amendment to be considered; so, therefore, I ask unanimous consent that no more amendments be in order to this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent that following the statement of the Senator from Iowa, we shall immediately go to third reading.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I ask unanimous consent that the Senator from New Jersey also be recognized for 10 minutes prior to the vote.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I have an amendment at the desk that basically would equalize the treatment that the Budget Committee gave to the defense side of the ledger, would equalize that with the nondefense side of the ledger.

Now, let me try to explain it as best I can. A couple of years ago in a situation involving Social Security here on the Senate floor, the Parliamentarian of the Senate ruled in a way that gave the chairman of the Budget Committee the authority to decide whether or not scoring would be done under the CBO estimates and rules or under OMB.

This year, using that authority, the chairman of the Budget Committee sent a letter dated April 27, 1998, to the chairman of the Appropriations Committee, Senator STEVENS. This letter, among other things, basically said—and I will quote from the letter:

> Staff have also identified $2.0 billion in potential policy outlays scorekeeping adjustments. If the Administration's own policy initiatives are legislated for the DWCF, I will exercise my authority to score the legislation recognizing the administration's outlay estimates.

What that means, in ''bureaucratese,'' is that the chairman of the Budget Committee decided to use his authority to use the administration's policy initiatives—read that to be OMB—to adjust the outlay figures for the Defense Appropriations Subcommittee.

What did that add up to? We looked at it and those adjustments added up to $2.2 billion—$2.2 billion under OMB. Then the Budget Committee identified another $737 million in asset sales to come up with $2.9 billion additional for the Defense Appropriations Subcommittee.

But I am looking at the $2.2 billion. Forget about the other. The $2.2 billion came about because the chairman of the Budget Committee decided to use the administration's own policy initiatives and use the administration's outlay estimates from OMB. Mr. President, what that means is that the Budget Committee chairman has the authority because of a ruling by the Parliamentarian of this body that he can decide whether to use OMB or CBO estimates for outlay purposes.

I think it is appropriate to ask unanimous consent to have printed in the RECORD a copy of the letter from the chairman of the Senate Budget Committee, Senator DOMENICI, to Senator STEVENS, dated April 27, 1998.

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

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, April 27, 1998.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am reporting to you on your amendment to S. Con. Res. 86, the Senate-passed Budget Resolution, concerning defense and non-defense outlay scoring. Over the recent recess, representatives of the Department of Defense (DoD), the Office of Management and the Budget (OMB), and the Congressional Budget Office (CBO) have met and discussed these issues. As a result, we have identified from $2.6 billion to $2.9 billion in outlay reductions based on asset sales and proposed policy changes in the President's 1999 DoD budget request, including: (1) management initiatives for the Defense Working Capital Funds (DWCF) and, (2) alterations in classified activities in two Air Force accounts.

These identified outlay scoring adjustments for policies enumerated here do not prejudge other technical adjustments that might be considered with this year's reported defense authorizations or appropriations bills.

If legislation provides for defense asset sales subject to appropriations, appropriate savings will be scored. I understand the assets currently being considered would generate between $0.6 billion and $0.9 billion in negative outlays. The precise amount would, of course, depend on the text provisions reported to the Senate.

Staff have also identified $2.0 billion in potential policy outlay scorekeeping adjustments. If the Administration's own policy initiatives are legislated for the DWCF, I will exercise my authority to score the legislation recognizing the Administration's outlay estimates. For the classified policy initiatives in intelligence community activities, I will respect your judgment that the proposed policy initiatives will have the downward impact on outlays asserted by the Department of Defense and that the legislation reported to the Senate would not reverse or materially alter this impact, and will, therefore, score the outlays for reported legislation appropriately.

The disagreements between CBO, OMB and DoD on outlay estimates for the President's defense budget are not new. I believe Congress must insist on the most accurate projects from both the executive branch and our own estimators. Accordingly, I believe we should work together to achieve the following results.

1. Prompt submission of the annual joint report to Congress required by 10 U.S.C. 226 concerning CBO and OMB scoring of outlays on December 15 of each year;

2. The routine and timely transmission by CBO of its scoring of defense budget requests and relevant legislation to the appropriate representatives of DoD's Office of the Comptroller and OMB;

3. An analysis by CBO and the Administration, submitted as a part of their fiscal year 2000 Presidential budget presentations, of the actual outlays and rates that occurred for fiscal year 1998 for the Department of Defense with: (a) the outlays and outlay rates originally estimated by CBO and the Administration, respectively, for the fiscal year 1998 Department of Defense budget when that budget was originally presented to Congress, and (b) any revised outlays and outlay rates estimated for the final appropriations legislation, pursuant to Section 251 of the Balanced Budget Enforcement and Deficit

Control Act, for the Department of Defense for fiscal year 1998, including supplementals, transfers, rescissions, and any other adjustments;

4. An analysis by CBO and the Administration, submitted as a part of their fiscal year 2000 Presidential budget presentations, of the outlays and outlay rates currently estimated to be appropriate for fiscal year 1999 for the Department of Defense with: (a) the outlays and outlay rates originally estimated by CBO and the Administration for the fiscal year 1999 Department of Defense budget when that budget was originally presented to Congress, and (b) any revised outlays and outlay rates estimated for the final appropriations legislation, pursuant to Section 251 of the Balanced Budget Enforcement and Deficit Control Act, to date, for the Department of Defense for fiscal year 1999, including supplementals, transfers, rescissions, and any other adjustments;

5. A timely explanation by DoD of (a) any policy initiatives in the fiscal year 2000 DoD budget that, in DoD's judgement, CBO did not recognize in the latter's scoring of the fiscal year 2000 DoD budget, (b) DoD's analysis of how such policy initiatives will affect outlays in fiscal year 2000 and subsequent years, and (c) how DoD intends to implement the proposed policy initiatives.

Pursuant to your amendment we are also looking into the issue of non-defense outlays scoring and will report back to you shortly.

I look forward to working with you on this year's DoD appropriation and on action to ensure we have the most accurate estimate possible for defense expenditures in future years.

With best regards,

PETE V. DOMENICI,
Chairman.

Mr. HARKIN. Now, why am I taking the time here late at night to talk about this? Because we are about to go out on a break. We are going to go out for the month of August. In the first week of September when we come back, the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, the largest of the nondefense appropriations subcommittees—and that is my colleague and my friend, Senator SPECTER from Pennsylvania—will be calling us together to mark up the nondefense portion of the appropriations bill.

Right now, the allocation that was given to our subcommittee with respect to outlays is almost $300 million below a freeze from last year—$300 million below a freeze from last year.

The House, using those figures, marked up a bill, and the only way they marked it up was by completely eliminating all of the funding for the summer jobs program and all of the funding for the heating assistance for the elderly and poor—the LIHEAP program. They just eliminated all of that, and then they came in with the allocations that they had.

What my amendment basically says is that the chairman of the Budget Committee ought to apply the same rationale, the same decision, on using OMB estimates for nondefense as he did for defense. We need the outlays that this amendment will give us to fund programs important to Members on both sides of the aisle. This is not a Democrat amendment.

Now, we have heard many calls on the other side of the aisle to get more funding for IDEA, the Individuals with Disabilities Education Act. We have had more calls from the other side of the aisle to fund more programs for the National Institutes of Health. We have heard calls on this side of the aisle for more funding for Head Start, for low-income heating energy assistance programs for the elderly and the working poor. This cuts across both sides of this aisle. Those are just a few of the programs that will be drastically cut if we don't have the figures that could be given to us by the chairman of the Budget Committee.

Now, I will point out one thing. Recently, the Senators here voted on a sense-of-the-Senate resolution. It passed 99–0—I don't know who was missing, but it passed 99–0— a sense-of-the-Senate resolution that would raise NIH funding by $2 billion next year. That increase alone would require over $600 million in outlays. And I just said that our allocation puts us $300 million below a freeze.

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

Mr. HARKIN. I am delighted to yield to my friend and chairman.

Mr. SPECTER. I thank my colleague. When the distinguished Senator from Iowa points out that the vote was 99–0, is the Senator aware that when we sought the transfer, that it was turned down 57–41?

Mr. HARKIN. I am aware that the Senator from Pennsylvania, I think, within a week after that, offered an amendment——

Mr. SPECTER. An amendment on which the Senator from Iowa joined this Senator from Pennsylvania.

Mr. HARKIN. I proudly did so.

Mr. SPECTER. I believe the Senator from Iowa raises a valid point on having the same scoring for the Subcommittee on Labor, Health and Human Services, and Education as for the Department of Defense. I am optimistic that in working with the distinguished chairman of the Budget Committee there are ways that we can resolve these differences on policy grounds. The Senator from Iowa and I have worked very closely for many years now, when the Senator from Iowa was chairman and I was ranking—in reverse. We will move ahead with our markup in the subcommittee on September 1, the day after we get back. The chairman has agreed to have the markup on September 3 to bring this complex bill to the floor at an early date. I have taken the preliminary step in a very small meeting with Secretary Shalala of Health and Human Services and Secretary Riley of Education and Secretary Herman of Labor, to try to ascertain their real priorities so that we can try to move this bill ahead and get it passed.

I think the Senator from Iowa is performing a real service in highlighting the necessity for similar scoring so we can have additional funds. I think we will get there. I thank my colleague for his yielding and for his cooperation this year and through the years.

Mr. HARKIN. I thank my chairman for his kind words. We have worked collaboratively. I could not ask for a better chairman than Senator SPECTER. We have worked closely together. We have talked privately about this and, quite frankly, I believe we are going to be able to work this out. That is why I will, at the appropriate time, withdraw my amendment, because I do believe we are going to be able to work this out with the chairman of the Budget Committee and with the chairman of the Labor-HHS appropriations subcommittee. I believe we will be able to work this out in a manner that will be, I hope, conducive to getting the money that we need immediately—just the basic requirements that we want for the National Institutes of Health, that we want for LIHEAP, and a lot of the other programs that so many Members support here. I wanted to raise this issue because I think it is vitally important that we use the same set of scoring for both defense and nondefense.

So, Mr. President, with the assurances of my chairman that we will be able to get this thing worked out, I just wanted to refer to one thing on the chart. With the reallocation, with the amount of money we would get from the rescoring, we would have $770 million. That would get us the money that we need for NIH. That would get us the money that we need for LIHEAP and for the other programs—Head Start and others—that we need, which Senators support here.

Mr. President, again, I raise this issue because it is vitally important. I don't know how many other Senators want to speak on this issue. But I would be willing to yield the floor at this time for any other Senators who might want to speak on the issue.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, first, I want to hear the response of the Senator from New Mexico, because in a private conversation we just had here there was an assurance that I would like to hear publicly made and then I will be able to respond.

Mr. DOMENICI. I wonder if the Senator will give me 3 minutes.

Mr. LAUTENBERG. Mr. President, I yield 3 minutes of the time I have to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I believe one of the most difficult bills to appropriate and stay within the caps and the allocations under the Balanced Budget Act is the bill that the distinguished Senator, Senator HARKIN, is referring to. It is difficult every single year. It will be difficult this year; he knows it and I know it.

I want to make sure that everybody understands that the Senator from New Mexico did not adopt OMB numbers in arriving at the corrections that

were made in the amounts of money available for the Defense appropriations bill. We will be very glad to show Senators precisely what we did. In fact, I am going to insert a statement into the RECORD—I won't give it—showing that we actually made policy adjustments that permitted the changes in the expectation of expenditures, and then on top of that we allowed for the sale of assets that were a certainty, and we counted those sales in terms of receipts that could be spent in this bill.

What I am going to say to Senator SPECTER, chairman of the committee—and I told him this already—is that the staff and I are going to work with them, and we intend to do everything in our power to adjust the numbers so that they get the benefit of any policy changes that are justifiably on the side of OMB's different numbers. If that yields more money to spend, we are going to do that, and we are going to try our best. Let me repeat that we did not use OMB's numbers; we used OMB policy adjustments in a very confused procurement account, and they convinced us that in the policy that they were going to adopt, there would be more expenditures than we had expected—or less, whichever the case may be that yields more money to spend.

I also want to say to the distinguished chairman and ranking member of the Subcommittee on Labor, Health and Human Services, and Education that they chose last year to forward-fund a lot of their accounts. I am not critical. What they did is, they said, on a number of big accounts, we will not fund them for the whole year. We will fund them at the end of the year, thus, getting charged for only a small amount of money. Now, I can't help it that the chickens have come home to roost. The money is now being spent in this year, and we don't even have to appropriate; we already spent it. I can't fix that on every bill.

So, Mr. President, let me just say to the Senate, the bill, which Senator SPECTER will chair and Senator HARKIN is ranking member on, is the most difficult bill we have. And this Senator, in my responsibility to the Senate, will do everything I can to see that the numbers are accurate and that we maximize the amount of outlays. It is outlays they need; they don't need any budget authority. I will do that as soon as practicable, and our staff and theirs will start working as soon as they want us to.

The amendment and its author do not accurately characterize what has been done respecting outlays for the National Defense budget function.

There has been no arbitrary adjustment of CBO's scoring of defense outlays as some characterize.

Instead, the following actions have been taken:

The DoD Authorization bill contains legislation to reduce outlays in DoD's Working Capital funds by $1.3 billion.

The DoD Authorization bill also implements policies that would reduce outlays in two Air Force accounts in classified programs by $700 million.

The DoD Appropriations bill we are debating today contains a new Pentagon Renovation Fund; there has been a scoring adjustment for this new fund to bring its outlays in line with typical military construction outlay rates, rather than the higher overall rates that CBO would otherwise attribute to this spending. This adjustment amounts to about $190 million.

That's the totality of any outlay scoring adjustments in this appropriations bill. There are no other adjustments to CBO scoring. I believe it is important to realize that for the adjustments that have been made, in each case there is a specific legislative and/or policy provision that is key to the adjustment, and each legislative provision should have a material impact on outlays.

Mr. STEVENS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. The remaining speaker is the Senator from New Jersey, is that correct?

Mr. LAUTENBERG. Mr. President, I say to the distinguished chairman that I am going to be very brief, in view of what has just been said. I trust the chairman of the Budget Committee. There is some time available, is there not, Mr. President?

The PRESIDING OFFICER. Yes.

Mr. LAUTENBERG. Very quickly, I am pleased to hear the assurances. First, I commend the Senator from Iowa for bringing this to our attention because we were both of the same mind. Even as I read the letter sent to Senator STEVENS and Senator THURMOND, to me, it looked like we were going to be put in a position where defense was going to be particularly well treated, and nondefense was going to be left out. But we have had an interesting colloquy here, a dialog, and I trust the chairman of the Budget Committee. I work with him all the time and have great respect for him.

When he gives us an assurance that there will be no distinction, or no difference between the treatment given to defense and nondefense, I don't have to go a lot further. We have heard it. We have heard it directly from the chairman. We have heard it in this public forum.

Mr. President, I yield the time I have in the interest of moving this along.

Mr. HARKIN. Mr. President, I have an amendment.

Mr. STEVENS. Mr. President, I say to the Senator, under the agreement the amendments, if they are not called up, just go away. We do not offer them all. But the Senator is at liberty to withdraw his amendment.

Mr. HARKIN. Was it called up?

Mr. STEVENS. It was not called up.

Mr. HARKIN. That is fine.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to H.R. 4103, all after the enacting clause is stricken, the text of S. 2132, as amended, is inserted in lieu thereof.

The House bill is considered read a third time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that we stop there for just one moment for leaders to have a chance to talk about this bill just briefly.

I want to make a statement to the Senate. I often make mistakes. I have not made one as great as the one I made tonight when I interrupted the Senator from West Virginia. I had no intention of interrupting him. I know he intended to make his speech. I assured him that he would have the time to make the speech that he wished. We had entered into an agreement concerning a time limit on the amendment of the Senator from Illinois.

I deeply regret the misunderstanding that occurred. I know my good friend from West Virginia has a long and serious speech to make about the war powers and the amendment that was offered by the Senator from Illinois concerning the power of Congress to declare war.

I admire and respect him greatly, and I sincerely regret that incident.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will momentarily proceed to passage of the Department of Defense appropriations bill.

But I can't let this moment escape without first commending the chairman, Senator STEVENS, and his ranking member, Senator INOUYE, for the unbelievable speed in which they have been able to handle this appropriations bill and bring it to a close.

They are absolutely the best when it comes to knowing this legislation, and perhaps all legislation. I think they probably have set a record. But I think they did it in a way that was sensitive to all Senators' needs. And it took a lot of cooperation on both sides of the aisle.

So I thank Senator STEVENS. He set an example for all of us to follow. And the better part of wisdom was for me to get out of the way and let him do his job. He did a great job. I thank him, and I know that all Senators extend their thanks to him, and congratulations.

Having said that, the Senate still must consider two additional items before I can announce the voting situation for the rest of the evening.

Those items are the Emergency Farm Financial Relief Act, and legislation coming from the House relative to H–

1B, the Nonmigrant Immigrant Program.

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT. Mr. President, I send an adjournment resolution to the desk calling for a conditional adjournment for the August recess, and ask that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 114) was agreed to, as follows:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Friday, July 31, 1998, Saturday, August 1, 1998, or Sunday, August 2, 1998, pursuant to a motion made by the Majority Leader or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, August 31 or Tuesday, September 1, 1998, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, August 7, 1998, it stand adjourned until noon on Wednesday, September 9, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

NOMINATIONS

Executive nominations received by the Senate July 30, 1998:

THE JUDICIARY

FRANCIS M. ALLEGRA, OF VIRGINIA, TO BE JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE LAWRENCE S. MARGOLIS, TERM EXPIRED.

LEGROME D. DAVIS, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE EDMUND V. LUDWIG, RETIRED.

FARM CREDIT ADMINISTRATION

MICHAEL M. REYNA, OF CALIFORNIA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2004, VICE DOYLE COOK, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CARDELL COOPER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SAUL N. RAMIREZ, JR.

DEPARTMENT OF THE INTERIOR

CHARLES G. GROAT, OF TEXAS, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE GORDON P. EATON, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID C. WILLIAMS, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE VALERIE LAU, RESIGNED.

DEPARTMENT OF STATE

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOSEPH R. BIDEN, OF DELAWARE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

OFFICE OF PERSONNEL MANAGEMENT

JOHN U. SEPULVEDA, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE JANICE R. LACHANCE.

NATIONAL INDIAN GAMING COMMISSION

MONTIE R. DEER, OF KANSAS, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS, VICE TADD JOHNSON.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JOSEPH E. STEVENS, JR., OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be colonel

JEFFREY C. MABRY, 0000

To be lieutenant colonel

JEFFREY P. ALLERTON, 0000
DALE R. BROWN, 0000
MARK C. BRYANT, 0000
STUART D. HARTFORD, 0000
KENNETH R. NEUHAUS, 0000
ROBERT R. SELLERS, 0000
JOHN F. SIMONETTI, 0000
MICHAEL J. SUTTON, 0000
DAVID R. TAYLOR, 0000
THOMAS K. WIGGS, 0000

To be major

* RICHARD B. DELEON, 0000
JOHN F. EASTON, 0000
STEPHEN H. KENNEDY, 0000
TERRY J. LEWIS, 0000
JOEL J. SCHUBBE, 0000
ANA Y. VALDEZSCALICE, 0000

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

NEAL A. THAGARD, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID W. BROOKS, 0000
RONALD M. PACKER, 0000
SHELBY R. PEARCY, 0000

DEPARTMENT OF DEFENSE

STEPHEN W. PRESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY, VICE STEPHEN S. HONIGMAN.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HAROLD LUCAS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE KEVIN EMANUEL MARCHMAN.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

DAVID W. ADAMS, 0000
KEDRIC M. BELLAMY, 0000
EVELYN T. GIBBS, 0000
THOMAS M. HENDERSCHEDT, 0000
ROSE E. JIMENEZ, 0000
THOMAS L. KENNEDY, 0000
JAMES D. MORALES, 0000
JOSEPH ROTH, 0000

To be lieutenant (junior grade)

CHRISTOPHER E. ARCHER, 0000
DEBRA A. DRAHEIM, 0000
JOHN S. DUENAS, 0000
BRIAN M. GOEBEL, 0000
DEVIN T. LASALLE, 0000
ERIC T. LOWMAN, 0000
STEPHANIE E. MITCHELLSMITH, 0000
RICHARD R. RIKER, 0000
JOHN C. RUDOLFS, 0000
JOHN A. VELOTTA, 0000

To be ensign

DOUGLAS W. ABERNATHY, 0000
GREGORY A. BESHORE, 0000
WILLIAM M. FELMLEE, 0000
PATRICK L. LAHIFF, 0000
SHAWN D. PETRE, 0000
MICHAEL Y. SNELLING, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

MARILYN E. BRADDOCK, 0000

To be lieutenant commander

STEVEN L. BANKS, 0000
LAFAYETTE B. BELK, JR., 0000
FRANK A. BIVINS, 0000
ROBERT BUCKLEY, 0000
THOMAS B. CALVIT, 0000
GERARD S. CHRABOT, 0000
DWAYNE C. CLARK, 0000
LOUIS A. DAMIANO, 0000
JAMES F. GALLAGHER, 0000
JAMES W. HANSEN, 0000
JOHN R. HOLMAN, 0000
STEPHEN H. HOOPER, 0000
KIMBROUGH M. HORNSBY, 0000
CHARLES JOHNSON, II, 0000
STEPHAN F. JUN, 0000
DAVID A. LOWREY, 0000
MARK A. MALAKOOTI, 0000
ANTHONY J. MARCIANTE, 0000
PETER G. MAYER, 0000
DAVID B. MCLAREN, 0000
KIMBERLY M. MCNEIL, 0000
ANDREW A. NELSON, 0000
DAVID NORMAN, 0000
JOESPH D. PAULDING, 0000
BILLY J. PHILLIPS, 0000
LARRY D. REID, JR., 0000
GIACINTO F. RUBINO, 0000
JEFFREY A. RUTERBUSCH, 0000
JUDY R. SCHAUER, 0000
EDWARD D. SIMMER, 0000
DONNA J. STAFFORD, 0000
PHILIP M. STOLL, 0000
MARK D. TURNER, 0000
BENJAMIN W. YOUNG, JR., 0000

To be lieutenant

TIMOTHY A. ACKERMAN, 0000
BARRY D. ADAMS, 0000
RICHARD E. AGUILA, 0000
MICHAEL T. AKIN, 0000
YVONNE ANDERSON, 0000
ELIZABETH A. G. ASHBY, 0000
DIXIE L. AUNE, 0000
JENNIFER L. BAILY, 0000
DARRELL A. BAKER, 0000
JULIE H. BALL, 0000
SCOTT J. BEATTIE, 0000
JAMES S. BIGGS, 0000
WILLIAM R. BLAND, 0000
ANNE K. BOURNE, 0000
MATTHEW R. BOWMAN, 0000
SCOTT D. BOXBERGER, 0000
GERALD BOYLE, 0000
RICK M. BROGDON, 0000
GREGORY H. BUBB, 0000
DELL D. BULL, 0000
WILLIAM E. BURNS, JR., 0000
TIERNEY M. CARLOS, 0000
ROBERT T. CARRETTA, 0000
DAVID J. CARRILLO, 0000
JOE V. CASEY, JR., 0000
GINA M. CAVALLI, 0000

KARINA J. CIESIELSKI, 0000
BARRY S. COHEN, 0000
THERON C. COLBERT, 0000
CANDACE A. CORNETT, 0000
MICHAEL T. COURIS, 0000
JAMES G. COX, 0000
CHERYL A. CREAMER, 0000
CHARLES J. CRUSE, 0000
ERIC E. CUNHA, 0000
PRESCOTT E. DALRYMPLE, 0000
GREGORY P. DAVIS, 0000
MARISA A. DECILLIS, 0000
DONALD R. DELOREY, 0000
DAWN DENNIS, 0000
HENRIQUE M. DEOLIVEIRA, 0000
BEVERLY A. DEXTER, 0000
KRISPEN S.J. DORFMAN, 0000
DEBORAH D. DREWS, 0000
ANTHONY L. DUCHI, III, 0000
JENNIFER K. EAVES, 0000
MARK T. EDGE, 0000
LANCE C. ESSWEIN, 0000
RICHARD L. FIELDS, JR., 0000
NANCY J. FINK, 0000
ANNE B. FISCHER, 0000
GLENN S. FISCHER, 0000
KEVIN FITZPATRICK, 0000
ROGER D. FLODIN, II, 0000
MARIA C. FLYNN, 0000
PHILIP A. FOLLO, 0000
WALTER H. FRENCH, III, 0000
EFRAM R. FULLER, 0000
JUAN M. GARCIA, III, 0000
PATRICA A. GARCIA, 0000
PEER E. GERBER, 0000
ELIZABETH K. GILLARD, 0000
BENNETT R. GLOVER, 0000
CARLOS D. GODINEZ, 0000
BABETTE R. GORDON, 0000
CHARLES M. GORDON, 0000
JOHN R. GOULDMAN, JR., 0000
DARLENE K. GRASDOCK, 0000
JOHN N. GREENE, 0000
KURT E. GRUNAWALT, 0000
LISA C. GUFFEY, 0000
RICHARD A. GUSTAFSON, 0000
RICHARD G. HAGERTY, 0000
CLYDE A. HAIG, 0000
WILLIAM O. HAISSIG, 0000
ERIC R. HALL, 0000
JON J. HANSON, 0000
WILLIAM T. HARDER, 0000
MARY K. HARRIS, 0000
RONALD G. HARTMAN, JR., 0000
MATTHEW J. HAUPT, 0000
ELIZABETH A. HAYDON, 0000
MATTHEW W. HEBERT, 0000
KEITH W. HENDERSON, 0000
GRANT R. HIGHLAND, 0000
LESTER E. HUILBERT, JR., 0000
MATTHEW W. HILDEBRANDT, 0000
JACK A. HINES, 0000
MARK A. HOFMANN, 0000
MICHAEL C. HOLIFIELD, 0000
NANCY E. HOLMES, 0000
JOHN M. HOOPES, 0000
JOHN L. HOWLAND, 0000
SALLY A. HUGHES, 0000
RICHARD L. INGRUM, JR., 0000
RAYMOND E. JACKSON, 0000
MICHAEL J. JAEGER, 0000
GREGORY A. JOHNSON, 0000
JEFFREY D. JOHNSON, 0000
ETHAN B. JOSIAH, 0000
LETITIA D. JUBERT, 0000
CYNTHIA L. JUDY, 0000
JOSEPH A. KAHN, 0000
JULIAN T. KELLY, 0000
STEVEN A. KEWISH, 0000
BARRY L. KILWAY, 0000
SUSANNE K. KITCHEN, 0000
KRISTIN L. KLIMISCH, 0000
PAMELA S. KUNZE, 0000
TAMERA L. LANE, 0000
BRIAN C. LANSING, 0000
JOSEPH T. LAVAN, 0000
JOHN LEE, 0000
WILLIAM J. LEONARD, JR., 0000
DANA L. LIZAK, 0000
CHARLES E. LOISELLE, 0000
JAMES J. LYNCH, 0000
TAMARA K. MAEDER, 0000
MICHAEL J. MAGUIRE, 0000
ERIC F. MANNING, 0000
STEPHEN J. MANNING, 0000
MARK A. MARZONIE, 0000
KAREN D. MC CORMICK, 0000
ELIZABETH H. MC DONNELL, 0000
JAMES R. MC FARLANE, 0000
WAINA J. MC FARLANE, 0000
CHELSEA T. MCKINLEY, 0000
SCOT C. MC MAHON, 0000
CAROLYN M. MEDINA, 0000
BRENDAN T. MELODY, 0000
KRISTEN L. MOE, 0000
STEPHEN R. MOLITOR, 0000
EDGARDO MONTERO, 0000
ERIN M. MOORE, 0000
ROBERT P. MOORE, IV., 0000
JOHN R. MORRIS, 0000
STEPHANIE J. MOSER, 0000
RAMIRO MUNOZ, JR., 0000
JASON C. NARGI, 0000
SCOTT V. NEEDLE, 0000
KEVIN H. ODLUM, 0000
CHRISTOPHER J. ODONNELL, 0000
HILARY S. D. OKELLEY, 0000
CHARLES E. OLSON, 0000
KEVIN R. ONEIL, 0000
ANTHONY J. OPILKA, 0000
SCOTT E. ORGAN, 0000
JOE V. OVERSTREET, 0000
LINDA M. PALMER, 0000
DOUGLAS A. PEABODY, 0000
ANN M. PERRY, 0000
RICHARD T. PETERSON, 0000
NICOLE K. POLINSKY, 0000
JASON R. PRICKETT, 0000
WILLIAM J. PROUT, 0000
EILEEN M. H. RACZYNSKI, 0000
JOHN G. RICE, 0000
TRACY V. RIKER, 0000
KIMBERLY S. ROBERTS, 0000
MARC D. RODRIGUEZ, 0000
MONICA G. ROMAN, 0000
CHERYLYNN A. ROSWELL, 0000
MICHELLE C. SAARI, 0000
STEPHANIE L. SANDERS, 0000
LYNNE T. SCHIERA, 0000
MICHAEL J. SCHWERIN, 0000
PATRICK B. SCOTT, 0000
CATHERINE A. SELLERS, 0000
WILLIAM H. SHEEHAN, 0000
MARIA T. SHELDRAKE, 0000
GREGORY J. SMITH, 0000
LOREN J. SMITH, 0000
SCOTT M. SMITH, 0000
VICTOR S. SMITH, 0000
ELIZABETH A. SNYDER, 0000
THEODORE J. STJOHN, 0000
MARK D. SULLIVAN, 0000
SCOTT A. SWOPE, 0000
ITZEL A. TALBOT, 0000
ELIZABETH A. H. TEWELL, 0000
DOUGLAS A. THIEN, 0000
SUSAN A. UNION, 0000
KEN H. UYESUGI, 0000
SHARON S. VETTER, 0000
SORAYA M. C. VILLACIS, 0000
CARLA L. VIVAR, 0000
ROGER F. WAKEMAN, 0000
JEFFREY A. WALTERS, 0000
THOMAS A. WALTZ, JR., 0000
MARCUS L. WARREN, 0000
MICHAEL S. WATHEN, 0000
DAVID C. WEIGLE, 0000
JASON A. WELCH, 0000
NELSON R. WELLS, 0000
KURT J. WENDELKIN, 0000
ROBERT B. WHITE, 0000
KENNETH J. WHITWELL, 0000
CATHERINE E. WIDMER, 0000
JEFFREY S. WILCOX, 0000
MITCHELL P. WRIGHT, JR., 0000
HENRY X. YOUNG, 0000
CAROL A. ZYLSTRA, 0000

To be lieutenant (junior grade)

KIMBERLY C. ABERCROMBIE, 0000
DOUGLAS J. ADKISSON, 0000
IVAN L. AGUIRRE, 0000
ROBERT E. ALEXANDER, 0000
DAVID W. ANDERSON, 0000
ROBERT E. BEBERMEYER, 0000
BRYAN L. BECK, 0000
DENNIS E. BLACKSMITH, 0000
CHRISTOPHER L. BLANCHARD, 0000
DALE S. BORDNER, 0000
JEFF W. BOWMAN, 0000
RODERICK L. BOYCE, 0000
RALPH V. BRADEEN, 0000
TRACY A. BRINES, 0000
CLAUDIA M. R. BROWN, 0000
MARK S. BUDELIER, 0000
TERRENCE E. CASEY, 0000
JEFF P. H. CAZEAU, 0000
JOHN T. CHAPMAN, 0000
RODNEY A. CHAPMAN, 0000
PETER D. CHAREST, 0000
ERIK C. CLINE, 0000
ANTHONY J. COKE, 0000
BRENDA M. COLLINS, 0000
GREGORY J. COTTON, 0000
GEORGE P. CULLEN, 0000
NICKI L. DAILEY, 0000
SHAHIN P. DANESHKHAH, 0000
SHARON L. DECANT, 0000
CARLOS F. DEJESUS, 0000
KENNETH P. DEUEL, 0000
LISA A. DIMARIA, 0000
THOMAS S. DIVITO, 0000
JIMI M. DOTY, 0000
DARREN P. DRESSER, 0000
THOMAS E. DUNMORE, 0000
GRANT A. DUNN, 0000
ERIK D. ECK, 0000
LANCE J. EDLING, 0000
KENDALL J. ELLINGTON, 0000
WILLIAM R. ELLIS, JR., 0000
JEFFREY N. FARAH, 0000
WILLIAM M. FAULKNER, 0000
ROBERT E. FENRICK, 0000
ALFREDO T. FERNANDEZ, JR., 0000
IVAN A. FINNEY, 0000
MARK J. FOLSLAND, 0000
JOHN H. FOX, 0000
JOHN P. FRIEDMAN, 0000
RAYMOND GARAY, 0000
MATTHEW M. GENTRY, 0000
BLAKE C. GIBSON, 0000
MARK W. GIBSON, 0000
JOHN B. GILLETT, III, 0000
CHRISTOPHER C. GILLETTE, 0000
JOSEPH A. GOODNER, 0000
STEVEN R. GUNTHER, 0000
SHISHIR K. GUPTA, 0000
AMY M. HAGEMAN, 0000
BRIAN G. HARRIS, 0000
RYAN J. HEILMAN, 0000
TIMOTHY J. HERALD, 0000
ERIC M. HOHL, 0000
WILLIAM D. HOLDER, 0000
ANDREW S. INMAN, 0000
KEVIN R. JODA, 0000
SANDRA D. JOHNSON, 0000
ROBERT A. KEATING, 0000
JOHN G. KEENAN, 0000
CORINNA M. KUPPER, 0000
MICHAEL S. LAGUITAN, 0000
EFREM R. LAWSON, 0000
SCOTT D. LOESCHKE, 0000
ANTONIA LOPEZ, 0000
CHRISTOPHER K. LUEDDERS, 0000
MATTHEW M. LYLE, 0000
KATHLEEN S. MAAS, 0000
PETER J. MACULAN, 0000
ERIC J. MATHIS, 0000
STUART M. MATTFIELD, 0000
MATTHEW J. MAXWELL, 0000
BRIAN L. MAZE, 0000
MARVIN B. MC BRIDE, III, 0000
JEFFREY E. MC COY, 0000
MASON C. MC DOWELL, 0000
CLAYTON D. MENSER, JR., 0000
DONALD H. MERTEN, III, 0000
GARRICK J. MILLER, 0000
STEVEN W. MILLER, 0000
DANNIEL A. MINES, 0000
IDELLA R. MOORS, 0000
JOHN S. MOYER, III, 0000
GORDON E. MUIR, JR., 0000
DAVID D. NEAL, 0000
PAUL R. OBER, 0000
JASON W. ORENDER, 0000
DANIEL A. PETNO, 0000
ERIK G. PITTMAN, 0000
GREGORY E. POOLE, 0000
ERIK J. POWELL, 0000
RICHARD L. PRINGLE, 0000
DEREK J. PURDY, 0000
JAMES E. REASOR, 0000
LAURIE H. REPPAS, 0000
TRAVIS B. RHOADES, 0000
CATHERINE E. RILEY, 0000
ROBERT S. RINEHART, 0000
JESS V. RIVERA, 0000
GREGORY D. ROSE, 0000
RICKEY G. RUFFIN, 0000
ROBERT S. RUSSELL, 0000
JEANNE M. SARMIENTO, 0000
BRYAN T. SCHLOTMAN, 0000
STEVEN C. SCHOENECKER, 0000
JAMES E. SCOTT, 0000
RAMON I. SERRANO, 0000
JAMES L. SHELTON, 0000
MARVIN L. SIKES, JR., 0000
DANIEL J. SIKKINK, 0000
JEFFREY S. SMITH, 0000
SCOTT M. SONDGERATH, 0000
KENNETH L. SPENCE, 0000
WINSTON R. SPENCER, 0000
GERALD W. SPRINGER, II, 0000
LOUIS J. SPRINGER, 0000
STEPHEN J. STANO, 0000
DANIEL M. STODDARD, 0000
JEROD D. SWANSON, 0000
EDMUND E. SWEARINGEN, 0000
MARK A. SWEARNGIN, 0000
STEPHEN L. I. THOMPSON, 0000
DONALD M. THORNER, 0000
DAVID A. URSINI, 0000
SEAN W. VALLIEU, 0000
JASON S. VANDONK, 0000
RANDY J. VANROSSUM, 0000
GUSTAVO J. VERGARA, 0000
SHANNON P. VOSS, 0000
KEVIN H. WAGNER, 0000
BENJAMIN J. WALKER, 0000
CEDRIC L. WALKER, 0000
JEFFREY S. WARREN, 0000
ERIC T. WHITELEY, 0000
ULYSSES V. WHITLOW, 0000
WILLIAM C. WHITSITT, 0000
DUNCAN L. WILLIAMS, 0000
BRIAN A. WILSON, 0000
ROBERT L. WING, 0000
COREY D. WOFFORD, 0000
DANIEL F. YOUCH, 0000
WILLIAM B. ZABICKI, JR., 0000
MATTHEW H. ZARDESKAS, 0000
JEFFREY B. ZILLMER, 0000

To be ensign

JOHN C. BAILLY, 0000
JEFFREY P. BROWN, 0000
GILLIAN B. BURNS, 0000
MICHAEL CHIN, 0000
JOSEPH W. COLEMAN, 0000
MICHAEL F. DAVIS, 0000
ROGELIO M. DU, 0000
ROBERT J. HAIRE, JR., 0000
RICHARD C. HAM, 0000
CORINNE D. HAMPSON, 0000
BRAD G. HARRIS, 0000
ROBERT C. HICKS, 0000
ERIC D. HOLLIS, 0000
SHAWN W. HUEY, 0000
JOHN B. HUGHES, 0000
DAVID R. JACKSON, 0000

HENRY A. JOHNSON, 0000
MARK E. JOHNSON, 0000
DINCHEN A. KLEIN, 0000
LAURA A. KNABB, 0000
KIRK A. KREISEL, 0000
ARRON W. LAYTON, 0000
TIFFANY A. LEHANE, 0000
GREGORY D. LEWIS, 0000
JEFFREY M. LISAK, 0000
RONALD B. LOTT, JR., 0000
JAMES MATHES, 0000
TODD D. MOORE, 0000
JEFFREY A. NESHEIM, 0000
RICK L. NICKERSON, 0000
GREGORY J. OSTIDIEK, 0000
NANNETTE M. PACO, 0000
CHRISTOPHER F. POULIOT, 0000
JASON A. SEIFERT, 0000
MARIANNE SIMMONS, 0000
GREGORY S. THOROMAN, 0000
BRIAN L. TOTHERO, 0000
PHILIP G. URSO, 0000
ROBERT J. WEGGEL, 0000
BRICE C. WEYER, 0000
STEVEN J. WICKEL, 0000
MARK A. WINTERS, 0000
MATTHEW A. WISE, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

NORA A. BURGHARDT, 0000
BRYAN E. HELLER, 0000
MARK R. LAUDA, 0000
STEVEN D. WATSON, 0000

To be lieutenant (junior grade)

DAVID M. ALGER, 0000
JEFFREY J. BLOCK, 0000
JAN C. CUNNION, 0000
KEITH W. MIERTSCHIN, 0000
ALLEN R. SULLIVAN, 0000

To be ensign

KEITH K. BENSON, 0000
MICHAEL J. BRADY, 0000
AMANDA E. MORRIS, 0000

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS FOR PERMANENT APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be lieutenant

CHARLES W. CORIELL, 0000
STANLEY D. WILLIAMS, 0000

To be lieutenant (junior grade)

JOHN R. ANDERSON, 0000

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 30, 1998:

DEPARTMENT OF LABOR

RAYMOND L. BRAMUCCI, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF LABOR.

UNITED STATES INTERNATIONAL TRADE COMMISSION

THELMA J. ASKEY, OF TENNESSEE, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 2000.

JENNIFER ANNE HILLMAN, OF INDIANA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2006.

STEPHEN KOPLAN, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2005.

EXECUTIVE OFFICE OF THE PRESIDENT

DEIDRE A. LEE, OF OKLAHOMA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

ROSINA M. BIERBAUM, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

CENTRAL INTELLIGENCE AGENCY

L. BRITT SNIDER, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY.

FEDERAL ELECTION COMMISSION

SCOTT E. THOMAS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2003.

DARRYL R. WOLD, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2001.

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2003.

KARL J. SANDSTROM, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2001.

UNITED STATES INFORMATION AGENCY

JONATHAN H. SPALTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HUGH Q. PARMER, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF DEFENSE

CAROLYN H. BECRAFT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

RUBY BUTLER DEMESME, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

PATRICK T. HENRY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

CORPORATION FOR PUBLIC BROADCASTING

DIANE D. BLAIR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004.

DEPARTMENT OF TRANSPORTATION

KELLEY S. COYNER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

CORPORATION FOR PUBLIC BROADCASTING

RITAJEAN HARTUNG BUTTERWORTH, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. TIMOTHY W. JOSIAH, 0000.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10 U.S.C., SECTION 12203:

To be brigadier general

COL. GEORGE W. KEEFE, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10 U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RICHARD C. COSGRAVE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROGER G. DEKOK, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN W. HANDY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. NICHOLAS B. KEHOE, III, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MAXWELL C. BAILEY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PHILLIP J. FORD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD C. MARCOTTE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE AS CHIEF, NATIONAL GUARD BUREAU, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 10502:

To be lieutenant general

MAJ. GEN. RUSSELL C. DAVIS, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD S. COLT, 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

KEITH B. ALEXANDER, 0000
DORIAN T. ANDERSON, 0000
ELDON A. BARGEWELL, 0000
DAVID W. BARNO, 0000
WILLIAM H. BRANDENBURG, 0000
JOHN M. BROWN, III, 0000
PETER W. CHIARELLI, 0000
CLAUDE V. CHRISTIANSON, 0000
EDWARD L. DYER, 0000
WILLIAM F. ENGEL, 0000
BARBARA G. FAST, 0000
STEPHEN J. FERRELL, 0000
THOMAS R. GOEDKOOP, 0000
DENNIS E. HARDY, 0000
STEVEN R. HAWKINS, 0000
JOHN W. HOLLY, 0000
DAVID H. HUNTOON, JR., 0000
PETER T. MADSEN, 0000
JESUS A. MANGUAL, 0000
THOMAS G. MILLER, 0000
ROBERT W. MIXON, JR., 0000
VIRGIL L. PACKETT, II, 0000
DONALD D. PARKER, 0000
ELBERT N. PERKINS, 0000
JOSEPH F. PETERSON, 0000
DAVID H. PETRAEUS, 0000
MARILYN A. QUAGLIOTTI, 0000
MAYNARD S. RHOADES, 0000
VELMA L. RICHARDSON, 0000
MICHAEL D. ROCHELLE, 0000
JOE G. TAYLOR, JR., 0000
NATHANIEL R. THOMPSON, III, 0000
ALAN W. THRASHER, 0000
JAMES D. THURMAN, 0000
THOMAS R. TURNER, II, 0000
JOHN M. URIAS, 0000
MICHAEL A. VANE, 0000
LLOYD T. WATERMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT F. FOLEY, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DALE R. BARBER, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. ROBERT T. DAIL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

To be brigadier general

COL. ROBERT A. COCROFT, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LEON J. LAPORTE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES M. LINK, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EDMUND C. ZYSK, 0000.

To be brigadier general

COL. WILLIAM J. DAVIES, 0000.
COL. JAMES P. COMBS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATEDWHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JOHN N. ABRAMS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID H. OHLE, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PAUL J. GLAZAR, 0000.
BRIG. GEN. JOHN R. GROVES, JR., 0000.
BRIG. GEN. DAVID T. HARTLEY, 0000.
BRIG. GEN. LLOYD E. KRASE, 0000.
BRIG. GEN. BENNETT C. LANDRENEAU, 0000.
BRIG. GEN. BENNY M. PAULINO, 0000.
BRIG. GEN. JEAN A. ROMNEY, 0000.
BRIG. GEN. ALLEN E. TACKETT, 0000.

To be Brigadier General

COL. RICHARD W. AVERITT, 0000.
COL. DANIEL P. COFFEY, 0000.
COL. HOWARD A. DILLON, JR., 0000.
COL. BARRY A. GRIFFIN, 0000.
COL. LARRY D. HAUB, 0000.
COL. ROBERT J. HAYES, 0000.
COL. LAWRENCE F. LAFRENZ, 0000.
COL. VICTOR C. LANGFORD, III, 0000.
COL. THOMAS P. MANCINO, 0000.
COL. DENNIS C. MERRILL, 0000.
COL. WALTER A. PAULSON, 0000.
COL. ROBLEY S. RIGDON, 0000.
COL. KENNETH B. ROBINSON, 0000.
COL. ROY M. UMBARGER, 0000.
COL. JIMMY R. WATSON, 0000.
COL. PAUL H. WIECK, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EMILIO DIAZ-COLON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD G. ANDERSON, III, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. THOMAS A. SCHWARTZ, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624(C):

To be brigadier general, Judge Advocate General's Corps

COL. THOMAS J. ROMIG, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRUCE W. PIERATT, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) PETER A. C. LONG, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

To be rear admiral

REAR ADM. (LH) ANDERSON B. HOLDERBY, JR., 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL E. FINLEY, 0000.
CAPT. GWILYM H. JENKINS, JR., 0000.
CAPT. JAMES A. JOHNSON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

To be vice admiral

REAR ADM. JAMES F. AMERAULT, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH)MICHAEL L. COWAN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH S. MOBLEY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. EDWARD MOORE, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN W. CRAINE, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. HERBERT A. BROWNE, JR., II, 0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING ALBERT K AIMAR, AND ENDING JERRY L WILPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 15, 1998.

AIR FORCE NOMINATIONS BEGINNING HEDY C. PINKERTON, AND ENDING PHILIP M. SHUE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 7, 1998.

AIR FORCE NOMINATIONS BEGINNING JOHN J. ABBATIELLO, AND ENDING MICHEL P. ZUMWALT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 7, 1998.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOHAN K. AHN, AND ENDING CLORINDA K. ZAWACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 1998.

ARMY NOMINATION ANGELA D. MEGGS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 15, 1998.

ARMY NOMINATIONS BEGINNING KEVIN C. ABBOTT, AND ENDING MARK G. ZIEMBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 7, 1998.

ARMY NOMINATIONS BEGINNING CELETHIA M. ABNER, AND ENDING SHANDA M. ZUGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 7, 1998.

ARMY NOMINATIONS BEGINNING ROBERT D. BRANSON, AND ENDING WILLIAM B. WALTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 1998.

ARMY NOMINATIONS BEGINNING MARK A. ACKER, AND ENDING X4578, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 1998.

IN THE COAST GUARD

COAST GUARD NOMINATION OF CHRISTOPHER A. BUCKRIDGE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 17, 1998.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF MICHAEL J. COLBURN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 15, 1998.

MARINE CORPS NOMINATIONS BEGINNING REGINALD H. BAKER, AND ENDING JAMES J. WITKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 15, 1998.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MARK T. ACKERMAN, AND ENDING MARY J. ZUREY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 1998.

NAVY NOMINATIONS BEGINNING DAVID ABERNATHY, AND ENDING MICHAEL B. WITHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 15, 1998.

NAVY NOMINATIONS BEGINNING SANDERS W. ANDERSON, AND ENDING PAUL R. ZAMBITO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 15, 1998.

NAVY NOMINATIONS BEGINNING JOHN S. ANDREWS, AND ENDING WILLIAM M. STEELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 15, 1998.

NAVY NOMINATIONS BEGINNING PAUL S. WEBB, AND ENDING WESLEY P. RITCHIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 7, 1998.

NAVY NOMINATION OF KEVIN J. BEDFORD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 7, 1998.

NAVY NOMINATIONS BEGINNING DOUGLAS J. MCANENY, AND ENDING RICHARD A. MOHLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 1998.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 30, 1998, withdrawing from further Senate consideration the following nomination:

AIR FORCE

DARYL L. JONES, OF FLORIDA, TO BE SECRETARY OF THE AIR FORCE, VICE SHEILA WIDNALL, RESIGNED, WHICH WAS SENT TO THE SENATE ON OCTOBER 22, 1997.

NATIONAL INDIAN GAMING COMMISSION

TADD JOHNSON, OF MINNESOTA, TO BE CHAIR OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS, VICE HAROLD A. MONTEAU, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 31, 1997, AND SEPTEMBER 2, 1997.

ENVIRONMENTAL PROTECTION AGENCY

CARDELL COOPER, OF NEW JERSEY, TO BE AN ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE ELLIOTT PEARSON LAWS, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 2, 1997.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR FRIDAY, JULY 31, 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. on Friday, July 31. I further ask that when the Senate reconvene on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period of morning business, with Senators permitted to speak up to 5 minutes each.

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

PROGRAM

Mr. JEFFORDS. For the information of all Senators, when the Senate reconvenes on Friday, there will be a period of morning business, with Senators permitted to speak for up to 5 minutes each. The Senate may also consider any executive or legislative items that may be cleared for action. The majority leader has announced there will be no rollcall votes during Friday's session and would like to thank all Members for their cooperation this week and wishes them a restful and productive August break.

If there is no further business to come before the Senate, I now ask that

the Senate stand in adjournment under the previous order.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 10 a.m., Friday, July 31, 1998.

Thereupon, the Senate, at 11:05 p.m., adjourned until Friday, July 31, 1998.

EXTENSIONS OF REMARKS

ISSUES OF CONCERN TO YOUTH TODAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD statements by high school students from my home state of Vermont, who were speaking at my recent town meeting on issues facing young people today. I am asking that you please insert their statements in the CONGRESSIONAL RECORD as I believe that the views of these young persons will benefit my colleagues.

STATEMENT BY RACHEL SALYER REGARDING SUBSTANCE ABUSE

RACHEL SALYER: My name is Rachel Salyer. I am a senior at the Bellows Free Academy in St. Albans.

I think there are so many issues surrounding the youth of today, things like success—we are pressured to succeed in life, whether that is monetarily, or just self. And the adults in the community don't seem to be helping very much. When adults, parents and other adults alike throughout Vermont and the nation characterize teenagers as all being troublemakers or all being people who drink or party, then they are sending a message to the youth of the community that they don't care about our future, because it is our future, and they are not going to be around for it, and it is our own fault, basically.

These stereotypes are wrong. Not all youth in Vermont are people who like to drink, people who like to do drugs, people who go to parties every weekend. That's why organizations such as Green Mountain Prevention Project are such an important part of Vermont youth, because they sponsor programs like the Green Mountain Teens, which is a group of teens who have gotten together, who try to make other teens aware that there are all these issues surrounding them, that parents and adults have this image of us, and we want to try and change it.

Basically, what the Green Mountain Teens do is, we are a peer-awareness and prevention group. We provide healthy alternatives to doing drugs or drinking and things like that. We have coffee houses, we have haunted houses, winter balls, dances, anything you can imagine, any other kind of healthy lifestyle habit, we promote that, in order to tell teens that there is something else out there. We are setting examples for teens by being teens, and telling them that there are other choices. And we are trying to show the adults in the community that we need their support also, that we recognize there is a problem, and that it needs to be changed.

Congressman SANDERS: Thank you very much.

STATEMENT BY JOSH LEMIEUX, MARK BOYLE, CARL HALBACK AND RICHARD GONZALES REGARDING SKATEBOARD COMMUNITY BUILDING

CARL HALBACH: First of all, thank you for inviting us here. The point we are trying to prove today is, we have changed our community outlook and image from a negative to a positive outlook.

MARK BOYLE: A lot of groups here are talking about things they would like to do and things that they think need to be done, or processes they need to do. We would like to prove that works. We did a lot of community service and got help from a lot of community members in order to enhance what we enjoy. And this is one of those things that a lot of these groups out there need to think about doing, and this is how they need to do it, just like get a lot of help from the community and be able to follow the guidelines that the adult world uses, and not dwell on the fact that they need to let us do what we want to do, because we are going to do it anyway.

RICHARD GONZALES: Basically, I looked at the State of Vermont, and I seen that they don't recognize extreme sports as one of the big issues, as like physical activities, and, you know, we just took it upon ourselves to build our own park and raise money, and do stuff like that, try to help our city out.

JOSH LEMIEUX: Right now, we are building a new skate park. We just got done. It ran for like five years, and was getting too small. Right now, we are moving and expanding to a bigger skate park, and doing this by ourselves. And we have a grant from a couple of companies, and we are just raising money right now. We have the communities behind us, just trying to.

Carl, did you want to add something?

CARL HALBACH: Yes. Basically went around asking for donations, seeing who would like to help us. A lot of the times, we worked for the money, instead of having it handed to us. There is a sliding hill near our town. And we decided to go clean it up and put up all new fences and paint the buildings and take them down and rebuild them again, so they are in a much better condition, and made the sliding hill much more safe.

Congressman SANDERS: Are we talking about St. Albans?

CARL HALBACH: Yes.

Congressman SANDERS: Mark, did you want to add anything?

MARK BOYLE: We have done this all by ourselves. We have guidance of some outstanding citizens in our community, Miss Gridmore and Doctor Chip. I mean, they don't do work for us, but they help organize stuff, because not all community members are going to be totally accepting of a bunch of rag-tag kids coming and saying, can we do some work for money so we can do this, or can we have community support, and she helped us work through the right channels and we really appreciate it.

Congressman SANDERS: This is an excellent presentation.

STATEMENT BY JESS WALTERS, AND LINH NGUYEN, AND RYAN LAFEBVRE, AND GARY BAILEY REGARDING BURLINGTON'S OLD NORTH END

RYAN LEFEBVRE: Hello. My name is Ryan. I am here to represent Burlington's Old North End. We decided that one of the most important issues to us is how teens in the Old North End spend their out-of-school hours.

Each day, teens in the Old North End decide how they will spend at least five of their waking hours when not in school. For many of these, the hours harbor both risk and opportunity.

For many that are home alone, the out-of-school hours present serious risks for substance abuse, crime, violence and sexual activity, leading to unwanted pregnancy and sexually transmitted diseases, including AIDS. Time spent alone is not the crucial contributor to higher risk; it is what young people do during that time, where they do it, and with whom, that leads to positive or negative consequences.

According to a 1990 survey, my community contains 29 percent of the Burlington's population, and has the highest percentage of people of color in the city. Over half of the households are female-headed, and over 60 percent of these families live below the poverty line.

Poverty is especially pronounced for the Old North End's children, 42 percent of whom lived in poverty in 1990. That percentage is higher today. The Old North End has 32.1 percent of its residents living below the poverty level, compared with 19.3 percent for the city as a whole.

Recently, a number of focus groups were held, where youth, senior citizens, and business people spoke out about concerns they have about the Old North End. The following issues and concerns were continually mentioned: Public drinking, drug dealing, continuing poverty, racial tensions, and potential gang violence.

We proposed a teen center that would directly address many of our community concerns, as well as issues many of you will be presenting later today. Jessica is now going to tell you why there is a need for our teen center in Burlington.

JESSICA WALTERS: Hello. My name is Jessica Walters.

Yes, there are other teen centers in Burlington, but there are many reasons why they do not meet our needs.

First, they all have limited teen hours. For instance, I have nowhere to go after school until 5:30, and most youth centers close at 9:00 at night. My friends usually hang out on the street until teen hours start or until they have to go home.

Due to things mentioned by Ryan, North Street isn't really a safe place for teens to hang out. Most of the teens that live in the Old North End go to Burlington High School, where there is no computer and Internet access available to us after school. Currently, there is nowhere to go to do research or study after school hours. The other youth centers don't have a place for us to do this.

The final issue is the adults' role. Other youth centers have too much supervision and not enough opportunity for independence and creativity. There are also a lot of little kids around.

Now Gary is going to tell you about what our teen center will be like.

GARY BAILEY: Hello. My name is Gary, and I would like to tell you about our teen center.

Our teen center will be run by youth, it will be for ages 13 through 19, and it will be free of charge. We feel that it should be open for longer hours, like said she before, because other teen programs like the one we want to open will have to be open for younger children also, so we only have a section of the day that we can go there, so we are still out in the streets.

We feel that it should have a resource room run by adults, with a minilibrary, mentoring and tutoring facilities, a career college center, and information on social services. Also, a job board for a list for people to

get jobs easily, and maybe once a week somebody in there helping them out, somebody like Becky Trudeau or something, where they won't have to go five different places to look for a job, they can just go there and have one place to look.

We feel that it should have a computer room, with Internet access. A lot of people work right after school, and they have to be there around 3:30, including us. And we don't have the time to go after school and work on the computers to get an essay done, so we feel that it should have computers where it will be available for us after work.

We think there should be recreational rooms, including a gym, a game room. Also special events, such as, once a month, a dance or some sort like that. We also think there should be a lounge so that we can relax and watch TV.

Congressman SANDERS: Good. Linh, do you want to begin?

LINH NGUYEN: My name is Linh Nguyen. We would like to ask for continued support in finding out how we should embark on this teen center and after school program. We strongly believe this would make the Old North End a better place for teens, and not only the teens, but the community as a whole. We would, as well, be a model to replicate in the rest of Vermont.

Congressman SANDERS: Thank you very much. Thank you all very much.

REMEMBERING THE FLOOD VICTIMS OF FORT COLLINS AND LARIMER COUNTY, COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. SCHAFFER of Colorado. Mr. Speaker, I rise today to recall Monday, July 28, 1997 and to describe to the House, one year later, a natural disaster which occurred in Colorado on this date, when an intense storm produced record amounts of rainfall in Fort Collins and unincorporated Larimer County, Colorado. The storm devastated area residents as they watched their homes, schools, and churches roll into the immense current which swept through their city. However, the loss far more costly was that of human life. JoAnn Roth, Rose Marie Rodriguez, Sarah Payne, Estafana Guarneros, and Cindy Schulz died as they attempted to escape the storm. Although this event caused a multitude of pain and sorrow, it also enabled members of our community to reach out to one another as individuals struggled to put the pieces of their lives back in place. As a Member of Congress representing Colorado's Fourth District where citizens worked together to restore their way of life, I hereby commemorate the victory achieved through this widespread community spirit and recall the names of those who perished.

As we reflect on the events of the past year, we recall the words of Luke 8:23–24, ". . . A windstorm swept down on the lake, and the boat was filling with water, and they were in danger. They went to him and woke him up, shouting, 'Master, Master, we are perishing!' And he woke up and rebuked the wind and the raging waves; they ceased, and there was a calm."

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Mr. STARK. Mr. Chairman, today I join with Congressman TIM ROEMER and Congressman DAVE CAMP to take a stand for common sense and fiscal responsibility when it comes to our budget.

When Congress first approved the International Space Station in 1984, the original price tag was $8 billion. A recent General Accounting Office [GAO] report projects the station's total operating costs at $95.6 billion. Congress keeps throwing taxpayer dollars into this money pit, and we have no tangible benefits to show for it.

Since its conception in 1984, the station has been redesigned three times. The latest model would accomplish only two of its eight original scientific missions. Furthermore, many of the remaining goals envisioned for the station could be accomplished aboard unmanned satellites or aboard the space shuttle for a small fraction of the cost.

Furthermore, the station's rising costs are a threat to other promising projects. Already, NASA has shifted $200 million from other programs like space shuttle safety and space education grants to pay for station cost overruns. This year, NASA has requested the authority to shift an additional $375 million. As the station experiences more cost overruns, the space station budget will literally consume the NASA budget at the expense of proven programs like probes within our solar system, the Space Shuttle, earth sciences, and aeronautics.

Every year we pour billions upon billions of dollars into NASA and the International Space Station at the expense of schoolchildren, the elderly and the infirm. We cannot afford the price of the space station when we have such pressing needs here on planet Earth. If we choose to look to the stars, we must first have our feet planted firmly on the ground.

THE LONG TERM CARE ADVANCEMENT ACT OF 1998

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. SMITH of New Jersey. Mr. Speaker, the aging of the Baby Boom generation has been extensively discussed in Congress and among the American people, with particular attention to the impact on Social Security and Medicare.

What has not been widely discussed, however, is a related but very distinct trend: the rapid expansion of the group of Americans defined by the Bureau of the Census as "the oldest old"—those senior citizens aged 85 and above. Often lost during discussions of the Baby Boom generation is the fact that the fastest growing demographic age group in the United States is the "oldest old."

That is why I am introducing legislation, joined by my colleagues Phil English (PA), Ron Paul (TX), John Ensign (NV), and Chris Shays (CT) to help Americans better prepare themselves and their families for their long term health care needs of the future. The tax breaks contained in this legislation will go a long way towards providing families with peace and security against the massive costs of professionally provided long term care, including nursing home care, home health care, and adult day care services.

I am pleased that this legislation has already secured the support of the 60 Plus Association and the Home Health Assembly of New Jersey. The Health Insurance Association of America (HIAA) has also endorsed the concept behind the bill.

Our Nation will soon be grappling with a long term care crisis unless Congress acts now to prevent it. From 1960 through 1994, the senior citizen population (age 85+) increased by 274 percent. And the number of Americans in the 85+ age cohort is expected to double in size by the year 2020, reaching 7 million. The number of senior citizens between the ages of 75 and 84 will reach nearly 15.5 million by 2020. The sixty four thousand dollar question is: how will we as a nation meet our parents' and grandparents' long-term care need?

This demographic change will put an enormous strain on our nation's fragmented system of long-term care. Already, our Medicaid program has demonstrated its financial shortcomings when providing long-term care services to increasing numbers of the frail elderly. The Medicaid program already spends over $40 billion on long term care services for senior citizens. These expenditures are projected to double over the next 10 years.

A vital part of any comprehensive response to these trends must be the promotion of private long term care insurance (LTC) for Americans. Although the number of persons insured under LTC policies has nearly doubled between 1992 and 1996, this growth is from a very low base. The fact of the matter is that the overwhelming majority of Americans still do not have any private LTC insurance coverage at all. This needs to change, and soon.

Mr. Speaker, the Long Term Care Advancement Act of 1998 will assist Americans prepare for their future long term care needs. My bill will allow penalty-free withdrawal from IRAs and 401 (k) plans when the funds are used to pay for 'qualified' LTC insurance premiums (as defined by the Health Insurance Portability and Accountability Act of 1996).

In addition, a certain portion of the IRA/401 (k) withdrawals used for LTC will be excluded from taxable income. Depending on one's tax bracket, age, and type of policy purchased, the savings on a long term care insurance policy under my bill are considerable, and could range from 15 to 25 percent.

Lastly, the Long Term Care Advancement Act will provide a refundable $500 tax credit for families caring for a dependent elderly

spouse or parent in the home. This tax credit is important because most of the long term care provided in America is provided by families in the home, and these families desperately need and deserve tax relief.

By encouraging more Americans to plan for their future care needs I believe we can improve the medical, social, and financial well being of families, as well as provide substantial future savings to the Medicaid and Medicare programs. According to the John Hancock Mutual Life Insurance Company, there is a 48% chance of any given individual of needing long term care in one's lifetime. And the costs of nursing home care for one year is approximately $40,000. The potential for savings to American families, as well as the Medicaid and Medicare programs, by encouraging families to purchase LTC insurance is simply enormous.

I look forward to working on and discussing long term care issues with my colleagues during the remainder of the 105th Congress, and urge all of my colleagues to support this important initiative.

IN TRIBUTE

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Capitol Police Officers John Gibson and Jacob Chestnut who gave their lives last week in a vicious attack by a deranged gunman.

My heart goes out to the families of these officers, both of whom spent 18 years in courageous and devoted service to their country as members of the Capitol Police. They gave their lives, not only protecting Members of Congress, but the thousands of Americans and foreign visitors to this great monument, the people's house of government.

Officers Gibson and Chestnut were both known as kind, personable men who were especially devoted to their families. They performed their jobs with a special kind of pride in playing a small part in the smooth and efficient conduct of the processes of government.

As we go about our business in the Capitol, we tend to take for granted the freedom and protection we enjoy because of the selfless contributions of our Capitol Police who are constantly on guard against the type of insane acts which took the lives of Officers Chestnut and Gibson and wounded an innocent civilian.

This horrible act reminds us once again of the debt we owe to those officers who do their jobs daily in protecting those who work here and those who visit. With few exceptions, problems, large and small, are prevented so we are left free and comfortable to perform our jobs in peace.

We owe these men and their families a great debt of gratitude for their sacrifice. They will not be forgotten and their contributions will be forever recognized by the Members of the House of Representatives.

IN TRIBUTE

SPEECH OF

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. MANZULLO. Mr. Speaker, I rise today to help express my thoughts to the families of slain Capitol police officers John Gibson and Jacob Chestnut. I say ''help express'' because there is no total way to thank these men for laying down their lives for others. I would defer to the words of my wife, Freda, for these remarks, in the joint letter she sent to the Gibson and Chestnut families.

To the families of Officer John Gibson and Officer Jacob Chestnut:

My heart today is filled with a tremendous sense of debt and gratitude to your fathers and husbands and the sacrifice they have made. Scripture tells us in John 15:13, ''Greater love has no one than this, that one lay down his life for his friend.'' Indeed, we consider each officer at the Capitol a friend. Daily we give thanks for their constant careful watch of the members of congress and the millions of visiting tourists. Last night as we welcomed my husband, Congressman Donald Manzullo, home we breathed a prayer of thanksgiving for his safe return. But also your families and great loss were uppermost in our thoughts. Our heartfelt thanks pour out to you. Our sorrow at your loss is overwhelming. Another scripture comes to mind, one that I believe the Lord said as he received your loved ones into this eternal kingdom, ''Well done, good and faithful servants; you were faithful with a few things; enter into the joy of your master,'' Matthew 25:23.

With love and gratitude,±

FREDA MANZULLO.

IN TRIBUTE

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to the two men who gave their last full measure of devotion in defense of the people's House, the U.S. Congress.

Capitol Police Officers John Gibson and J.J. Chestnut leave behind friends and family who will mourn their sacrifice for years to come. Today, a grateful Nation mourns with them.

Thousands of Americans are paying tribute as we speak, filing past their caskets in the Capitol Rotunda just a few hundred feet from where they died.

In the last few days, we've learned a great deal about Officers Gibson and Chestnut—their love of family and country, the many kindnesses they showed over the years to everyone on Capitol Hill, from committee chairmen to wandering tourists.

The focus on the lives of these two courageous men has been a poignant reminder of what America is really all about.

In death, Officers Gibson and Chestnut have been hailed as heroes, but they were quiet heroes each and every day of their lives. They symbolize what all of us strive to achieve.

J.J. Chestnut served his country in Vietnam, raised five children, loved gardening, and helped raise money in his neighborhood for college scholarships. He and his wife were often seen bicycling around their home in Fort Washington, MD.

John Gibson, from the great State of Massachusetts, suffered from the regional maladay known as Red Sox Fever and shared his tragic affliction with all who would listen.

John was married to the niece of my good friend and colleague JOE MOAKLEY. A deeply religious man, John was devoted to his wife and their three teenage children and worked hard to give them a stable and loving home. In the Lake Ridge neighborhood of Woodbridge, VA, John was known for an easy smile, a generous laugh, and the best-kept lawn on the street.

In some ways, these were ordinary men leading ordinary lives. But when duty called, they acted in extraordinary fashion. They acted just the way all who knew them always expected they would.

Every one of us in this chamber owes them a special debt of gratitude, They served the Congress faithfully. They served the country faithfully. They swore an oath to protect and serve, and they died as they lived—holding true to those vows.

There is nothing we can say or do to diminish the loss felt by those who loved these men and knew them best. But at one time or another, we have all lost friends, we have all lost brothers, we have all lost fathers, and so we share their loss as well.

And today, we pause to remember not just what we have lost, but what Officers Gibson and Chestnut gave to each and every one of us: a lesson of bravery and courage under fire and a reminder of the greatest love of all—that of laying your life down for others.

That's what these quiet heroes did. I'm grateful for the opportunity for us to come together as a Nation, here in the temple of democracy they gave their lives to defend, to offer them a final salute.

My heart goes out to their families and all those who feel their loss most of all.

Finally, I hope this tragic incident makes us look inside as a Nation to recognize the real meaning of Heroism—the selfless work that goes on each and every day by those who take an oath to protect us.

I would ask that we look around us today and take a moment to appreciate the men and women of our law enforcement community who serve with courage and devotion.

They are police officers and firefighters, soldiers and sailors, secret service and FBI agents. And, as we know too well, they are also mothers and fathers, husbands, sons, and daughters. Some serve in uniform, some do not, but each and every one carries the same badge of honor, and we should never, never, take them for granted.

Because of the sacrifice of Officers Gibson and Chestnut, I know I never will.

IN TRIBUTE

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. ABERCROMBIE. Mr. Speaker, Officers Jacob J. Chestnut and John M. Gibson are

American heroes. They gave their lives protecting us, our staffs, and visitors to the United States Capitol. This tragedy reminds us that the members of the Capitol Police and other police officers across the country put their lives on the line for us every day.

We honor Officers Chestnut and Gibson for their bravery and sacrifice. We lost two good men and fine police officers. No words can adequately express our feelings on this sad occasion. Our hearts go out to their families and to their fellow officers.

This tragedy highlights a dilemma as old as democracy itself: the balance between security and openness. We have made a decision—the correct decision, I believe—to maintain public accessibility to the Capitol. The people's business must be open to the public gaze. Every year people from our districts, some traveling literally thousands of miles, visit the Capitol to share their views and urge us to support or oppose this or that bill. They come to partake of the history that walks these halls. They come simply to see us in the flesh, look us in the eye, and take the measure of the men and women whom they have elected to make our laws. Their right to do so is enshrined in the very concept of democracy. Nowhere is it more appropriate to exercise that right than here in the people's house.

At the same time, we can not escape the reality of the world in which we live. There are some individuals who would take advantage of that openness to enter this building and do violence to those engaged in the people's business. Their actions defile this temple of democracy. That is why it is necessary to have a Capitol Police force. Its members not only protect us as individuals, they defend the accessibility of this building, accessibility which is so important to our democracy.

On Friday, July 24, 1998, two of those officers made the ultimate sacrifice. Their bravery and devotion to duty enshrine the names of Jacob Chestnut and John Gibson among the heroes of our nation. We bow our heads in sorrow and gratitude. We pledge to honor their memories by keeping our nation's Capitol open, accessible, and safe for everyone who desires to enter this building, the people's house.

AN EXPRESSION OF CONGRATULATIONS TO COLONIA COUNTRY CLUB ON ITS 100TH ANNIVERSARY

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to congratulate the officers and members of Colonia Country Club on the occasion of their Club's 100th anniversary.

Colonia, the name of both the Club and the section of Woodbridge, New Jersey in which it is located, is a derivation of the word, colony, a term defined by Webster as ''a body of people living in a new territory.'' Colonia is a most appropriate designation for the community-originally Houtenville-that was the site of many Revolutionary War events. Immediately adjacent to Colonia Country Club is the highway on which George Washington traveled on his way to his first Inauguration. That roadway was also a main north-south artery during the Civil War and was later named The Lincoln Highway. In Colonia, the highway is also bound, on its east side, by the nation's major east coast rail line.

It was in 1898 that a group of area residents agreed to form a golf and country club, using an Inn constructed just prior to the Civil War as its clubhouse. Designed to serve as a gathering place for sport and social occasions, their new ''home-away from home'' was to be called Colonia Country Club. Part of their agreement called for the purchase of a horse-drawn lawnmower to trim what would become a nine-hole golf course.

The century that followed will be remembered by the citizens of America and, indeed the world, as one filled with joys and achievements unparalleled in recorded history and with toils and tragedies that would test human endurance. A microcosm of that world, Colonia County Club rose from a small gathering of neighbors to become a proud and prominent member of its region's social fraternity, the site of a modern clubhouse and one of its region's most challenging 18-hole golf courses. In the process, those that charted the course of its progress proved they had the grit and determination to withstand depressions and years of mid-century decline. Colonia Country Club, like many venerable, sturdy American institutions both large and small, stands today as a model of a modern Americana. It is a story of people overcoming difficulty and proving their endurance as they share prosperity and camaraderie—and it offers its one hundred year history as evidence of that achievement.

Mr. Speaker, I ask you, my neighbors in the 7th Congressional District of New Jersey and my colleagues to join me in offering our congratulations to Colonia Country Club as it celebrates its 100th anniversary.

IN TRIBUTE

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. LUTHER. Mr. Speaker, I would like to add my voice today to the much-deserved tributes being paid to U.S. Capitol Police Officers Jacob Joseph Chestnut and John Michael Gibson. This is a sad day for Congress and our nation. Just a few short steps from here two American heroes lay in honor in the rotunda of the United States Capitol. This past Friday these men gave the last full measure of devotion to their country. Their honored sacrifice no doubt saved numerous lives and served as a stark reminder of the reality of the violent world in which we live. This tragedy also reminds us of the price that must sometimes be paid for the great privilege of having our democratic form of government.

So today it is appropriate that all of us pause for a moment to thank officers Chestnut and Gibson for what they did last week. Their sacrifice will never be forgotten. And we should also extend our thanks to all of the members of the Capitol Police force and all other law enforcement officers throughout our nation. They have an incredibly difficult mission—providing security while serving as goodwill ambassadors for their communities. They do a terrific job day in and day out and frankly we don't do enough to show our appreciation for all of their hard work.

And finally, Mr. Speaker, I just want to point out that this seems like a different place today than it did when I left here on Friday. The tragic events of last week seem to have pulled us together. Democrats and Republicans, Members and staff, as well as so many people of our country have all joined hands in coming to terms with what happened here. If there is a silver lining in these tragic circumstances perhaps it is that we all may gain a little more appreciation for the people we work with on a daily basis and for the wonderful country we are proud to call our own. The differences we have pale in comparison to the bonds we share as Americans. A tragedy like this reminds us of this simple truth and affords us the opportunity for a renewed perspective as we face the challenges ahead.

IN TRIBUTE

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. RODRIGUEZ. Mr. Speaker, I wish to pay tribute to the ultimate sacrifice made by Detective John Gibson and Officer Jacob J.J. Chestnut while conducting their duty protecting the Capitol. I admire the tremendous sacrifice made by these individuals and my thoughts are with their families as they cope with the departure of their loved ones. Like countless others, I did not personally observe the tragedy. But like them, I have been shaken by the event and moved by the warm reception all have provided in memory of the fallen men.

No one can bring back these brave officers who gave their lives to protect us. But I stand today to recognize the risks that our law enforcement personnel face each day. I express the gratitude that I have for the dedication of these people, who each day leave the security of their homes and families to protect and serve those in need all across America.

PERSONAL EXPLANATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. SERRANO. Mr. Speaker, earlier today, I was recorded as voting in favor of agreeing to the conference report on H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact.

As should be obvious from my vote against the rule providing for consideration of the conference report, I had intended to vote against the conference report itself.

I am in complete agreement with my colleagues from Texas and elsewhere who have fought against the imposition of what could become the nation's major depository for low-level radioactive waste on the largely poor and minority community of Sierra Blanca, Texas.

I understand and share the concerns of Sierra Blanca and other minority communities.

The siting of a disproportionate number of New York City's waste transfer and waste processing facilities in the Hunts Point area of my South Bronx congressional district, and the related particulate-spewing diesel truck traffic, have led to disproportionate levels of asthma and other respiratory illnesses among my Hunts Point constituents, especially the children. Without attention to environmental justice, the more disenfranchised a community is, the likelier it is to find itself the depository for more powerful people's waste.

TRIBUTE TO THE HONORABLE LOUIS STOKES

SPEECH OF

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1998

Mr. LEWIS of California. Mr. Speaker, I insert the following for the RECORD:

I want to add my voice to the tributes offered by the Congressional colleagues of the Honorable LOUIS STOKES. When I first came to Washington, nearly six years ago, as the Assistant Secretary of Community Planning and Development at the Department of Housing and Urban Development, LOUIS STOKES was Mr. Chairman. He was the Chairman of the Subcommittee that controlled the purse strings for all the creative ideas that a new Administration wanted to implement—an unprecedented increase in funding for the homeless, funding for partnerships between the Federal Government and not for profit organizations to build and rehabilitate affordable housing, a new economic development grant program. And he agreed with those initiatives and helped restore the Department as the agency that is dedicated to assisting the most vulnerable among us and to revitalizing our cities and towns.

Now as ranking member of that same Subcommittee, he continues to help this Administration and me as Secretary of the Department. He has been with me every step of the way as we have ''reinvented'' HUD and I counted on his advice and counsel. Now that we are beginning to see the results of that reinvention, he has fought to give the Department the resources it needs to create jobs and economic opportunity to meet the challenges of the global economy and the demands of American cities. He has fought steadfastly to expand and preserve housing opportunities for renters in public and assisted housing, for homebuyers, and for the homeless. He has fought unabashedly to end the scourge of housing discrimination. He has taken on all these battles even in the face of terribly tight budget strictures.

Perhaps it was growing up in public housing, but, whatever the reason, Congressman Stokes sought to serve on the two appropriations subcommittees that reach those most in need—VA, HUD and Independent Agencies and the Labor, Health and Human Services, Education, & Related Agencies. And serve those in need, he has. He is a man who cares deeply about the programs of this Department and the people they impact.

So I want to pay tribute to him and to say how deeply I appreciate his long, hard work. I will miss him and the people who rely upon HUD's programs will miss him.

IN TRIBUTE

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. UNDERWOOD. Mr. Speaker, upon my return from my home district of Guam yesterday, I had the privilege to pay respects to slain Officers Jacob J. Chestnut and John Gibson. As Members of Congress join the nation in mourning the passing of these two gentlemen who paid the supreme sacrifice for our safety and protection, I could not help but reflect upon my constituents from Guam, people who, like me, have to overcome the rigors of traveling several thousand miles in order to experience, to participate, or maybe even just to catch a glimpse of their government at work.

As with everyone, the highlight of my constituents' Washington, D.C. trip is a visit to Members' offices and a tour of the Capitol. Times like these remind us of the valuable service provided by police officers stationed at different posts within the Capitol complex ensuring the safety of constituents who travel the many miles in order to visit members who represent them in this body.

Speaking not only for myself but for the people of Guam, I wish to express appreciation to the Capitol Hill Police Force who, by the loss of Officers Gibson and Chestnut, demonstrated their willingness to lay down their lives for the safety and protection of Members of Congress and our constituents. As quoted from the Book of John, ''Greater love hath no man than this, that a man lay down his life for his friends.'' John Gibson and J.J. Chestnut gave their lives so that others may live.

Roman Benavente, a retired Capitol Police officer—a native son of Guam who has chosen to reside in the State of Maryland, has called together members of the Guam Society of America to honor the slain officers in a Memorial Mass to be celebrated this Friday at St. Ignatius Catholic Church in Oxon Hill, Maryland. I hope that my colleagues would be able to join Guam residents in the area for this memorial service.

The sacrifice of Officers Gibson and Chestnut will never be forgotten. On behalf of the people of Guam, I extend sincerest thanks to Officer Chestnut and Officer Gibson for their sacrifice. To the families and loved ones of these two American heroes, we offer our most heartfelt sympathies.

FUNDING FOR THE INTERNATIONAL SPACE STATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. ROEMER. Mr. Speaker, this year, to my disappointment, the House of Representatives voted to continue funding the International Space Station. The amendment I introduced with Representative CAMP to cancel the space station program would have ended the single largest wasteful government program in history.

Today, I am proud and pleased to have introduced my amendment to the VA-HUD appropriations bill for fiscal year 1999 that was supported by 109 Representatives. I strongly believe that my amendment reflects the best interests of the United States, the taxpayers and certainly of NASA and the American space program.

Like most of my colleagues, I am a strong supporter of the American space program. However, I find it sad to see that productive and more worthwhile space programs are being shut down so that larger and larger amounts of NASA funding are claimed by a space station program that has already cost almost $20 billion with no hardware in space to show for it.

In 1993, upon NASA's final redesign of the space station, we were told that the program would cost no more than $17.4 billion and that our partnership with the Russian Government would save American taxpayers around $2 billion. This was still a huge increase over the Reagan Administration's initial plan to build the station for $8 billion and complete it by 1994. Now NASA has accepted the findings of the Cost Assessment and Validation Task Force, also known as the independent Chabrow committee, which concluded the program will cost $24 billion and an additional $130 million to $250 million for each month that the station assembly is delayed. And it will be delayed—probably by at least two years.

Also, Mr. Speaker, GAO now tells us that the program will cost more than $100 billion. This does not include additional costs associated with Russia's potential withdrawal from the partnership or the costs of upgrading the station's defense system to protect it against meteorites and orbital debris. Nor does the $100 billion pricetag include disassembly costs, which GAO says could be ''prohibitively expensive'' and could exceed $5 billion. These ''unforeseen'' funding contingencies are indeed shocking and clearly jeopardize the future and integrity of the entire U.S. space program.

The magnitude of these dramatic cost overruns and assembly delays are unacceptable and sure to result in the cannibalization of the so-called ''smaller, better, faster, cheaper'' space missions. If we do not move to cancel the space station now, then these smaller, but important, missions will most likely never share the tremendous success of projects like the Hubble Space Telescope and the Mars Sojourner Pathfinder. This is a shame, and a disappointment to the entire scientific community.

While the Russians remain competent in repeating missions that have been flown for three decades, they have been unable to fund development of reliable new technologies or to deliver critical component parts such as the Service Module. Everything that worked on Mir involves 20-year-old technologies. A year ago, when a fundamentally new space docking procedure was attempted, the result was a collision that punched a hole in the space station, crippling it and almost killing the crew. Other new Russian space vehicles such as the Mars probe and its plutonium batteries have also failed. This does not bode well for the space station.

The Russians have repeatedly promised to develop a series of new and improved space vehicles to help assemble the space station.

However, over the past several years, Russia's work on the components has fallen far behind schedule, causing significant delays and cost overruns which have spilled over into NASA's share of the work. Russia's Finance Ministry has repeatedly misled NASA and the American people, and we should not tolerate this continued foot-dragging. As I have said over the past six years, NASA's dependence on Russian participation in the space station will cripple other, more worthwhile U.S. space programs, and this will most likely continue to result in more assembly delays and cost overruns.

When the Administration approved the space station redesign in 1993, NASA promised the taxpayers that no more than $2.1 billion would be spent each year for the program. At that time, it was estimated that Russia's inclusion as a partner would reduce costs by $1.6 billion. Nevertheless, NASA has told us that the cap should be broken, despite Russia's repeated promises that the money and the critical hardware components like the Service Module would be delivered.

Far too many questions remain unanswered. NASA has yet to determine or release any cost figures for the program reflecting the likely scenario that Russia will drop out of the partnership, but continues to offer robust assurances that it will save money. While I support efforts to engage our former adversaries, and sharing our knowledge of important scientific issues, I do not believe it is prudent to perpetuate a back-door foreign aid project that makes Russia look more like an international welfare recipient than the major partner in the single largest construction project in the history of mankind.

While space station cost overruns to date are currently estimated at $800 million, NASA has cut mission control, shuttle safety, and more deserving programs such as Mission to Planet Earth and space education grants. Already $227 million has been diverted from space station science and $200 million has been shifted from the space shuttle payload and utilization operations. This year, NASA has asked for the authority to shift an additional $375 million.

Like our efforts aboard Mir, NASA has cannibalized the station's scientific research missions simply because all the funds are being consumed on construction. NASA has transferred a whopping $462 million from its science funding to space station development in fiscal years 1996 through 1998. Case in point: NASA dropped the centrifuge, a critical research component, and now depends on negotiations with the Japanese Government to provide it.

Throwing more money at the space station is adding fuel to the fire. We should not continue to approve NASA's repeated request for supplemental funding. Rather, we should hold NASA and the Russian Government's feet to the fire. The American taxpayers deserve accountability and demand that the integrity of our space program be maintained. We should therefore end this program before it kills NASA and its mission.

Mr. Speaker, for several years, we have known the solution to the many problems associated with the space station. In fact, the House almost got it right in 1993, when my amendment to terminate space station funding lost by a single vote. I suggest that we allow NASA the time and resources to improve its management structure, redefine its mission first, rather than move ahead with a mammoth, multi-billion dollar program whose costs will assuredly go over and beyond all reasonable budgetary expectations. All of the station's problems can be solved by simply canceling this wasteful, over-budget boondoggle, returning $80 billion to the American taxpayers, and saving the life and health of the rest of the U.S. space program. I will continue to fight this program and strongly encourage my colleagues to closely monitor this program as cost overruns and schedule delays will most assuredly continue to cheat the scientific community of funding that could be better spent on more worthwhile space research endeavors.

TRIBUTE FOR MAJOR GENERAL CLAUDE W. REINKE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. PACKARD. Mr. Speaker, I would like to acknowledge a brave soldier, strong leader, caring father and a very good friend. Major General Claude W. Reinke is the retiring Commanding General of the Marine Corps Base, Camp Pendleton, which is located in my District. I have grown very fond of General Reinke and would like to commend his leadership at the base.

General Reinke is a Texan by birth but has always been ready to move anywhere the Marines needed to send him, including a tour in Vietnam. The position of Commander General to a base like Pendleton is often like being the mayor of a city, as both require outstanding managerial skills. General Reinke has gone above and beyond the call of duty as Commander. His leadership has had a positive impact on both the Marines and the entire community.

Part of what makes General Reinke so special is how much he cares for his troops. Very few Commanding officers are more sensitive to the needs of their troops than Claude Reinke. General Reinke has become a champion for quality of life for our troops by emphasizing the need for improved base housing and training facilities for members of the Corps.

General Reinke has been decorated with the Legion of Merit, Bronze Star Medal with Combat ''V,'' Meritorious Service Medal and the Combat Action Ribbon. He is a proud husband and father of five. I might also add that he plays a very good game of golf! If he reacts to the challenges of work like he reacts to the challenges on the golf course, I think the men and women of Camp Pendleton have been in very able hands!

Mr. Speaker, I would like to wish Claude my best and commend him on a job extremely well done.

A TRIBUTE TO DEPARTING HOUSE BANKING COMMITTEE STAFF ROBERT AUERBACH AND STEFANIE MULLIN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. HINCHEY. Mr. Speaker, I rise to pay tribute to two dedicated members of the House Banking Committee Minority staff who are leaving the Committee this week to pursue endeavors in higher education. The efforts of Robert Auerbach, the Democratic staff economist, and Stefanie Mullin, the Democratic press secretary, will be greatly missed by all members of the Committee.

Bob Auerbach is a first-rate financial economist with a keen understanding of money and banking, the payments system, and the Federal Reserve System. He has served the members of the House Banking Committee well in more than 10 years and two separate tours of duty on Capitol Hill. During this time, he has worked on a number of initiatives from the deregulation of interest rates to the promotion of openness at the Federal Reserve Board. I have personally worked with Bob on a number of issues pertaining to monetary policy and have found his knowledge, insight, and guidance to be invaluable.

Bob is leaving Capitol Hill for the ivory tower of academia. Starting this fall, he will be a Professor at the LBJ School of Public Policy at the University of Texas where he will be teaching courses on money and banking. He also has plans to write a book. Though I will miss Bob's wise counsel here in Washington, I know that our loss is most definitely the University of Texas' and his students' gain.

As press secretary for the Democrats, Stefanie Mullin has the often thankless job of reminding the world that there is another perspective on the Banking Committee. For the past five years, she has accomplished this with grace and dignity, always making sure that the views of the minority were heard by the world outside the Rayburn Building. Stefanie is also leaving us to return to school, but as a student. She will be attending Columbia University in a masters program in the prestigious School of Journalism. I wish her luck, and look forward to the day when I meet her again as a member of the news media.

COMMEMORATING ''HEARTS AND STARS''

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. VENTO. Mr. Speaker, I rise today to honor and recognize James M. McNeely's recent bronze sculpture ''Hearts and Stars'' that depicts the anguish, pain, honor and heroism displayed by young men and women while engaged in war.

Born and raised in St. Paul, Minnesota, James M. McNeely, was drafted into the United States Army in May of 1969. He served as an infantryman with the 196th Light Infantry Brigade, American Division, in I Corps, CCU Law, Vietnam. Serving courageously, McNeely

rose to the rank of Sergeant and was awarded the Purple Heart and 3 Army Commendation Medals. After being discharged, he joined the Ramsey County Sheriffs Department in June of 1972. He has worked in Detention, patrol division and is currently working in the court security unit.

Jim McNeely is a self taught artist and member of the Vietnam Veterans Art Group. In the past, Jim's sculptures have recaptured the experiences of war and its effects upon humanity. In 1985, the 3rd Infantry Division at Fort Snelling, Minnesota commissioned McNeely to sculpt a bronze battle memorial of the Mexican American War to commemorate its bicentennial birthday. Currently, this celebrated bronze sculpture is on display at the Fort Snelling Museum in St. Paul, Minnesota.

His latest work, ''Hearts and Stars'' reminds us all that we must remember the suffering and agony endured by young men and women while engaged in war. The sculpture is a bronze sculpture of a soldier carrying another soldier on his back. The figures stand astride a creek bed with the silhouette of North and South Vietnam. A branch lays across the creek symbolizing the split between the North and South. On the front of the oak pedestal is a 10 inch bronze medallion of a bamboo grove and dragon with the words inscribed ''Republic of South Vietnam 1965–1975.'' The stone is polished and crafted from rough cut limestone. After being on display at the St. Paul City Hall/Ramsey County Courthouse the sculpture is going to the National Vietnam Veterans Art Museum in Chicago on August 11th. Vice President ALBERT GORE and seven United States Senators who served in the Armed Forces during the Vietnam War will be attending the event. This ceremony will open McNeely's work and bring to life the experience and memories of Vietnam that might educate and guide the understanding of our history and the American experience. ''Hearts and Stars'' is a honorable and captivating tribute to those young men and women who have courageously served in the Armed Forces.

PERSONAL EXPLANATION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. RADANOVICH. Mr. Speaker, I was unable to be present for rollcall votes 315, 319 and 320 last week. Let the RECORD state that I would have voted ''no'' on rollcall votes 315 and 320 and ''yes'' on 319.

PATIENT PROTECTION ACT OF 1998

SPEECH OF

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1998

Mr. LINDER. Mr. Speaker, today the American people are feeling the pressure of rising health care costs paired with dwindling health care choices. They have called on us to do something that will make their lives better, to put health care decisions back in their hands.

Given that mandate, we have two choices. We can choose to task the government and lawyers with improving our health options. Or, we can choose to task the marketplace with offering us more health choices. My constituents have tasked me to do the latter.

For those who believe in the benevolence of lawyers, for those who believe in the wisdom of bureaucrats, the Dingell substitute is available to you today.

But for those who believe that the individual makes better choices about his family's health care than a government official does, you will share my excitement about the Patient Protection Act introduced by Speaker GINGRICH and Mr. HASTERT.

The Patient Protection Act protects the patient in three key ways. First, this legislation protects the patient's choice of doctors. For those patients in HMO's, the bill provides that they have a point-of-service option—so that patients can visit doctors outside of their HMO network. For those patients not in HMO's, the bill expands their access to Medical Savings Accounts—accounts that offer complete freedom of doctor and treatment. For all patients, the bill—for the first time—allows a woman to choose an OB/GYN as her primary care physician and allows a parent to choose a pediatrician as his child's primary care physician. These new choices assure patients that they will be able to choose the best doctor for their health care needs.

Second, the Patient Protection Act protects the individual's access to the care to which he is entitled. The bill moves the decision about access to care away from the insurance company and back to the patient and the doctor. For example, when a patient reasonably believes he or she is having a medical emergency, he or she should be able to seek care at a local emergency room and that care should be paid for by his or her insurance plan. Under the Patient Protection Act, the patient now has that freedom without being second-guessed by the insurance company. The Act also prohibits ''gag rules''—insurance company restrictions on what information a doctor can give a patient. With the prohibition, we restore the complete disclosure—the complete freedom of communication—that is so essential to the doctor patient relationship.

Finally, the Patient Protection Act protects the individual from arbitrary decisions from the insurance company to deny care. We are all aware of the too familiar pattern of a patient calling his or her insurance company to request care and having the untrained, nonmedical reviewer deny the care without even reviewing the patient's medical history. The Patient Protection Act ends that practice forever. Under this bill, if the patient and her doctor believe that a certain medical procedure is indicated—but the insurance company declines to cover the expense—the patient has the right to an immediate appeal to a panel of doctors—not bureaucrats—who will decide whether the medical care is necessary. This new right of appeal will ensure that only medical professionals will make decisions about a patient's need for health care.

We have heard so much in this debate about the patient's right to sue. I'm so tired of that red herring. Patients sue their doctors and sue their insurance companies every day. While I abhor the litigious nature of our society today, I certainly support the patient's right to be made whole when malpractice of breach of contract or any other misconduct occurs.

In all my years, however, I've never met a patient who really believes that the legal process makes them whole. When you lose some of your hearing, or part of your sight, or any of your abilities, money is no substitute. Unfortunately, after the harm has occurred, money is all that society has left to offer. After the harm has occurred, it's too late to be made whole.

This is why the Patient Protection Act focuses on preventing the harm from occurring. Why spend two years to win a lawsuit for your injury when you can spend 1 hour on an appeal to your doctor that will prevent the injury all together. Our bill is about patients and doctors and healing. We provide access to the doctors, assure choice for patient, and believe that gives us the best chance at healing.

My constituents and I thank all of my colleagues for the many months of hard work that went into this bill. With the very first patient that is healed by a doctor rather than frustrated by an insurance company, we can all be certain that we have succeeded in our efforts.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. BECERRA. Mr. Speaker, on July 27, 1998, I was away from the House on official business during Monday's rollcall vote No. 340, on agreeing to the resolution honoring the memory of Detective John Gibson and Private First Class Jacob Chestnut of the United States Capitol Police. Had I been present for the vote, I would have voted ''yes.''

As the official designee of the House Minority Leader, I was present in Albuquerque, New Mexico on July 27 along with three of my Congressional colleagues representing the Speaker of the House, the Senate Majority Leader, and the Senate Minority Leader to join the President of the United States as participants in ''The Great Social Security Debate #3.'' May I note for the record that immediately prior to the commencement of this debate President Clinton asked all in attendance, in person and via television, to observe a moment of silence in memory of the two heroic officers.

I join with my colleagues in the House to express my deepest condolences to the families of Detective John Gibson and Private First Class Jacob Chestnut who sacrificed their lives for our nation. For their acts of courage, this country is forever grateful; their memory will never be forgotten.

PATIENT PROTECTION ACT OF 1998

SPEECH OF

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Fridday, July 24, 1998

Mr. SESSIONS. Mr. Speaker, I spoke with Congressman HARRIS FAWELL, Chairman of the House Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce, on the occasion of the passage of H.R. 4250, the Patient Protection Act. I told Chairman FAWELL that instead

of a 200 page bill full of mandates and Federal interference, I proposed a two-page clarification of the ERISA preemption that would get the Federal government out of the way of states to address these problems. I told him that the problem was with ERISA preemption. I asked Chairman FAWELL if he could assure me that the bill does not do anything to strengthen or broaden the ERISA preemption.

Chairman FAWELL assured me that H.R. 4250, the Patient Protection Act, does not amend the ERISA preemption clause. Therefore, it makes it neither broader nor narrower. We have left this to the courts to continue to develop.

Seeking further clarification, I told Chairman FAWELL that I appreciated his putting language in the committee report at the request of members of the Texas delegation to ensure that the Patient Protection Act neither broadens nor changes the current scope of the ERISA preemption as it is being developed in the courts. Again, Chairman FAWELL assured me that was the case.

I explained to Chairman FAWELL that the United States Supreme Court, in the last three years in cases like Travelers, Dillingham, and DeBuono, have narrowed the previously broadly interpreted scope of the ERISA preemption and clarified that ERISA does not preempt traditional state law areas of regulation such as ''quality standards in health care.'' Federal Circuit courts of appeal have likewise been holding more recently that ERISA does not and should not preempt patient quality of care cases against HMOs like the 3rd Circuit held in the Dukes case. Five different Federal judges in the Dallas-Fort Worth area, all Republican, have also held that quality of care cases are not preempted by ERISA. Again, Chairman FAWELL assured me it would not.

Mr. Speaker, Republicans in Texas last year passed state patient protection legislation that is more comprehensive than the Patient Protection Act. Such protections include the right to sue HMOs for affecting the quality of health care treatment decisions. Aetna has gone to court in Houston to assert that Texas legislation is preempted by ERISA. I am glad that Chairman FAWELL could assure me that the Patient Protection Act would not affect the decision of the court in that case.

RECOGNIZING THE SACRIFICE AND SERVICE OF THE FIREFIGHTERS FROM AROUND THE NATION TO THE STATE AND PEOPLE OF FLORIDA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. HOYER. Mr. Speaker, as co-chairman of the Congressional Fire Service Institute I rise today to echo the sentiments of many of my colleagues in expressing my thanks and appreciation for all the firefighters who have worked so hard in battling the wildland fires in Florida.

The magnitude of the fires and the destruction they have caused is almost incomprehensible. In the last two months more than 500,000 acres in 67 counties have been burned by 200 separate fires. At least 367 homes and more than 33 businesses have been destroyed. Estimates are that it may take over 100 years for some of the burned acreage to return to normal. In short, Mr. Speaker, it has been a devastating disaster.

Thankfully, no lives have been lost. However, 95 people, mostly firefighters, have been injured. Many of the firefighters who are on the front lines are not even from Florida. Approximately 7000 first responders from 46 states have volunteered their time, effort and talent to help the people of Florida. From Maryland alone, over 200 firefighters left their homes and loved ones to battle fires that were threatening land they did not own and to protect people they have never met.

For anyone not familiar with the fire service it may sound amazing that firefighters from across the country would drop everything to help the people of Florida. However, it does not surprise me at all. In fire companies across the country firefighters do just that, day in and day out. They do not do it for money and they do not do it for fame. They do it because, Mr. Speaker, they are committed to bettering their community and serving their fellow citizens.

Mr. Speaker, in acknowledging their service, I would like to include in the RECORD a complete listing of all the Maryland firefighters who volunteered to battle the Florida wildfires.

Anne Arundel County: John Devine, William Evans, Tom Frankhow, David Owen; Baltimore County: Adam Bosely, Bob Bury, Andy Caladerge, Matt Fox, Charles Janney, Dawn Kaszek, Robert Lepin, William McCabe, Richard Muth, Randy Perky, Ron Sheldon, Claude Melcher; Calvert County: Ted Allen, Mike Cox, Joe Deltacame, John Gott, Gary Harrison, Rob Helms, Jean Miller, Seth Randelma, Rob Schultbur, Walter Taylor, Donnell Wallace, Kevin Whittington; Caroline County: Richard Baker, Steven Chaall, Donald Hill, Wayne Winchester, Heath Wroten; Carrol County: Robert Schoenber; Cecil County: Kevin Bell, Jim Bennett, Shawn Buckanian, Robert Caffrey, Adam Dommenic, Josh Eller, Mike Fifona, John Graham, Mike Lipka Jr., Mike Lipka Sr., Ron Miller, Aaron Neely, Tom Scott, John Smith, John Upp; Charles County: Tim Allen, Michael Carroll, Paul Donaldson, Trevor Forrestor, Christi Grey, Brian Harrison, Jimmy Herbert, Wayne Higdon, Justin Hutchinson, Scott Hutchinson, Dick Irby, Jimmy Jackson, David Jenkins, Tom Jenkins, Tom Kellom, Chris Maddox, Tim Massey, Chris Mattingly, Brent O'Neil, Billy Pirner, Duane Rice Jr., Tony Rose, Billie Stevens, Chris Thompson; Dorchester County: Thomas Coghlan, Brad Dickerson; Frederick County: Paul Cullen, Claude Droneberg, Paul Hackey, Mike Hayter, Jeremy Hutton, Chris Sceel, Brandyn Thomas; Harford County: Chris Rach; Howard County: Jeff Hooasis, Tom Norman, Robert Freeman, David Moynihan, George Pearman; Kent County: Randy Barr, Matt Burge, Chris Carter, Bobby Helmer, Jimmy Kirby, Antonio Leonardi; Maryland Department of Natural Resources: Kenneth Jolly; MEMA: Warren Campbell; Montgomery County: Jeff Bennett, Mark Brown, Paul Brubaker, Jay Bureau, John Collins, Seth Condon, Tim Dowd, Wayne Drapean, Bill Dunn, Jack Ferguson, Sarah Fields, Pam Foltz, Robert Golian, Mark Hopkins, Ken Knopp, Larry Lease, Drew Lermond, Bill Lucas, Mike McAdam, William McLaghtin, Peggy Miller, Joseph Mills, Rick Morrisey, Jim Roy, Barry Smith, Rick Tatum, Justin Thorew, Gina Young; Prince George's County: Ernie Alsop, Robert Bramhall, William Corrigan, Bill Edwards, Patrick Feehley, Shannon Foster, Scott Glazer, William Hinton, Abree Johnson, Gary Kirchbaum, Thomas Maddox, Angela Moore, Chris Ranson, Floyd Richerson, Larry Robey, Fred Sheckles, Jack Spencer, Ed Torrence, Michael Warhurst, Shannon Welch; Queen Anne County: Eric Arcane, Robbie Dixon, Sarah Holloman, Greg Johnston, Andy Robertson, David Steel; Somerset County: David Barnett, Brian Barnette, Grover Chatham, Chris Holland, Steve Mitchell, Scott Sturgis; St. Mary's County: Kevin Bannagan, Gerard Campbell, Andy Cather, Jim Foster, Boots Garner, George Gatton, Steve Gobson, Billy Hill, Bill Houle, Michael Huseman, Billy Long, C.J. Mattingly, George McKay, LeRoy Owen, and Francis Raley.

CELEBRATING THE 25TH ANNIVERSARY OF THE MASTERWORKS CHORALE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. COSTELLO. Mr. Speaker, I rise today in honor of the 25th Anniversary concert season of the Masterworks Chorale in Belleville, Illinois and its founder and director, Dr. A. Dennis Sparger.

Masterworks Chorale began under the sponsorship of Belleville Area College as the BAC Community Chorus. In 1982, the chorus left the college and officially incorporated under the name Masterworks Chorale, Inc. The 65 members of the adult chorus must audition for their place in the group. The chorus has been awarded the first place gold medallion at the Great American Choral Festival competition, made the European Tour twice, sung with the St. Louis Symphony under the direction of Leonard Slatkin, and has been a major force in the arts in our community.

Dr. Sparger recently retired from the music faculty at Belleville Area College, where he served for 32 years. Under his baton, the Chorale has performed more than fifty major choral-orchestral works in the past 25 years. In addition to founding the Chorale, Dr. Sparger also founded the Masterworks Children's Chorus and was their director until 1990. In 1986, he was appointed music director and conductor of the Bach Society of St. Louis.

A native of Chicago, Dr. Sparger began musical studies at the age of eight and began conducting at sixteen. He earned both his bachelor's and master's degrees from Eastern Illinois University. In 1981, he was awarded a Doctor of Musical Arts degrees in conducting from the University of Illinois, where he studied under Harold Decker. According to Dr. Sparger, Harold Decker is responsible for teaching about 75 doctoral candidates during his career. These students have taken position at major universities and with symphonies around the nation. Dr. Sparger is the only one who chose to make his career at a community college. All of this makes Dr. Sparger's selection for the Harold A. Decker Choral Award, presented to him by the American Choral Directors Association of Illinois earlier this year, even more meaningful.

Masterworks Chorale is a member of the Arts and Education Council of Greater St.

Louis and a member of Chorus America, the association of professional vocal ensembles. This special 25th anniversary concert is partially supported by a grant from the Illinois Arts Council.

Mr. Speaker, I ask my colleagues to join me in congratulating Dennis Sparger and Masterworks Chorale for 25 years of wonderful music.

TRIBUTE TO THE HONORABLE LOUIS STOKES

SPEECH OF

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1998

Mr. SCOTT. Mr. Speaker, while I rejoice in the opportunity to sing the praises of my friend and mentor, the Honorable LOU STOKES, the Dean of the Ohio Delegation, I am saddened by the realization that he will be retiring from this body at the end of this Congress. His departure from Congress will constitute a great personal loss to me and a great loss to the nation.

LOU STOKES' Congressional contributions were legendary to me long before I came to the Congress. His successes toward developing health programs for underserved and disadvantaged populations were well known to me and to health care workers throughout the country. During my 15 years in the Virginia legislature, I was active in developing programs to prevent infant mortality. LOU STOKES was our champion in the Congress on this issue then, and since I came to the Congress has continued to be our champion on the issue.

I serve with Representative STOKES on the Congressional Black Caucus' Health Braintrust. Year after year, he has provided absolutely stellar leadership as Chairman of the Braintrust by focusing the attention of the Congress and the nation on efforts to improve the health care status of disadvantaged populations. Not only will he leave a legacy of legislative accomplishments such as the Minority and Disadvantaged Health Care Improvement Act, but his annual Spring and Fall Health Braintrust programs will leave a record, that will be difficult for us to maintain, of pulling together the sharpest minds and most accomplished people to focus on pressing health concerns.

Mr. Speaker, in all of his endeavors, LOU STOKES has shown himself to be the consummate professional, a distinguished legislator, and an outstanding human being. I will miss you, LOU. I thank you for all you done for me, for this Congress and for this nation. God bless you Representative LOUIS STOKES, and Godspeed on your future endeavors.

HONORING THE NORTH CAROLINA COOPERATIVE BRIGHT IDEAS PROGRAM

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. ETHERIDGE. Mr. Speaker, as a former Superintendent of Public Instruction for the State of North Carolina, I closely follow matters related to the quality of public education in my district and state. Nothing gives me more pleasure than acknowledging a joint public-private initiative at the local level that is having a positive impact on the quality of classroom instruction.

In North Carolina, our community-minded electric cooperatives have a grant program for teachers called Bright Ideas. It was established in 1994 while I was Superintendent to improve classroom instruction by encouraging innovative teaching techniques. Bright Ideas has been a great success. Bright Ideas awards up to $2,000 to teachers K–12 with no restrictions on subject matter. This year they received almost 2,000 applications and made more than 400 grants.

North Carolina's electric cooperatives, which provide power to 22 percent of my state's population and operate in 93 out of the 100 counties, made an early decision to consider any school's application regardless of its power supplier.

In 1994, North Carolina's electric cooperatives authorized $225,000 a year for a statewide Bright Ideas Program, which would have put the program over the $1,000,000 mark by the 1998–99 school year. However, through generous additional funding in their respective areas, the cooperatives were able to reach $1 million a full year ahead of schedule. I congratulate them for their achievement.

Chuck Terrill, Executive Vice President and CEO of the North Carolina Electric Membership Corporation, says that the program will break $1.5 million by the end of the 1998–99 school year, making the title of ''Bright Ideas Classroom'' a badge of honor in our schools.

In my district I have many cooperatives and thousands of cooperative members whom I count as friends. I salute these fine corporate citizens for their extraordinary contributions; more than $1 million benefiting more than 400,000 students and still counting.

IN TRIBUTE

SPEECH OF

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. ADERHOLT. Mr. Speaker, today we continue to mourn the loss of two of the finest men this Capitol has known. John 15:13 states that, ''Greater love hath no man than this, that a man lay down his life for his friends.'' Had John Gibson and J.J. Chestnut not put themselves in harm's way, the lives of many would have been lost in last week's tragic event. These two men of courage laid down their lives so that their friends, coworkers and tourists visiting from around the world would be safe. We are truly blessed to have men and women of such noble character and bravery serving on the Capitol Police force.

As thousands of visitors came together yesterday to walk through the Capitol Rotunda to pay their respects to these men of courage, I realized that we are only able to safely visit this building which is a symbol of freedom because of the service of the many members of law enforcement we have here in Washington. We must never take for granted those who serve to protect and preserve the freedoms that we enjoy here in the United States Capitol, and across this nation.

My prayers go out to the families of these two heroes who died that we might live. The memory of their actions will not be soon forgotten.

AN OPEN LETTER TO PRESIDENT CLINTON, VICE PRESIDENT GORE AND THE OHIO CONGRESSIONAL DELEGATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. NEY. Mr. Speaker, I rise today to submit this open letter on behalf of many associations and federations from the state of Ohio:

We respectfully and urgently request you to reject efforts to accept the United Nations treaty signed in Rio de Janeiro, Brazil and further revised in Kyoto, Japan that deals with greenhouse gas emissions.

Acceptance of this treaty would bind the U.S. to restrict fossil fuels (coal, natural gas and petroleum) use which together provide 80% of America's energy, while exempting 2.5 billion people in foreign countries from these reductions. These reductions will greatly force up the price of coal, natural gas, gasoline and electricity. Ohioans' cost for each of these necessities could rise by roughly 50% by 2010.

The result will be anti-family; as families are forced to pay much more for the basic necessity of electricity, anti-farm; as the cost of farming and supplies soar, anti-jobs; as 56,000 Ohio-based jobs are lost, many going to the exempted foreign countries. All of this will devastate Americans and Ohioans in particular. Economic estimates suggest by the year 2010, Ohioans will pay $350 more for every man, woman and child in our state. This means we will together annually pay $3.8 billion dollars more to heat our homes, run a business, or care for our loved ones. This will be especially harsh and unfair to Ohio seniors, the poor and others.

Global warming warrants thoughtful study but it does not make sense to strangle 80% of America's energy foundation while over half the world's population is exempted for this treaty's reach. Ohioans deserve better than this.

Please don't force Ohio families, seniors, those on the edge of poverty, our farmers and businesses to be saddled with this United Nations treaty.

Joel Hastings, Director of Local Affairs, Ohio Farm Bureau Federation, Columbus—192,000 members; Kelly McGivern, Director of Environment and Health Care Policy, Ohio Chamber of Commerce, Columbus—5,000 members; John C. Mahaney, Jr., President, Ohio Council of Retail Merchants, Columbus—3,000+ members; Alon Apel, Director of Government Affairs, Ohio Pharmacists Association, Dublin—4,000 members; Tom King, Executive Vice President, Ohio Trucking Association, Columbus—1,000 members; Sherry Weisgarber, Managing Director, Ohio Aggregates Association, Columbus—197 members; Ruth Ann Wilson, Executive Secretary, Ohio Assoc. of Meat Processors, Delaware—500 members; Gary A. Murdock, President, Ohio Valley Automotive Aftermarket Association, Hilliard—1,000 members; Roger P. Jones, President, Ohio Ready Mixed, Concrete Association, Columbus—210

members companies; Michael H. Cochran, Executive Director, Ohio Twp Assoc., Columbus—8,600 members; Holly Saelens, Director—Public Policy Services, The Ohio Manufacturers' Association, Columbus; Sheila Adams, President/CEO, Urban League of Greater Cincinnati, Cincinnati—700 members; Bernard Shoemaker, President (Master), Ohio State Grange, Columbus—17,000 members; Bryan Bucklew, Director-Governmental Affairs, Dayton Area Chamber of Commerce, Dayton—3,350 members; C. Clark Street, Executive Vice President, Ohio Contractors Association, Columbus—585 members; James H. Lee, Executive Director, Ohio Forestry Association, Columbus; Susie Calhoon, Executive Director, Ohio Soybean Council, Columbus—1,500 members; Jack Heavenridge, Executive Vice President, Ohio Poultry Association, Columbus—200 members

David M. Kelly, General Manager, Ohio Potato Growers Association; Tim Williams, Executive Vice President, Ohio Manufactured Housing Association, Dublin—500 members; David L. Kahler, Executive Vice President/CEO, Ohio Equipment Distributors Association, Dublin, 121 members/2,420 employees; Michael L. Wagner, Executive Director, Ohio Corn Growers Association, Marion—1,800 members; Jim Silvania, Executive Director, Ohio Association Security & Investigative Services, Columbus—33,000 members; John R. Langhirt, President, Mid-Ohio Electric Co., Columbus; Carmine J. Torio, Executive Vice President, Home Builders Association of Great Akron, 750 member Companies, 10,0000 employees; Robert D. Horne, President, United Steel Workers of America, Local 5L—Akron, 175 members; Daniel L. Neff, Executive Director, Ohio Mid-Eastern Governments Association, Cambridge, serves a 10 county area; Judy R. Bastian, President, Ohio Glass Association, Cleveland—250 members; Roger Tedrick, Secretary/Treasurer, Ohio Dairy Farmers Federation, Gahanna—1,000 members; Robert T. Lambert, Executive Vice President, Ohio Auto and Truck Recyclers Association, Columbus; Donald L. Buckley, President/Secretary, Midwest Dairy Foods Association, Inc., Columbus—52 companies; Amira F. Gohara, Vice President for Academic Affairs, Medical College of Ohio at Toledo, Toledo—3,400 members; Peggy J. Smith, Executive Director, Ohio Chemical Council, Columbus—100 members; Patricia R. Cooksey, President, True Blue Patriots, Cincinnati—10,000 members; Thomas L. Hart, Executive Director, The Building Industry Association of Central Ohio, Columbus—1,226 members; Richard Greenwalt, Camp Secretary, Sons of Union Veterans of the Civil War-McClellen Camp, No. 91—Alliance;

Joseph Divito, Financial Secretary & Treasurer, Iron Workers Local Union No. 172, Columbus—723 members; Sue Yang, Program Coordinator, International Community Empowerment Project A.S.I.A., Inc., Akron—50 families served; Rochelle Peoples, Director of Volunteers, Habitat for Humanity of Greater Akron, Akron—100 volunteer members; Carole Richards, President, Creative Education Institute, Chagrin Falls—50 people served; Mike P. Reilly, President-Elect, Cincinnati Master Plumbers Assoc., Cincinnati—80 contractors; W. Paul Kilway, Jr., M.D., Summit County Medical Society, Akron, 460 members; David L. Kahler, Executive Vice President/CEO, Ohio-Michigan Equipment Dealer Association, Dublin, 865 members/14,272 employees; Edward Tumulty, Regional Director, Precast/Prestressed Concrete Institute, Central Region Columbus; Russell K. Tippett, Dean, School of Natural Resources, Hocking College, Nelsonville; Randy Smith, Financial Secretary, Glass, Molders, Pottery, Plastic and Allied Workers Local 7A, Tiffin—573 members; Margaret F. Planton, Mayor, City of Chillicothe, 270 employees; Bill Hueckel, President, Central Ohio Flower Growers, Delaware—100 members; Hal Mullins, President, Central Ohio Chapter, Air Conditioning Contractors of America, Columbus—106 member companies; James Tann, President, Brick Institute of America, Mid East Region, North Canton; Ronald L. Kolbash, President, Ohio Mining & Reclamation Association, Columbus, 121 member companies; Richard C. Hannon, Jr., Chairman of Legislative Committee, Board Member, Carroll County Chamber of Commerce, Carrollton—150 members; John Nave, Director, Associated Risk Managers of Ohio, Powell; Jim Frost, Secretary/Treasurer, Akron/Medina County Labor Council AFL-CIO, Akron—18,000 members.

PATIENT PROTECTION ACT OF 1998

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1998

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I cannot vote for the Patient Protection Act (H.R. 4250). However, I would first like to express my support for two of the bill's provisions, relating to Medical Savings Accounts and relating to the proposed national health ID.

Earlier this week I introduced legislation, the Patient Privacy Act (H.R. 4281), to repeal those sections of the Health Insurance Portability and Accountability Act of 1996 that authorized the creation of a national medical ID. I believe that the increasing trend toward allowing the federal government to track Americans through national ID cards and numbers represents one of the most serious threats to liberty we are facing. The scheme to create a national medical ID to enter each person's medical history into a national data base not only threatens civil liberties but it undermines the physician-patient relationship, the cornerstone of good medical practice. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor, a trust that would be severely eroded if the patient knew that any and all information given their doctor could be placed in a data base accessible by anyone who knows the patient's ''unique personal identifier.''

While I was not here in 1996 when the medical ID was authorized, it is my understanding that this provision was part of a large bill rushed through Congress without much debate. I am glad that Congress has decided to at least take a second look at this proposal and its ramifications. I am quite confident that, after Congress hears from the millions of Americans who object to a national ID, my colleagues will do the right thing and pass legislation forbidding the federal government from instituting a ''uniform standard health identifier.''

Mr. Speaker, I am also pleased that Congress is addressing the subject of health care in America, for the American health care system does need reform. Too many Americans lack access to quality health care while millions more find their access to medical care blocked by a ''gatekeeper,'' an employee of an insurance company or a Health Maintenance Organization (HMO) who has the authority to overrule the treatment decisions of physicians!

An an OB/GYN with more than 30 years experience, I find it outrageous that any insurance company bureaucrat could presume to stand between a doctor and a patient. However, in order to properly fix the problem, we must understand its roots. The problems with American health care coverage are rooted in the American tax system, which provides incentives for employers to offer first-dollar insurance benefits to their employees, while providing no incentives for individuals to attempt to control their own health care costs. Because ''he who pays the piper calls the tune,'' it is inevitable that those paying the bill would eventually seize control over personal health care choices as a means of controlling costs.

Because this problem was created by distortions in the health care market that took control of the health care dollar away from the consumer, the best solution to this problem is to put control of the health care dollar back into the hands of the consumer. We also need to rethink the whole idea of first-dollar insurance coverage for every medical expense, no matter how inexpensive. Americans would be more satisfied with the health care system if they could pay for their routine expenses with their own funds, relying on insurance for catastrophic events, such as cancer.

An excellent way of moving toward a health care system where the consumer is in charge is through Medical Savings Accounts (MSA's). I enthusiastically endorse those provisions of this bill that expand access to MSA's. It may be no exaggeration to say that MSA's are vital to preserving the private practice of medicine.

MSA's provide consumers the freedom to find high-quality health care at a reasonable cost. MSA's allow consumers to benefit when they economize in choosing health care so they will be more likely to make informed health care decisions such as seeking preventive care and, when possible, negotiate with their providers for the lowest possible costs. Most importantly, MSA's are the best means available to preserve the patient's right to choose their doctor and the treatment that best meets their needs, free from interference by an insurance company or an HMO.

Mr. Speaker, all those concerned with empowering patients should endorse H.R. 4250's provisions lifting all caps on how many Americans may purchase an MSA and repealing federal regulations that discourage Americans from using MSA's. For example, a provision in the tax code limits the monthly contribution to the MSA to one-twentieth of the MSA's yearly amount. Thus, MSA holders have a small portion of their yearly contribution accessible to them in the early months of the year. The Patient Protection Act allows individuals to make the full contribution to their MSA at any time of the year, so someone who establishes an MSA in January does not have to worry if they get sick in February.

This legislation also allows both employers and employees to contribute to an employee's MSA. It lifts the arbitrary caps on how one can obtain MSA's and expands the limits on the MSA deductible. Also it provides that possession of an MSA satisfies all mandated benefits laws as long as individuals have the freedom to purchase those benefits with their MSA.

However, as much as I support H.R. 4250's expansion of MSA's, I equally object to those portions of the bill placing new federal standards on employer offered health care plans. Proponents of these standards claim that they will not raise cost by more than a small percentage point. However, even an increase of a small percentage point could force many marginal small businesses to stop offering health care for their employees, thus causing millions of Americans to lose their health insurance. This will then lead to a new round of government intervention. Unlike Medical Savings Accounts which remove the HMO bureaucracy currently standing between physicians and patients, the so-called patient protections portions of this bill add a new layer of government-imposed bureaucracy. For example, H.R. 4250 guarantees each patient the right to external and internal review of insurance company's decisions. However, this does not empower patients to make their own decisions. If both external and internal review turn down a patient's request for treatment, the average patient will have no choice but to accept the insurance companies decision. Furthermore, anyone who has ever tried to navigate through a government-controlled ''appeals process'' has reason to be skeptical of the claims that the review process will be completed in less than three days. Imposing new levels of bureaucracy on HMO's is a poor substitute for returning to the American people the ability to decide for themselves, in consultation with their care giver, what treatments are best for them. Medical Savings Accounts are the best patient protection.

Perhaps the biggest danger these regulations pose is ratification of the principle that guaranteeing a patients' access to physicians is the proper role for the government, thus opening the door for further federal control of the patient-physician relationship. I ask my physician-colleagues who support this regulation, once we have accepted the notion that federal government can ensure patients have access to our services, what defense can we offer when the government places new regulations and conditions on that access?

I am also concerned that this bill further tramples upon state automony by further preempting their ability to regulate HMO's and health care plans. Under the 10th amendment, states should be able to set standards for organizations such as HMO's without interference from the federal government. I am disappointed that we did not get an opportunity to debate Mr. BRADY's amendment that would have preserved the authority of states in this area.

In conclusion, Mr. Speaker, while the Patient Protection Act takes some good steps toward placing patients back in control of the health care system, it also furthers the federal role in overseeing the health system. It is my belief that the unintended, but inevitable, consequence of this bill, will require Congress to return to the issue of health care reform in a few years. I hope Congress gets it right next time.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mrs. CLAYTON. Mr. Speaker, on Wednesday morning July 29, 1998 I was in my district attending to official business and as a result missed two roll call votes.

Had I been present, the following is how I would have voted:

Rollcall No. 343 (the ''Rule'' on H.R. 629) ''Aye''

Rollcall No. 344 (final passage of H.R. 629) ''Aye''.

INTRODUCTION OF THE JACOB JOSEPH CHESTNUT-JOHN MICHAEL GIBSON CAPITOL VISITOR CENTER ACT OF 1998

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Ms. NORTON. Mr. Speaker, today, I am introducing the Jacob Joseph Chestnut-John Michael Gibson United States Capitol Visitor Center Act of 1998 (Chestnut-Gibson Act). I feel a special obligation to do so because I represent the District of Columbia in which the Capitol is located. I also introduce the bill because the residents of the District have a special relationship with the Capitol Police. In 1992, when there was a large spike in crime in the District, Congress passed the United States Capitol Police Jurisdiction Act, a bill I introduced authorizing the Capitol Police to patrol parts of the Capitol Hill residential community closest to the Capitol where various facilities of the Capitol are located. Capitol Police officers were not only willing; they were enthusiastic to use their excellent training and professionalism for the benefit of residents and the many tourists and visitors whose safety might be compromised by having to travel through high-crime areas in order to get to the Capitol.

My bill authorizes the Architect of the Capitol ''to plan, construct, equip, administer, and maintain a Capitol Visitor Center under the East Plaza of the Capitol'' grounds. The primary purpose of the bill is to increase public safety and security. A second purpose is to provide a place to welcome visitors who are seeking tours, taking into account their health and comfort. To guard against excessive costs and to obtain quick action, the bill requires the Architect to consider existing and alternative plans for a visitor center and to submit ''a report containing the plans and designs'' within 120 days.

I have supported a Capitol Visitor Center since it was first extensively discussed in 1991. During this decade of high deficits, the reluctance of Congress to appropriate funds for such a center has perhaps been understandable, until last Friday. No one knows whether Officer Chestnut or Detective Gibson or, for that matter, any other officer or individual would have been spared had a visitor center been in place. What we do know is that our nineteenth century Capitol was not built with anything like today's security hazards in mind. According to the Capitol Police and the United States Capitol Police Board, a visitor center would provide significant distance between the Capitol and visitors, and for a host of reasons they have documented, would make the Capitol more secure.

Our foremost obligation is to protect all who visit or work here and to spare no legitimate consideration in protecting the United States Capitol. The Capitol is a temple of democracy and is the most important symbol of the open society in which we live. It is more so than the White House, in part because the President's workplace is also a residence and cannot be entirely open. However, the Capitol symbolizes our free and open society not only because it is accessible but also because of what transpires here. It is here that the people come to petition their government, to lobby and to persuade us, and ultimately to discharge us if we stray too far from their democratic demands. Thus, we neither have nor would we want the option to make the Capitol more difficult to access. After last Friday's tragedy, we have an obligation to demonstrate that security is not inconsistent with democracy.

There is a second reason why this bill is necessary. Visitors are safe when they come to the Capitol, but the conditions they encounter do not ensure their health, convenience, and cordiality, nor afford them the welcome to which they are entitled. Members address constituents seated on stone steps outdoors. In the blistering heat and merciless cold of Washington, visitors wait in line outdoors to tour the Capitol. During this summer, the hottest on record in the United States, it has not been uncommon for tourists to faint during lengthy waits on line and then be rushed inside to be treated by our physicians. Even if the Capitol had not incurred a terrible tragedy, we would be in need of a more civil way to welcome the people we represent.

I will seek cosponsors for this bill at once. I have not waited to do so because I believe a bill requiring plans for a visitor center is necessary to provide the assurance of safety and comfort the public has a right to demand. We must do more than try to recover from the shock of the invasion of the Capitol by a gunman. We must do more than mourn the irreplaceable loss of two fine men. We must do what we can and we must do it now.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Ms. MILLENDER-McDONALD. Mr. Speaker, on Wednesday, July 29, 1998, I was unavoidably detained while conducting official business and missed rollcall vote No. 344. Had I been present I would have voted ''yea.''

SHAME ON THE GOVERNMENT OF GRENADA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, it was 15 years ago that American soldiers liberated

the small island of Grenada from the authoritarian government that, under the direction of Cuban dictator Fidel Castro, had overtaken that nation.

During the time the Castro regime manipulated the government of the island in an attempt to expand communism in the Americas, the people of Grenada lost all semblance of civil liberties and human rights that was then returned to them.

Unfortunately, it seems that the present Grenadian government has forgotten the repression brought upon their country by the Castro regime and it has invited the dictator to visit the island this week.

The visit comes as the nations members of the Caribbean Economic Community (CARICOM) continue to flirt with the Cuban tyrant, who desperately wants to enter the organization to obtain economic benefits that will strengthen his oppressive regime.

How sad that after 19 American soldiers died to liberate Grenada, that island's government now receives, with open arms, the dictator who orchestrated the repression of that island's citizens.

Shame on the government of Grenada!

TRIBUTE TO PEGGY CALDWELL BEESON

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. RIGGS. Mr. Speaker, I rise today to honor the life of Peggy Caldwell Beeson, who passed away this month. I, along with many other Northern Californians, cherished the friendship of Peggy who, with her husband Phillip, contributed greatly to our community.

Peggy had a special talent for sharing her visions with others and making them want to be a part of her ideas. This talent for consensus building and motivating others allowed her to accomplish things that most people would never attempt.

Over the years, Peggy was involved with a number of community action committees, including the Parent Teacher Association, the Lake Elephants Club, and the Konocti Lioness Club. She also served as Executive Director for Californians for a Drug Free Youth, President of the Conejo Republican Action Committee, and Director of the Riviera Yacht and Golf Club.

Peggy and Phillip raised four daughters: Karen, Lindsay, Cynthia, and Heidi. She also is survived by 13 grandchildren and two great-grandchildren.

Peggy Beeson's dedication to community and family should be held as a model for others. I have personally seen the results of Peggy's efforts and was impressed time and again with her hard work and determination. Her vision, innovation and accomplishments will benefit the people of Lake County for a long time.

CELEBRATING THE 175TH ANNIVERSARY OF THE GREAT GEAUGA COUNTY FAIR

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. BROWN of Ohio. Mr. Speaker, I rise to recognize and congratulate the people of Geauga County on the 175th anniversary of the Great Geauga County Fair. This special gathering has always been a time for people and families throughout Ohio to come together. It's also a wonderful way to celebrate community and the values we hold dear.

The Great Geauga County Fair brings to mind homemade pies, baking contests, 4–H club activities, the annual petting zoo, music, and pony rides for children. The Fair is also about celebrating the locally produced maple syrup, used in nearly every home throughout the region. Finally, the Fair provides a special moment for the community to honor area veterans and their service to Ohio and the nation.

The history of the Great Geauga County Fair is as rich as the Fair itself. In 1823, a group of pioneers, some of whom were among the first settlers in Ohio's Western Reserve, formed one of our state's first trade societies—called the Geauga County Agricultural and Manufacturing Society. The society was formed to promote the region's growing farming and manufacturing industries. To display and share the bounty from their farms, society members organized an annual county-wide fair. While the early Fairs alternated between the towns of Burton and Chardon, the Fair has been held in Burton at the County Fairgrounds since the mid-1800s.

This year's Fair also celebrates another birthday. Known as the oldest and only all-volunteer band in the Buckeye State, the Great Geauga County Fair Band turns 60 this year. To most people who go to the Fair today, the Band is a major presence. In a fitting tribute to this milestone, the band this year will play with three of the original ''charter'' band members.

Labor Day is always a bittersweet time. For kids, the holiday means back to school; for parents, it means a welcome day off to enjoy the good weather. Labor Day also means Fairtime—the ''grand finale'' to summertime in Geauga County. Without doubt, the Fair is one of our region's most important annual community events—for families and all residents of northeast Ohio. In fact, the ''Great'' in the Fair's name was officially added early this century to signify the Fair's senior standing as the ''Great Granddaddy'' of Ohio's county fairs.

The Great Geauga County Fair's motto says it all, ''Something for Everyone Since 1823.'' On the 175th anniversary of the Great Geauga County Fair, I'm proud to represent the people of Geauga County, and proud to be a part of this community.

THE ORPHAN FOUNDATION: MAKING A DIFFERENCE IN THE LIVES OF YOUTH

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. WATTS of Oklahoma. Mr. Speaker, in the Tuesday, July 21, 1998 copy of the Washington Post, there is a front page story about how difficult it is to survive in society when you're an orphan and you turn 18. I would like to insert this article in the record, Mr. Speaker, without objection. According to this article, in many states, when orphans turn 18 years of age, they are dropped from the state's child protection system. This means they have to pay their own rent, buy their own groceries and manage their own budget. Without parents to teach these orphans the importance of fiscal responsibility, and to provide for their needs when they do run out of money, it should not be a surprise that 4 out of 10 of the nation's homeless are orphans.

There is one statement in the Post article that sticks out in my mind. That statement reads, ''* * * there is little public attention focused on how to keep foster children from migrating from their bureaucratic family to the streets.'' I agree that the public could be better informed about the problems many orphans face, but I wish the article had listed a group I work with called the Orphan Foundation of America as part of the solution. OFA has worked hard over the last two decades to provide financial assistance and counseling to orphans, help which has made a tangible difference in the lives of many.

Founded in 1981, the Orphan Foundation has awarded over $500,000 in scholarships to orphans in 44 states through its OLIVER Project, with the help of generous private and corporate donors such as: American Airlines; Gateway Computers; Kraft Foods, Inc.; General Electric; Prudential Securities; AT&T; J.C. Penney Company; Bristol Myers-Squibb Company; Jones, Day, Reavis and Pogue; Lockheed Martin; Fannie Mae; Lucent Technologies, Northrop Grumman; Time Warner, Inc.; The Limited, Inc.; Williams & Jensen; ESOP; and Kerr-McGee Corporation. OFA also teaches orphans how to successfully manage their money and other basic life skills they will need to know to survive in an unforgiving world, and does this through volunteers in their communities.

Most of all, OFA and its tireless director, Eileen McCaffrey, provides orphans with something they receive all too little—an ear to talk to when they need encouragement, and a little love and understanding. Most of the staff is all volunteer, a true sign of their dedication. I have had the pleasure of meeting and talking with several orphans whose lives have been impacted by OFA, and these youth are quick to point to the organization as one big reason why they have a job and a good education, as opposed to being locked up in jail, or being forced to sleep in their car.

The Orphan Foundation receives no state or federal funding, and yet it has managed to improve the lives of orphans across America. To learn more about OFA, you can visit their web page at www.orphan.org. The Orphan Foundation of America is a great cause well worth assisting, and a testimony of the power of Americans who care.

[From the Washington Post, July 21, 1998]

AT 18, IT'S SINK OR SWIM—FOR EX-FOSTER CHILDREN TRANSITION IS DIFFICULT

(By Barbara Vobejda)

CINCINNATI—Seventeen-year-old Carrie Lucas has spent the past two years in the embrace of the state. Her mother was mentally ill, her father in jail, and Ohio's child protection officials considered it their business to place Carrie in a safe foster home.

Now she's about to be dropped. At the toll of her 18th birthday next spring, Carrie will be released from the state's child protection system. The federal and stat bureaucracies that fashioned themselves into a substitute family will declare themselves done. And like 20,000 other young people across the country each year, Carrie will be left to pay her own rent, fill her own refrigerator, manage her own budget. In essence, she will be expected to become her own parent.

''It's sort of scary to think I have to do this on my own,'' Carrie said. ''I don't want to think about it too much.''

If ever there was proof that, for many children, the foster care system does not offer a stable, surrogate family, it comes at the point they turn 18. The day the money stops, the care stops too.

While a minority of teenagers stay on for some time with their foster families, most grow up knowing exactly when their funding will end. They accept that they will be forced to leave on or near that birthday, knowing they'll be replaced by a younger child, who comes with money attached. If the foster families had wanted to make a permanent commitment to one child, experts say, they would have adopted. Most don't.

''We can't dump them fast enough at 18,'' said Robin Nixon, director of youth services at the Child Welfare League of America, referring to the federal-state system that has responsibility for more than 500,000 children, most of them abused or neglected by their parents. ''But kids in the average community are 25 and 26 years old before they're expected to live alone.''

It is this large but mostly forgotten population of America's disadvantaged that social researchers now believe makes up a significant component of the nation's homeless population: One study found four of 10 of the nation's homeless are former foster children. Experts on homelessness say it is predictable—that young people isolated from their families often suffering from emotional problems, many of them former runaways, would end up in an emergency shelter. While some of these teenagers can go to grandparents or siblings for help, most are on their own.

The most recent study on the fate of foster children, conducted by University of Wisconsin researcher Mark Courtney, found that 12 to 18 months after they left foster care, just half were employed, one-third were receiving public assistance, one-fifth of the girls had given birth and more than one-quarter of the boys had been incarcerated.

Most of the teenagers had less than $250 in savings when they went out on their own.

Yet while other subgroups among the disenfranchised—the mentally ill, victims of domestic violence, welfare workers—have their vocal advocates in policy debates, there is little public attention focused on how to keep foster children from migrating from their bureaucratic family to the streets.

For Carrie Lucas, the journey to independence has already begun. It is both tangible and psychological. She is a 17-year-old constantly aware of a clock ticking. Nine more months of financial help. That's it. One minute she's sure she can handle it. The next, she's in a panic about what lies ahead.

The state will keep paying an agency more than $1,000 a month to help her until her 18th birthday. But after that, she can make no mistakes. Blow her rent money on a car, she may be sleeping in that car. Anger her landlord, she could be looking for a place to sleep. The same mistakes other kids make, but nobody to bail her out.

A month ago, she moved into a tiny attic apartment by herself. It is stifling, with no air conditioner, and the stairway leading up smells of cat urine. But she chose it because she loved the bathtub—an antique with claw feet and flowers painted on the side.

Carrie had trouble sleeping when she first moved in, frightened of the nighttime sounds echoing around her old building. But now she's more relaxed, cuddled on the living room carpet beside her worn, thrift store couch, or in her narrow bedroom, surrounded by stuffed toys.

When Carrie was 4, her grandmother took her in because Carrie's mother would stay away from home for long periods of time, leaving Carrie and her three siblings to care for themselves. Carrie grew up cooking for herself, washing her own clothes.

''I think my mother is mentally insane,'' Carrie said. ''She was never reliable, always working, or out with whomever.''

But Carrie's grandmother died of cancer two years ago, and the child protection system took over. Carrie moved in with a foster mother, a woman in her late sixties who had raised 10 children of her own. ''Her message was, 'I'm here for you,'" Carrie said, ''but there was distance between us.''

Under the state's policy, her foster mother received more than $400 a month to keep Carrie, but that ended when Carrie asked to move out. She had heard of a program that would help her move into her own apartment, and her foster care money would go toward rent and utilities. So she left her foster mother's home and moved into her apartment. And since then, neither has picked up the phone to stay in touch.

In fact, Carrie says she's lucky. She lives in one of the few places around the country—Hamilton County, Ohio—where the child protection system places people as young as 16 in apartments to prepare them to live on their own. The program pays rent and sets up a savings account with a $60 weekly stipend—until she's 18.

Carrie likes living by herself. But already, her days play out with the rhythms of an adult, not a girl of 17.

This summer, she gets herself up at 6 each morning, eats a bowl of cereal and leaves her apartment by 7, catching a bus to work as an intern at a downtown bank, where she spends her days checking account numbers and ATM receipts. At 5 p.m., she heads home and fixes her own dinner. She is in bed by 9 p.m. On the weekends, she works a second job at a restaurant.

For now, she has $594 in savings, and in the fall, she'll return to finish her senior year in high school. The county and the judge overseeing her case could extend her funding long enough to help her get her high school diploma. But even if that happens, she'll be cut loose in less than a year.

She worries most about how she will pay her $240 monthly rent, or if she'll be able to afford college.

''I pray I can go to college,'' she said. ''I'm going to try everything in my power to get a scholarship.''

Some of the half-million children in the child protection system are allowed to stay with their biological families. But for those who are taken out of their homes, a combination of federal and state funds provides payments—averaging $431 a month for 16-year-olds—to foster families. The government may pay much more for group homes or residential treatment facilities, where many foster teens reside.

In 1986, after researchers began to notice the link between foster care and homelessness, Congress reacted by establishing an ''independent living program'' for states to help prepare foster children for life after 18. States can extend the program to older teens, which is common for those with disabilities.

While states have established these programs, many are cursory—occasional weekend seminars on housekeeping and budgeting, for example. And Courtney's study in Wisconsin found that one out of four teenagers had received no help in preparing for independence before they left the system.

In a handful of jurisdictions, however, welfare offices have gone to great lengths to ease this passage.

Los Angeles County, where about 800 young people leave foster care each year, has pulled together a package of subsidized housing, job training and some entry-level employment to help those moving out of the system.

And in Hamilton County, Ohio, where Carrie lives, dozens of teenagers, some as young as 16, are living in apartments as a transition to independence.

''Independent living without housing experience is like driver's education without the car,'' said Mark Kroner, who runs an independent living program for Lighthouse Youth Services, a nonprofit agency contracted by Hamilton County to put young people in apartments.

''You learn to budget food money when you go a day without food. You learn to budget utilities when you come home to a dark apartment,'' he said.

When young people come into his program, having been referred by county social workers or juvenile judges, they are matched with an adult on Kroner's staff who helps them find an apartment, shops with them for furniture and helps them move. The social worker stops by weekly, and the agency becomes the newest surrogate family.

But this family is dedicated to a daunting goal: sending a child, often one with emotional difficulties, out into the world.

It is not uncommon for Kroner to get a call saying one of his teenagers has been arrested. He has had kids knocking on a landlord's door asking for money just a week after moving in. Some have been kicked out of the program for failing to follow the rules.

Despite the problems, studies have found that placing kids in their own apartments is probably the most effective way to help them become independent.

One of Kroner's newest ''clients,'' as the former foster children are called, is 16-year-old Ricky Bryant, who has dropped out of high school.

He lives in a second-floor, two-room apartment, where he sleeps on the living room floor. The dishes are carefully soaking in soapy water, and the refrigerator is virtually empty.

In just over a month of living on his own, it has become clear to Ricky that some things are beyond him: ''My laundry. I cannot afford to do it. And keeping groceries in my house,'' he said. ''I buy it and it's gone.''

He says this on a Wednesday, five days until he gets his paycheck from Wendy's where he works nights. He has cereal in the cupboard, but no milk to pour on it. A loaf of bread, but nothing to put between the slices. He has, literally, one penny in cash.

When Kroner hears this, he gives Ricky a dollar and tells him to take the bus to the agency office and someone there will give him an advance on his weekly $60 stipend.

''I was afraid to ask,'' Ricky said. ''I don't want to aggravate nobody.''

Ricky landed here after years in the child welfare system, where he lived in 12 to 15 places, he estimates.

''My mom is the type who is a bar hopper,'' he said. ''She was never home. She left us kids wherever.'' He was often home alone when he was just 7 and 8 years old. When his mother brought home a new boyfriend, and Ricky saw him abusing her, he left to live with his dad.

But that didn't work out either, ''because I was a 'hood rat.'' And child protection workers moved Ricky to his first foster home. That began a long and sad list of fighting, running away, ending up in juvenile detention, until he was finally allowed this spring to return to his father.

That was the home Ricky had wished for all the years he was in foster care, he said. But three months later, in May, his father died of pulmonary disease.

Once again, a caseworker was ready to put him with a foster family, but Ricky wanted no more.

''I've never had a mother-father type deal in my life, so I wouldn't be ready for it,'' he said.

The next step for Ricky was his own apartment.

Last week, he sat huddled over a spiral notebook, the kind most kids his age would use for geography or math. He is no longer in any math classes, but the notebook is perfect for managing his money.

He budgets $144 for two weeks of groceries, $6 for ''hygiene,'' $50 for ''recreation,'' $20 for miscellaneous and $20 to pay back a debt. But when he totals up his expenses, he compares it with the paycheck he expects to get and realizes he's $3 short. He decides he will take it out of groceries.

He has written all this out carefully, underscoring the totals in pink highlighter.

Ricky has two years before his safety net is folded up.

He hopes he'll get a high school equivalency degree and a better job. In the meantime, he is learning to navigate the adult world. He lost his electricity in the middle of the night recently when he plugged in an old air conditioner he had found in the basement. But when he called the power company and heard they weren't going to send over any help right away, he told them he was blind. That got them over.

But for every victory, he discovers another trap. He is out of money because he blew a bundle on a Fourth of July cookout. He and his friends bought food and cases of soda pop and cigarettes, and that sent him way over budget.

''It was the first night of really enjoying myself,'' he said. It was Independence Day.

Struggling in the Adult World

Children leaving foster care at age 18, when federal and state funding ends, face a difficult future. Many suffer from emotional problems and are without financial help from relatives, making them vulnerable to homelessness and other problems. One study found that nearly four in 10 of the homeless population are former foster children.

12 to 8 months after leaving foster care system:

AVERAGE WEEKLY WAGE

$210 for males
$157 for females

PHYSICAL INJURY

26% of the males had been beaten or otherwise seriously injured.
15% of the females had been beaten.
10% of the females had been raped.

INCARCERATION

27% of the males had been incarcerated.
10% of the females had been incarcerated.

OTHER

33% were receiving some public assistance.
19% of the females had given birth to children.
37% had not finished high school.
50% were unemployed.

MENTAL HEALTH TREATMENT

Before leaving foster care: 47 percent were receiving some kind of counseling or medication for mental health problems.

After leaving foster care: 21 percent were receiving treatment, although there was no reduction in mental problems.

IN TRIBUTE

SPEECH OF

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. DELAY. Mr. Speaker, I want to place in the RECORD further tributes to the police officers who died protecting the United States Capitol last Friday.

SUSAN HIRSCHMAN, CHIEF OF STAFF TO THE MAJORITY WHIP

John Gibson made the ultimate sacrifice last Friday defending us. John's professional skills saved each of us. We will always remember John's sacrifice. But we will also remember the many other contributions John made to our lives. John's official duty was protecting Tom, the role that ultimately cost him his life. However, I will also remember that John had a quiet way of helping each of us do our job better. For example, as the person who spent more time with Tom than any of us, he was usually the first person to see when things weren't working right. Often, as I walked into the office passing his desk at the back door, he would look at me and simply say ''Have you talked with the boss yet?''—gently letting me know that something was on Tom's mind. As we have gathered over the past few days to discuss how much we will miss John, I was not surprised that he had a similar way of helping each and every person in the office. John was a friend to each of us and he made our entire team work more effectively.

MONICA VEGAS KLADAKIS, MAJORITY WHIP STAFF

I got to know John Gibson better during the Republican Convention in 1996. I remember squeezing into a cab with him and a bunch of other staff people as we drove from place to place, and I thought, ''He must really hate this.'' I had thought he was reserved and maybe even a little distant, but after that week I not only realized that he had a lot of patience to deal with all of us raucous staff people, I also discovered what a great sense of humor he had, how kind he was, and how much fun he was to be with.

And now he has saved my life. I feel an overwhelming sense of gratitude toward him, from a depth which I don't know if I've ever reached before. We can never thank him properly for what he did for us, but I hope he knows that we will never forget it.

I'll miss him.

SPECIAL AGENT BOB GLYNN AND DETECTIVE DOUG SHUGARS

Detective John M. Gibson and Officer Jacob J. Chestnut are American heroes. Their heroic actions and personal sacrifice was responsible for saving numerous lives and ensuring the freedoms which all American enjoy continue.

Officer Jacob J. Chestnut was a very professional member of the United States Capitol Police. The polite and friendly manner in which he did his job will always be remembered. Every evening as Congressman DeLay and his security would leave the U.S. Capitol, Officer Chestnut would always extend a friendly, ''Have a good evening sir.'' This remark always made for a nice ending to a very long day.

Detective John M. Gibson was a cop's cop. Anytime John was working and there was some police action happening on Capitol Hill, John would be there. It might be standing in an intersection wearing a suit and directing traffic, assisting with the evacuation of a Congressional building that was on fire, or providing a backup for a fellow officer. John was always there. It was no surprise that John was involved in this kind of heroism. He would have had it no other way. John loved working the security detail for Congressman DeLay and took great pride in the assignment. John was considered to be a part of Congressman DeLay's staff and a very close friend to the DeLay family. John's unselfish actions and personal sacrifice ensured the safety and the lives of Congressman DeLay, his staff, and the public. John was an excellent police officer, a great partner and a wonderful friend. You will be missed.

There is an inscription on the National Police Memorial in Washington, D.C. by Vivian Eney, another survivor of a fallen Capitol Police Officer. This inscription is a fitting tribute to both Officer Chestnut and Detective Gibson: ''It's not how these Officers died that made them heroes. It's how they lived.''

KELLY POTTER, A TRUSTEE FOR THE D.C. LODGE OF THE FRATERNAL ORDER OF POLICE

I keep this poem on my refrigerator at home, which I thought was appropriate:

A PART OF AMERICA DIED

Somebody killed a policeman today, and
A part of America died.
A piece of our country he swore to protect
Will be buried with him at his side.
The suspect who shot him will stand up in court,
With counsel demanding his rights,
While a young widowed mother must
Work for her kids
And spend alone many nights.
The best that he walked was a battlefield, too,
Just as if he'd gone off to war.
Though the flag of our nation won't fly at half mast,
To his name, they will add a gold star.
Yes, somebody killed a policeman today.
It happened in your town or mine.
While we slept in comfort behind our locked doors,
A cop put his life on the line.
Now his ghost walks a beat on a dark city street,
And he stands at each new rookie's side.
He answered the call and gave us his all,
And a part of America died.

SHAWNA BARNETT, FORMER DELAY STAFFER

May John's kind nature and selfless acts remind us always of our fallen hero. He is out of our grasp but so very close to our hearts.

TOM VINCENT, DE LAY STAFFER

The biggest thing I remember was his sense of humor. I keep thinking of John taking a special effort to joke and tease Shawna Barnett and keep a smile on her face when she was down. It wasn't just Shawna he kept smiling, he made us all smile.

WILLY IMBODEN, DE LAY STAFFER

When I reflect on John Gibson, I remember a man of quiet dignity, integrity, and resolve. He possessed a calming presence about him, his steady bearing lending a tranquil air to the constant chaos of Capitol Hill. In many ways, his 18 years of patient service to Congress and to the American people culminated finally in the greatest and noblest

sacrifice, the laying down of his life for others. I am reminded of the Apostle Paul's words in the Epistle to the Philippians: 'Do nothing from selfishness or empty conceit, but with humility of mind let each of you regard one another as more important than himself; do not merely look out for your own personal interests, but also for the interests of others. Have this attitude in yourselves, which was also in Christ Jesus . . .' John Gibson's life and final sacrifice personified this ethic, and we are all humbly and eternally indebted to him.''

IN MEMORY OF THE HONORABLE CARL S. SMITH OF HOUSTON, TEXAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of a legend in both Houston and Texas politics, my constituent, the Honorable Carl S. Smith, who died Tuesday afternoon, at the age of 89.

Carl S. Smith dedicated his life to public service. He was first appointed as Harris County Tax Assessor-Collector in 1947. He was elected in 1948 and re-elected an unprecedented 12 times, serving a total of 51 years. In fact, Carl was so dedicated to public service that he never considered his job ''work.'' That's not just an assertion—Carl never retired. Throughout all these years, Carl helped Harris County residents meet their common obligations to one another and to their government by making it more convenient for citizens to pay taxes and register to vote. He was also responsible for car registration, alcohol license fees, and a host of state levies.

Carl lived a long and good life. He was born just as the combustible engine was first being applied in cars. He ended his life riding the crest of the information age. Not only can Carl's life chart the course of American history, his acts of courage foreshadow great changes in American history. For example, in 1952, Carl was the first county official to promote an African-American employee to an important government position, a deputy clerkship. This was a small but significant act in the early days of the Civil Rights movement. Additionally, Carl was an advocate for the elderly. He wrote the statewide property tax exemption for senior citizens that was later adopted as a constitutional amendment. Finally, Carl was able to adapt to the times. In the past few years, Carl received accolades for automating and computerizing his office's operations.

Carl's dedication to public service is an example to all Americans of what government is capable of accomplishing. Carl was first elected to office just two years after our victory in World War II, when it was thought that we could accomplish anything. He held on to that belief even in this cynical era where government is among the least trusted of public and private institutions. He is a model to all Americans involved in public service and especially elderly Americans. A few years ago, Carl joked that while his body had aged, his doctor said he had the ''mind of a 20-year-old.''

While he was tax assessor at the time of my birth and I remember learning his name at an early age, I first came to know Carl when I became the Chairman of the Harris County Democratic Party in 1990. Ever since then, whenever I was in the Harris County Administration Building, I would stop to say hello. Whether I was there on business or to register a car, Carl would always call me in to sit down and talk politics in his office, which consisted of maps, floor to ceiling boxes, and records. Just a few years ago, I was picking up new license plates, and Carl summoned me to another part of the office where he was helping staff and conducting a seminar. In his 51 years at the helm, it is fair to say that Carl S. Smith probably did every job there was to do in the Tax Assessor-Collectors' Office he ran.

Carl S. Smith was a good and great man. He was my constituent, but more importantly, he was my friend and one whose counsel I often sought. As much as Harris County loved and respected Carl, his family has suffered an even greater loss.

I ask unanimous consent to insert in the RECORD at this point an article and obituary which appeared in the Houston Chronicle on July 29, 1998.

[From the Houston Chronicle, July 29, 1998]

CARL SMITH, TAX CHIEF FOR 51 YEARS, DIES

(By Bob Tutt)

Carl S. Smith, who served 51 years as Harris County's tax assessor and collector and was the senior elected official here, died Tuesday afternoon. He was 89.

His death came at St. Luke's Hospital where he had been confined just over two weeks for treatment of heart problems and other complications.

The Harris County Commissioners Court appointed him to the tax assessor's office in 1947 upon the death of the incumbent, Jim Glass. The next year Smith won election to the post, then was re-elected 12 times. If he had completed the last two years of his term, he would have been 91.

County Judge Robert Eckels announced Smith's death during Tuesday's session of Commissioners Court, prompting gasps from the audience.

''The county has lost someone who's been an institution here,'' Eckels said. ''He was a great leader . . . and someone who cared a great deal for the people of this country.''

Eckels then led the court in a moment of silence in Smith's memory.

Commissioner Jim Fonteno, a 24-year veteran of the court, said Smith made him look like the new kid on the block.

''He's been a good one,'' Fonteno said. ''He's been dedicated. He'd get with you too. If you said something he didn't like, he'd take you to task on it.''

District Clerk Charles Bacarisse joined other department heads in praising Smith, calling him an ''icon'' of county government.

''He clearly was a man of honor and integrity and ran his office in an honorable fashion,'' Bacarisse said.

Jack Loftis, Chronicle executive vice president and editor, reflected, ''To say that Carl Smith was the consummate public official would not be giving him proper credit for the 51 years of honest and gracious service he provided to the citizens of Harris County. He was an extraordinary man in every way.''

Eckels added, ''I remember that he would be down here many times at midnight helping people to file their taxes by the deadline so they wouldn't have to pay a penalty.''

The court appointed Loretta Wimp, Smith's chief clerk, as temporary tax assessor-collector. Later it will appoint an acting assessor-collector to serve until a replacement is elected in November.

Under state law a successor to fill out Smith's term will be selected in an election held as part of the Nov. 3 general election. Had Smith died after Aug. 30, Commissioners Court would have named his successor.

Smith had considered retiring in 1996. He said he decided against it because his doctor had pronounced him very fit and he wanted to oversee installation of a new computer system to process motor vehicle titles and licenses. David Mincberg, the Democratic County Chairman, also had urged him to run again.

At the time, Smith joined, ''My doctor said I have the mind of a 20-year-old, but that's stretching a bit.''

He noted at the time that his years of service in the county's employ would make him eligible for a pension greater than his $93,000 salary.

In winning re-election in 1996 Smith captured almost 60 percent of the vote. He and state District Judge Katie Kennedy turned out to be the only Democrats to win county-wide elections that year.

Reflecting on his tenure in office, Smith said he took special pride in establishing tax office substations around the county to dispense automobile and voter registrations and provide other services.

That, he pointed out, enabled citizens to avoid long lines at county offices downtown.

Smith also said he was proud of efforts he and the late state Sen. Criss Cole made in support of state legislation allowing homestead exemptions to reduce property taxes for senior citizens.

Smith boasted that in keeping with changing times he had computerized and upgraded his office's operations.

His responsibilities also included directing registration of voters and maintaining voter registration rolls.

A native of Lindale in Smith County in northeast Texas, Smith spent most of his life in Houston. A graduate of Reagan High School, he got a law degree from the Houston Law School in 1934, in addition to taking courses at the University of Houston.

Smith had served as president of the Tax Assessor-Collectors Association of Texas as well as the International Association of Assessing Officers.

His wife of 59 years, Dorothy, died in 1991. They were parents of two daughters, Nancy Stewart and Pam Robinson, both of Houston.

Visitation will be from 6 p.m. to 8 p.m. Friday at the Geo. H. Lewis & Sons Funeral Home, 1010 Bering Dr. Services will be held at 10 a.m. Saturday at Bethany Christian Church, 3223 Westheimer.

CARL S. SMITH

HARRIS COUNTY WILL MISS ITS LONG-TIME PUBLIC SERVANT

The secret of Harris County Tax Assessor-Collector Carl Smith's five decades in office has to be that he changed with the times yet managed to remain an old-fashion public servant. His reputation is that of an effective manager and an admirable man.

In his last terms in office, Smith became used to hearing about himself as ''an institution'' and ''the dean'' of Harris County government. He made no bones about his advancing years, sometimes joking that he could tune out nonsense by turning down the volume on his hearing aids. Smith was appointed to head the tax office after the death of the incumbent, Jim Glass, in 1947, and was fond of noting that he was elected in 1948, the same year Harry Truman was elected president.

''Youth and inexperience are no match for age and determination,'' Smith would say, crediting the comment to former President George Bush.

Well liked and respected at Commissioners Court, Smith was revered by many of his employees, from whom he insisted on unwavering courtesy to the public. A number of Smith's employees have been with him for decades. It was frequently said that when Smith finally left office, the average age of tax office employees likely would decline significantly.

Smith, a native of Lindale, Texas, took a law degree from Houston Law School before a great many of his Harris County constituency were born. Talk around the county was that Smith, one of the Harris County's last remaining Democrats elected countywide and serving his 12th term, was clinging to the office to keep it out of Republican hands. But there is no denying he managed an efficient shop.

Through the years, Smith fought off usurpers to his domain of tax collection and tax bill distribution, voter registration, motor vehicle registration, alcohol license fees and other state levies. Smith fended off a proposal by powerful former Mayor Bob Lanier to give a portion of his office's tax collection function to a law firm. And in his most recent re-election, Smith put down a challenger's campaign to shutter the tax office, pass voter registration duties to the county clerk and privatize tax collection.

Smith, in 1952, was the first county official to promote a black employee to an important government position, a deputy clerkship. And he wrote the statewide property tax exemption for citizens over 65 that was later adopted as a constitutional amendment.

Smith's wife of 59 years, Dorothy DeArman Smith, died in 1991. They were parents of two daughters, Nancy Stewart and Pam Robinson, both of Houston.

His mind clear, his wit sharp and his sense of humor intact, Smith's heart failed him in the end. He died at 89 at St. Luke's Hospital, where he was being treated for heart problems. Carl Smith will be long missed and remembered always.

INTRODUCTION OF THE STAND DOWN AUTHORIZATION ACT OF 1998

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. VENTO. Mr. Speaker, today I am introducing the Stand Down Authorization Act of 1998. This important legislation will build up and expand the VA's role in providing outreach assistance to homeless veterans.

According to the Department of Veterans Affairs (VA), more than 275,000 veterans are without homes every night and twice as many may be homeless during the course of the year. Based on this statistic, one out of every three individuals who is sleeping in a doorway, alley or box in our cities and rural communities has put on a uniform and served our country. Unfortunately, these numbers are only expected to increase as the military downsizes.

In times of war, exhausted combat units requiring time to rest and recover were removed from the battlefield to a place of safety. This procedure was known as ''Stand Down.'' Today, Stand Downs which help veterans are held across our nation. Stand Downs are grassroots, community-based intervention programs designed to help the estimated 275,000 veterans without homes in our country. Today's battlefield is too often life on the streets for our nation's veterans.

The Stand Down Authorization Act of 1998 will direct the VA to create a pilot program that would establish Stand Down programs in every state. Currently, only 100 Stand Down events take place in a handful of states annually. In addition, my legislation would also authorize the VA to distribute excess supplies and equipment to Stand Downs across the nation.

The first such special Stand Down, held in 1988, was the creation of several Vietnam veterans. The goal of the event was to provide one to three days of hope designed to serve and empower homeless veterans. Since, the, Stand Downs have provided a means for thousands of homeless or near-homeless veterans to obtain a broad range of necessities and services including food, clothing, medical care, legal assistance, mental health assessment, job counseling and housing referrals. Most importantly, Stand Downs provide a gathering that offers companionship, camaraderie and mutual support.

Thousands of volunteers and organizations over the past decade have done an outstanding job donating their time, expertise an energy to address the unique needs of homeless or near-homeless veterans ad their families. Currently, the VA coordinates with local veteran service organizations, the National Guard and Reserve Units, homeless shelter programs, health care providers and other members of the community in organizing the Stand Down events annually. However, much more action is needed to address the persistent and growing number of homeless veterans who have fought honorably to preserve our freedom and now face personal crisis in their lives.

Veterans in past service unconditionally stood up for America. Now we must speak up and stand up for veterans today. I urge all members to join with me in providing outreach assistance to veterans without homes by cosponsoring the Stand Down Authorization Act of 1988.

CLEVELAND HOPKINS INTERNATIONAL AIRPORT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to discuss a very important issue in my district, Cleveland Hopkins International Airport.

Just yesterday, the United States House of Representatives passed the Transportation Appropriations bill, an important piece of legislation for this country. The Honorable Chairman of the Transportation Appropriations Committee, Mr. WOLF, has crafted a bipartisan piece of legislation that will serve this country's transportation needs for the coming fiscal year.

Accompanying this bill is the House Committee Report (105–648). I would like to clarify something in the RECORD that is contained in this report as it relates to Cleveland Hopkins International Airport.

Cleveland Hopkins is vitally important to Northeast Ohio. It not only connects Northeast Ohio with the rest of the world, it provides jobs and economic opportunity for the people who live there. Cleveland Hopkins is also within the city limits, and is surrounded by residential communities that are being asked to adjust to the growing demands being placed on the airport.

Because the airport is very close to reaching overcapacity, the city of Cleveland has embarked upon a plan to expand the capacity of the airport and to improve it so that it may meet the needs of the 21st century. Improving the airport and expanding its capacity in the least intrusive manner to surrounding communities is something that I wholeheartedly support.

However, there is language in the Transportation Appropriations Committee Report that needs to be clarified. The language states on page 78, ''The Committee urges the FAA administrator to give priority consideration to a request for discretionary funding for site and engineering studies for the proposed runway expansion at the Cleveland Hopkins International Airport.

The case to expand a specific runway has not yet been made, and singling out this one aspect of the proposed expansion could be misleading. Expanding the capacity of the airport to handle increased air traffic would not necessarily be advanced by merely lengthening one runway.

It is my understanding that it was not the intention of the Committee to determine particular airport improvements. The Committee wishes to urge the FAA to give priority to necessary studies of airport improvements at Cleveland Hopkins. Such studies might include a wide range of possible projects. All legitimate proposals for expanding the airport deserve equal consideration, as well as scrutiny by the FAA, air traffic controllers, local officials from the affected communities, residents, and my Congressional office.

To this end, I intend to work with the House-Senate Transportation Appropriation Conference Committee to clarify that the House Committee did not mean to specify a runway expansion, but to instruct the FAA to make Cleveland Hopkins airport improvements generally a priority for engineering and site studies.

Thank you Mr. Speaker for giving me this opportunity to clarify the Committee's intention for the RECORD.

HONORING ADMIRAL ROBERT E. KRAMEK

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. CLEMENT. Mr. Speaker, I rise today to honor Admiral Robert E. Kramek, Commandant of the United States Coast Guard, for his devoted service to the U.S. Coast Guard and his commitment to our country.

Admiral Kramek began his long road to become the 20th Commandant of the United States Coast Guard when he graduated with honors from the USCG Academy with a B.S. in Engineering in 1961. He attended post

graduate schools at the University of Michigan, Johns Hopkins University, and the University of Alaska. He has received Master of Science Degrees in Naval Architecture and Marine Engineering, Mechanical Engineering, and Engineering Management. He also attended the U.S. Naval War College in Newport, RI and graduated with Highest Distinction. Admiral Kramek was selected for Flag rank in 1986. After selection for Flag rank, he completed the ''''Capstone'' Program at the National Defense University Institute of Higher Defense Studies.

ADM Kramek had many assignments before relieving ADM J. William Kime as Commandant on June 1, 1994. He was Chief of Staff of the U.S. Coast Guard and commanded two Coast Guard Districts: the 13th District in the Pacific Northwest and the 7th District in the Southeast U.S. and Caribbean. He commanded the Coast Guard Base at Governors Island, New York. He led the interdiction and rescue of 37,000 Haitians when he commanded the High Endurance Cutter *Midgett* and the Haitian Migration Task Force. During this same time period, he was also on the Drug Czar's Coordinator for the War on Drugs in the Southeast U.S. and Caribbean. He served as Regional Emergency Transportation Coordinator (RETCO) for the Secretary of Transportation in the Pacific Northwest. He also commanded Maritime Defense Zone sectors Pacific Northwest and Sector 7 Southeast U.S., which are Navy Coastal Defense Commands.

During his four years as Commandant, ADM Kramek has been responsible for many achievements within the U.S. Coast Guard. He launched four new classes of cutters: The *Keeper-* and *Juniper*-class buoytenders, the 87 foot Patrol Boat, and the Polar Icebreaker. He led the Coast Guard in an international effort to target chokepoints in the illegal drug trade, while overseeing record-setting cocaine seizures in Operations Frontier Shield, Gulf Shield, and Frontier Lance. He oversaw the integration of Reserve forces with the active-duty Coast Guard and advanced the Coast Guard's reputation as the world's premier maritime service. He created a fully integrated leadership development program that led to the Leadership Development Center of Excellence. He negotiated a memorandum of understanding with the Russian Federal Border Service that led to joint U.S.-Russian operations in the Bering Sea. He also set a government-wide example in National Performance Review improvements and signed a memorandum of agreement with the Secretary of Defense and the Secretary of Transportation defining the Coast Guard's unique defense role in the post-Cold War era.

In addition to his accomplishments, ADM Kramek has received many awards. These awards include two CG Distinguished Service Medals, two Legion of Merit awards, the Meritorious Service Medal, four CG Commendation Medals, the CG Achievement Medal, CG Unit Commendations, the Meritorious Unit Commendation, the Special Operations Ribbon with silver star, the Humanitarian Service Medal with bronze star, and the Sea Service Ribbon with bronze star.

Admiral Kramek has left his own personal influence on the Coast Guard, which has helped make the United States Coast Guard such a valuable part of this country. Let us not forget the man we honor today, who lives his life to serve the United States of America.

Congratulations to Admiral Robert E. Kramek on his extraordinary life and career, and may God continue to bless him, his wife Patricia, and his four children, Tracy, Joseph, Suzanne, and Nancy.

''VIETNAM: THE LAND WE NEVER KNEW''—GEOFFREY CLIFFORD'S PHOTO EXHIBIT ABOUT PEOPLE, NOT WAR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. LANTOS. Mr. Speaker, it is a privilege for me to call to the attention of my colleagues the work of an exceptional Bay Area photographer, Mr. Geoffrey Clifford. In an exhibit of his photographs—''Vietnam: The Land We Never Knew''—he shares with us his images of the people of Vietnam. I believe that it would be helpful for all of us to view Mr. Clifford's beautiful pictures, to obtain a greater understanding of the innate beauty of Vietnam, its ancient culture and its strong people. Those photographs are on display this week in the Cannon Rotunda here on Capitol Hill, and I urge my colleagues to stop for a moment to enjoy this outstanding exhibit.

Geoffrey Clifford first arrived in Vietnam not as a photographer, but as a soldier. He served his country as a helicopter pilot for 10½ months during the early 1970's, flying combat assaults and supply missions from bases in Chu Lai and Da Nang. He experienced Vietnam during its greatest turmoil, when its citizens were divided and its communities and landscapes ravaged by war.

Upon his return to the United States in 1972, Mr. Clifford built a career and started a family. But he never forgot Vietnam, and his inescapable memories led to his return many years later. As he wrote in the introduction of his stirring book ''The Land We Never Knew'' (San Francisco: Chronicle Books, 1989):

> I was never able to wander along Vietnam's back roads, experiencing life as it might be in that country; never able to see, feel, smell, touch or taste what I wanted; and most frustratingly, never able to make friends with the Vietnamese, to share common feelings in conversation with innocent people. . . . Vietnam was a trauma that had been lingering inside me for more than a decade. Photography allowed me to return and assemble a body of work that might benefit our progress. My sincerest wish is that this book, this ''work in progress,'' will aid others with their perceptions of Vietnam and help guide us away from future tragedies.

''The Land We Never Knew'' has achieved tremendous critical success, as Clifford's pictures are skillfully laid out and beautifully complemented by the poetic and thoughtful text of John Balaban, a professor of English at Pennsylvania State University. The brilliance of this book reflects years of diligent effort by these men; of the 10,000 photographs taken by Clifford over a period of several years, only the finest 200 made it into the book. Wrote the Los Angeles Times: ''His handsome pictures celebrate the beauties of the land and the resilience of its people.'' Since ''The Land We Never Knew'' was published, Clifford's work has appeared in Life, Travel and Leisure, Fortune, and the New York Times Magazine.

Today, Mr. Speaker, the House will debate the future of our relationship with Vietnam. Trade, security, and POW/MIA issues may be discussed. Regardless of one's position on these important matters, I believe that it would be of great benefit to each and every one of my colleagues to view this exhibit, as the true beauty of Clifford's pictures rests in its apolitical content.

In contrast to most of the Vietnam images that we have seen over the past half-century—war, destruction, bloodshed, assassination—the theme of ''The Land We Never Knew'' is one of resilience. Despite decades of destruction to the culture and communities of Vietnam, we see in Clifford's photographs a people that refuse to allow a legacy of three millenniums collapse in a heap of napalm, bombing, and death. We witness in this beautiful book landscapes that reflect this irrepressibility—beautiful forests, river villages, and lotus ponds that display a pristine radiance seemingly unaffected by years of military strikes and counterstrikes. ''The Land We Never Knew'' is about the Vietnamese nation, not the Vietnamese government. It is about the people of Vietnam, not the Vietnam War.

Mr. Speaker, I invite my colleagues to join me in praising Geoffrey Clifford, who so ably uses his wondrous talents to communicate a greater understanding and appreciation for Vietnam. I strongly urge my fellow Members to admire his exhibit this week in the Cannon Rotunda.

TRIBUTE TO JEFFERSON ELEMENTARY SCHOOL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Jefferson Elementary School. Jefferson Elementary has been credited as a California Distinguished School. The faculty and students of Jefferson Elementary exemplify excellence with exceptional student achievement.

Reflecting their school's motto, ''High Above the Rest'', Jefferson students demonstrate the highest tradition of individual academic success, school pride and ownership of their educational facility. Jefferson Elementary's mission is to enable each student to have equal access to the core curriculum regardless of his/her academic and language proficiency. Jefferson's school-wide goals are linked to their District's Mission. Jefferson has developed strong partnerships with the School Site Council (SSC) and the Bilingual Advisory Committee (BAC). Their ''Student Compact'' actively involves students, parents and teachers in focusing on the importance of student achievement and accountability, both academic and social.

Jefferson School is a well-established K–6 campus located on the southeast side of Dinuba (population 13,950) in rural Tulare County. Jefferson School serves approximately 700 students and their families. They are one of five schools (K–6) in the Dinuba Elementary School District. Dinuba Elementary School District has been experiencing steady growth in the student population over a number of years. Today it serves nearly 3,000 students.

Jefferson School's state-of-the-art technology gives students an added dimension to their educational program. Each teacher has a personal classroom computer that is networked to a school-wide web. E-mail and Internet will soon enhance teacher communication and professional discourse. To prepare students for a successful transition to middle school, their sixth grade students are introduced to a morning core block rotation, stressing reading/language and math. Jefferson Elementary, in recognition of the importance of solid study skills, provides all intermediate students with a Student Agenda, organizational tools and a vital home/school connection.

Student success in the result of a collaborative effort of all members of the Jefferson learning community. Their growth and achievement is showcased by their mathematics program, effective reading strategies, instruction of second language learners, judicious use of well-trained instructional assistants, Extended Day programs, use of technology and their P.E. and sports program.

Mr. Speaker, it is with great honor that I pay tribute to Dinuba Elementary School District Jefferson Elementary School. The students and faculty in this school exemplify a care for the community and a dedication to hard work. I ask my colleagues to join me in wishing Jefferson elementary many more years of success.

CONFERENCE REPORT ON H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of the Military Construction Appropriations Act of Fiscal Year 1999 (H.R. 4059).

I am particularly pleased the House and Senate authorizing and appropriating committees have listened closely to the case I have been making for many years on behalf of funding the P–208 Lakehurst Aircraft Platform Interface (API) laboratory, and they are now responding.

I also want to extend my thanks to the support extended to the API lab by the Chairman of the Military Appropriations Subcommittee, RON PACKARD, and on the Senate side, by my New Jersey colleague, Senator FRANK LAUTENBERG. It is very encouraging to see that the report language contained in the House and Senate versions of H.R. 4059 have survived and are included in the final product tonight. As a result, H.R. 4059 includes directive report language that earmarks $1.65 million in planning and design funds to be used to begin designing the P–208 Lakehurst API lab project.

At my urging, the House reaffirmed its support for the P–208 project in the report accompanying H.R. 3616, the Fiscal Year 1999 Defense Authorization Act, and now Congress is specifically appropriating the funds to adequately finance the planning and design of the P–208 API lab.

I also want to commend the Navy for moving forward with this vital project in an expeditious manner. The Naval Facilities Engineering Command (NAVFAC), in response to one of my inquiries, has informed me that on May 22, 1998, the Navy issued the necessary authorization to begin the planning and design of those military construction projects listed for fiscal year 2000, which includes the Lakehurst API lab. The only questions remaining now are how many square feet the facility will have and what it will look like.

Mr. Speaker, today is a very good day for America, for naval aviation, and for the people of the 4th Congressional District. It has been a long, grueling fight to successfully get the Lakehurst API consolidation project to this point, and the battle is by no means over. However, in the end, our Navy pilots and carrier crew will be able to operate more safely, more efficiently, and more effectively because of the improvements that will be brought about by the P–208 API lab project.

IN MEMORY OF OFFICER JACOB CHESTNUT AND SPECIAL AGENT JOHN GIBSON

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the memories of Officer Jacob Chestnut and Special Agent John Gibson. The untimely and tragic deaths of these two men demand from all of us contemplation as to the awesome costs of freedom as well as the delicate nature of life.

The freedoms that we, as Americans, enjoy today are a direct result of a brave decision made long ago by the first Americans, a decision reaffirmed by every generation of the nation's citizenry. This was the decision made by Officer Jacob Chestnut and Special Agent John Gibson this past Friday. The measure of America's greatness, a greatness in which Officer Chestnut and Special Agent Gibson share, is this brave commitment to a free society.

The burden of this commitment is an unflinching vigilance against those who threaten our freedoms. Officer Chestnut and Special Agent Gibson devoted their lives to providing the very security that allows our free society to flourish. It was in providing this security that these two men lost their lives, a sacrifice which demands the reverence of a grateful nation.

My fellow colleagues, let us learn from the sacrifices of Officer Chestnut and Special Agent Gibson. The legacy of these two patriots offers important lessons to us all.

HONORING THE MEMBERS OF THE CHATTANOOGA ALL-STAR TRAMPOLINE AND TUMBLING TEAM

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Courtney Bailey, Allison Bovell, Alice Ann Caldwell, Lindsay Davis, Sarah Harris, Lori Hughes, Samantha Robinson, Nat Davis, Caleb Hicks and Ashley Nickols for their competitive performances at the USA Trampoline and Tumbling National Championships in St. Paul, Minnesota on July 1–8, 1998. During these competitions, these fine young athletes earned eight first place national championships and made Tennesseans proud.

Even more outstanding that recognition, medals or fame is how these students have overcome the obstacles of our society and let their determination and perseverance win the ultimate goal. With all the negative publicity brought on our youth today, it is good to know that children like these are our true future of tomorrow. Their persistence has brought honor, pride and dignity not only to the state of Tennessee, but to the nation as a whole. With these achievements, these remarkable young athletes serve as role models for members of the younger community. I would also like to congratulate the coaches, teachers, parents and/or guardians who have provided these ''champions'' with spiritual and mental guidance. Without this influence, these extraordinary young men and women might not have learned how to excel in all realms of life.

I want to conclude with a special ''thank-you'' to Courtney, Allison, Alice Ann, Lindsay, Sarah, Lori, Samantha, Nat, Caleb and Ashley for their achievements. And I encourage them to continue to strive for their goals and to be a positive influence on those around them.

FAREWELL TRIBUTE TO ITZHAK OREN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in bidding farewell to Itzhak Oren, who for the past four years has been the Minister for Congressional Affairs at the Embassy of Israel here in Washington, D.C. During this time, he has been a major influence in maintaining and fostering the strong and friendly relationship between the United States and the State of Israel. For Members of Congress and for congressional staff, Itzhak has been a ready source of information and assistance.

Mr. Oren will shortly take up his new position as the Ambassador of Israel to Nigeria and Benin.

Mr. Oren has served in the Israeli Foreign Ministry for 17 years. Prior to assuming his position in Washington, he was head of the Foreign Ministry's Coordination Department and served as political advisor to Prime Ministers Yitzhak Rabin and Yitzhak Shamir. In 1991 and 1992, he was a participant in the multilateral peace talks in Moscow, Tokyo and the Hague. He has served a number of years in the United States as Consul of Israel in Boston, and prior to that he was posted in New York City.

Prior to joining the Foreign Ministry, Itzhak served as an officer in the Israeli Defense Forces and as an intelligence analyst. He holds a B.A. degree from Bar Ilan University and an M.A. from the City University of New York.

CONGRATULATIONS TO THE FRESNO BEE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Fresno Bee on receiving the first-place award for general excellence from the California Newspaper Publishers Association. This is the second straight year the newspaper has won the organization's highest honor and the Fresno Bee is very deserving of this award.

The Fresno Bee has a daily circulation of 158,851 and a Sunday circulation of 191,963. It was judged against other daily newspapers with circulations of 75,001 to 200,000 copies. Clearly, this award displays the outstanding efforts of not only the Fresno Bee journalists, but of an entire newspaper staff who are committed to giving Fresno and the Central Valley a comprehensive, first-class newspaper. Naturally, the Fresno Bee exhibits strong local coverage, outstanding local photography and good local enterprise stories.

In addition to the general excellence award, the Fresno Bee received first-place awards for editorial comment, illustration/information graphics and design.

Associate Editor Russell Minick was honored for an editorial on a white supremacist groups' spreading of propaganda on the California State University Fresno campus. Mr. Minick took second place in the same category one year ago.

Bee artists John Alvin, Bob Campbell, Andrea Cooper and Severiano Galvan were given the graphics award for a two-page layout on the once-dominating Central Valley wetlands. Mr. Galvan earned the first-place award in the same category one year ago.

Bee photographer John Walker took second place for his photos featured in his portrait of Little Rascals star Tommy ''Butch'' Bond.

Mr. Speaker, it is with great honor that I congratulate the Fresno Bee on receiving the first-place award for general excellence from the California Newspaper Publishers Association. The Fresno Bee has provided 75 years of outstanding service to the Central Valley, using its excellent staff to create what truly is a first-class production. I ask my colleagues to join me in wishing the Fresno Bee and its staff many more years of success.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family emergency, I was unable to be present for roll call votes 279 through 308. Had I been present, I would have voted yea on roll call votes 279, 281, 286, 287, 288, 290, 294, 295, 297, 298, 299, 300, 301, 303, 305 and nay on roll call votes 280, 282, 283, 284, 285, 298, 291, 292, 293, 296, 302, 304, 306, 307, and 308.

HONORING GRAND MASTER SEOUNG EUI SHIN FOR HIS CONTRIBUTIONS TO THE NASHVILLE COMMUNITY AND THE SUCCESS OF THE SOUTHERN U.S.A. TAE KWON DO CHAMPIONSHIPS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Grand Master Seoung Eui Shin and the 23rd Southern U.S.A. Open Tae Kwon Do Championships, of which he is director. Master Shin has served the Nashville community faithfully for more than twenty years, donating his time and talents to make a difference in the lives of countless children and young adults.

Master Shin was born in North Korea and grew up in South Korea during the turbulent times following World War II. By the age of 13, he had earned his black belt in Tae Kwon Do. He began to teach the art in high school and, later, in the Korean Army. He came to the United States and Nashville in 1974, and has been an invaluable member of the community ever since.

Now a ninth degree black belt, Master Shin is recognized around the world for his Tae Kwon Do abilities and his contributions to the martial art. He has become a leader in Nashville's Korean community and operates Shin's Martial Arts Institute in Bellevue. He gives freely of his time to programs at local elementary schools and community centers. Through his instruction, Master Shin has influenced the lives of many of his students. His students learn the value of control and self-discipline while gaining new respect for themselves and others. Several of Master Shin's students have gone on to teach Tae Kwon Do themselves, passing on what they have learned.

Seoung Eui Shin, by giving selflessly of his time to the youth of Nashville, has quietly made our world a better place and his become a role-model for us all. I thank you Master Shin for your contributions to our community and congratulate you and all the participants in the 23rd Southern U.S.A. Tae Kwon Do Championships.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.:

Mr. POSHARD. Mr. Chairman, it is with deep regret that I rise today in opposition to the VA–HUD Appropriations measure for fiscal year 1999. I believe it provides inadequate funding for veterans' health care, and I cannot support a bill that shortchanges America's veterans in such an unjust manner.

As a veteran, I am acutely aware of and deeply grateful for the sacrifices that America's veterans have made in service to their country. As a legislator, I am committed to ensuring that the needs of these citizens are accorded the highest priority. I have great respect for Chairman LEWIS and Representative STOKES and am convinced of their concern for the welfare of our veterans. I also recognize the budget constraints which have forced them to make many difficult decisions. However, I believe that we can do better, and I am voting against this measure with the hope that veterans' health care and other programs will be granted the funding they deserve once it is made clear that this House will not tolerate such treatment of veterans' programs.

The funding levels provided in this measure are simply not sufficient to ensure the high quality health care our veterans deserve. The tragic result of such a shortfall will surely be the elimination or reduction of many VA specialized care programs and the inability of the VA to guarantee adequate care to the veterans who depend on its services. I trust that my fellow Members will agree that this is not the way we should demonstrate our appreciation for their service and sacrifice.

Mr. Speaker, I urge my colleagues to join me in opposing this measure in an effort to make it clear to the American people and to the leadership of this body that we assign the utmost importance to funding programs that will meet the needs of America's veterans, and that this bill is a woefully inadequate expression of that priority.

COMMEND SENATE FINANCE COMMITTEE EFFORTS TO REVIVE FAST TRACK

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. BEREUTER. Mr. Speaker, this Member would take a moment to commend the members of the Senate Finance Committee for their efforts last Tuesday to give ''fast-track'' authority to the President by attaching fast-track legislation to S. 778, the Africa Growth and Opportunity Act. This action by the Senate was also applauded on the editorial page in the July 24, 1998, edition of The Omaha World-Herald, as necessary to protecting the economic health of our nation by giving the President the flexibility and authority to negotiate international trade agreements expeditiously.

Unfortunately, the Clinton administration, which initially stated fast track was one of their top legislative priorities, labeled this initiative by the Senate Finance Committee as ''political mischief.'' Why is it that the Nebraska press can readily identify legislation designed to safeguard the interests of U.S. workers and consumers when all the administration can do is play politics?

[From the Omaha World-Herald, July 24, 1998]

CLINTON'S SWITCH ON FAST-TRACK A PUZZLING POLITICAL MANEUVER

The Senate Finance Committee has resurrected a plan that was considered dead: giving President Clinton ''fast-track'' authority to negotiate international trade deals. But now the administration seems to be balking.

Fast-track authority enables presidents to negotiate international trade agreements without interference from Congress. When a deal is made, Congress can say ''yes'' or ''no,'' but cannot rewrite it. Presidents have had the authority, granted by Congress, since 1974. But in 1994, the authorizing legislation lapsed.

Efforts to revive it earlier this year were supported by President Clinton, many congressional Republicans and business groups. But opposition was strong from protectionist labor groups and environmental organizations worried about pollution abroad. Those groups with the cooperation of Democrats, helped kill the proposal.

Maverick Republicans also had a hand on the ax. They attempted to hold fast-track hostage until Clinton agreed to reduce family-planning aid to Third World countries.

The Finance Committee voted 18 to 2 Tuesday to attach fast-track to a bill, already passed by the House, that would expand trade with Africa. President Clinton should be delighted.

But no. Press Secretary Mike McCurry asserted that the committee vote was ''political mischief'' rather than a commitment to free trade. Senate Democrats, too, were unhappy with the revival of the potentially divisive issue before an election.

Fast-track eases the way for U.S. negotiators to join in drafting international agreements. Without it, possible trading partners aren't motivated to make their best deal because they know Congress can always revise any agreement that is reached.

International trade has become increasingly important to the U.S. economy. That is especially true in the Midlands, where agricultural exports are growing fast. In Nebraska, for instance, exports have increased fivefold in the last five years.

Surely something that was so important just a few months ago remains important, even though an election is approaching. The president still needs the flexibility and authority granted by fast track to deal with trade agreements expeditiously.

When President Clinton declared that fast-track authority was one of his top legislative priorities, he was speaking out of a concern for U.S. trade relations. Senators and members of the House who pushed the issue had the same worthy motive.

Political maneuvering had to place in the conversation then. It still does not.

SAN FRANCISCO BOARD OF SUPERVISORS CONDEMN PERSECUTION OF CHINESE IN INDONESIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. LANTOS. Mr. Speaker, I call to the attention of my colleagues in the House a resolution condemning the persecution of Chinese in Indonesia which was recently adopted by the Board of Supervisors of the city of San Francisco. I want to mention in particular two outstanding Supervisors—Mabel Teng and Leland Yee—who took the initiative in calling for a resolution to condemn the at-times brutal treatment of ethnic Chinese living in Indonesia.

Mr. Speaker, the recent popular unrest in Indonesia led to gross abuse of the human rights of the Chinese population there. At my direction the Congressional Human Rights Caucus holds a briefing for Members of Congress and congressional staff today to understand the dimensions of this tragic assault against ethnic Chinese in Indonesia. The U.S. Government must make clear to the government in Jakarta that such abuses are totally unacceptable, and we must be certain that the Indonesian Government works to prevent the recurrence of such actions.

At a hearing of the Subcommittee on International Operations and Human Rights which was held last Thursday (July 23) and which focused on human rights in Indonesia, I raised the issue of Chinese human rights violations in Indonesia with our Assistant Secretary of State for Human Rights, John Shattuck. I want to reiterate, Mr. Speaker, what I said on that occasion. I earnestly hope that the cataclysmic changes which are sweeping over Indonesia today and which will have enormously negative ramifications for tens of millions of Indonesians in an economic sense, will herald the opening up of the process of democratization and respect for human rights—and particularly, respect for the rights of the Chinese population living in Indonesia.

One of the sad aspects of our Nation's own human rights record has been our failure to press for equal rights for the Chinese population of Indonesia, which has been pivotal in the economic development of that country. In the hearing last week with Assistant Secretary Shattuck, Mr. Speaker, I asked and received assurance that the Department of State will press the government of Indonesia for a full investigation of the brutal and violent acts taken against the ethnic Chinese community there and that we will actively and aggressively urge full observance of the human rights of Chinese in Indonesia.

Mr. Speaker, the resolution recently adopted by the San Francisco Board of Supervisors is an important statement on this important issue, and I commend Supervisor Teng and Supervisor Yee for their initiative. I submit the full text of this resolution to be placed in the RECORD.

CONDEMNING THE PERSECUTION OF CHINESE IN INDONESIA

Condemning the persecution, racial violence and sexual brutality against ethnic Chinese in Indonesia and urging our congressional representatives to call for a full investigation into these atrocious acts of violence and pressure the Indonesian government for a full investigation to seek accountability and justice.

Whereas, recently 1,200 people died in Indonesia as a result of targeted and vicious attacks and riots; and

Whereas, ethnic Chinese in Indonesia were targeted for racial violence, looting and sexual brutality; and

Whereas, various human rights groups report that at least 70 Chinese women were systematically raped, and 20 of those women died due to complications from their injuries; and

Whereas, rape victims included young girls; and

Whereas, Indonesian Chinese have been subjected to organized persecution that included looting, burning of churches and homes and mass raping in public; and

Whereas, human rights groups, including the Jakarta Legal Aid Institute, have accused the Indonesian government represented by security forces of failing to control the violence, and encouraging the brutality; and

Whereas, the Jakarta Legal Aid Institute and other human rights groups have filed a class action lawsuit against the Indonesian government for these attacks; and

Whereas, much of the media worldwide covered the student demonstrations in Jakarta, however, the specific reports of the widespread violence and attacks against the ethnic Chinese have been largely ignored; and

Whereas, the United States must condemn and denounce these horrific atrocities of violence and express the moral outrage of the American people; therefore be it

Resolved, That the Board of Supervisors in the City and County of San Francisco condemns the persecution, racial violence and sexual brutality against ethnic Chinese in Indonesia; and be it

Further Resolved, That the Board of Supervisors in the City and County of San Francisco urges that our Congressional Representatives call for a full investigation into these atrocious acts of violence and pressure the Indonesian government for a full investigation to seek accountability and justice.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, due to business in my Congressional District, it is with deep regret that I was unable to vote in support of roll call vote 340, a resolution honoring the slain capitol police officers, Jacob Chestnut and John Gibson. My sincerest condolences go out to their families and loved ones.

IN MEMORY OF ALAN J. GIBBS, LIFELONG PUBLIC SERVANT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. PALLONE. Mr. Speaker, Alan J. Gibbs, died Saturday, July 25, at the age of 60. Most recently, Alan served as the Director of the National Transit Institute (NTI) at Rutgers, the State University of New Jersey.

He was dedicated to public service, having worked for over 35 years at the federal, state, and local levels of government.

I join with his family, as well as my colleagues at Rutgers and throughout the State of New Jersey in remembering him, and honoring his accomplishments and great leadership. I know Rutgers is particularly proud of Alan's accomplishments at the National Transit Institute. Established at the Rutgers-New Brunswick campus in New Jersey's Sixth District in 1992, the NTI was created by Congress to develop education and training programs for transportation professionals and transit agencies across the nation. The NTI has trained thousands of individuals from transit agencies, metropolitan planning organizations, state departments of transportation, and employees of

federal-aid transit systems to improve public transit in the United States.

Prior to heading the NTI, Alan served as the State Commissioner of the Department of Human Services, to which he was appointed by Governor Jim Florio in 1990. Under his leadership, the largest department in the State government underwent a major downsizing, reallocated resources to focus on non-institutional care for the developmentally disabled and mentally ill, developed a managed care program for Medicaid recipients, and implemented a welfare reform program.

Mr. Gibbs began his public service career in 1963 with the National Labor Relations Board. In 1968, Alan became the Equal Employment Opportunity Commission's (EEOC) first Area Director for Alabama and Tennessee. He then moved to Washington, DC to continue his work at the EEOC at the federal level. From 1970 to 1974, Alan served in the New York City Health Services Administration. In 1972, he was the first layperson to be appointed First Deputy Commissioner of Health.

Then, in 1974, Governor Brendan Byrne of New Jersey appointed Mr. Gibbs to serve as Deputy Commissioner of the New Jersey Department of Human Services. In that capacity, hew was responsible for all management, planning, and budgetary activities in support of the State's corrections, mental health, mental retardation, public welfare, Medicaid, social services, and veteran programs. In 1981, as Secretary of the Washington State Department of Social and Health Services, Mr. Gibbs was honored by the National Governor's Association for reducing spending by $200 million, without eliminating or negatively affecting high-priority services for dependent populations.

As President Carter's appointee to the Assistant Secretary of the Army, he was presented with the Distinguished Civilian Service Award for his contribution to our nation's defense in 1981.

Clearly, Alan Gibbs' accomplishments were extensive. The national recognition he received throughout his career for his exemplary management of the most vital public services at all levels of government certainly was well deserved. I join his family, and those at Rutgers and elsewhere, in honoring Alan for his talent and deep commitment to public service. I know he will be missed.

Daily Digest

HIGHLIGHTS

Senate passed Department of Defense Appropriations, 1999.

House Committee ordered reported the District of Columbia appropriations for fiscal year 1999.

Senate

Chamber Action

Routine Proceedings, pages S9323–S9411

Measures Introduced: Twenty-four bills and six resolutions were introduced, as follows: S. 2371–2394, S. Con. Res. 114–115, and S. Res. 260–263. **(See next issue.)**

Measures Reported: Reports were made as follows:

S. 442, to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, with an amendment in the nature of a substitute. (S. Rept. No. 105–276)

S. 2375, to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices. (S. Rept. No. 105–277)

S. 2279, to amend title 49, United States Code, to authorize the programs of the Federal Aviation Administration for fiscal years 1999, 2000, 2001, and 2002, with an amendment in the nature of a substitute. (S. Rept. No. 105–278)

Special Report on Further Revised Allocation To Subcommittees of Budget Totals for Fiscal Year 1999. (S. Rept. No. 105–279)

H.R. 3528, to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, with amendments.

S. Res. 193, designating December 13, 1998, as ''National Children's Memorial Day''.

S. 1031, to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury, with an amendment in the nature of a substitute.

S.J. Res. 51, granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia. **(See next issue.)**

Department of Defense Appropriations, 1999: By 97 yeas to 2 nays (Vote No. 252), Senate passed H.R. 4103, making appropriations for the Department of Defense for fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2132, Senate companion measure, after taking action on amendments proposed thereto, as follows:

Pages S9323–43, S9350–52, S9357– (continued next issue)

Adopted:

Stevens/Inouye Modified Amendment No. 3391, to provide a 3.6 percent pay raise for military personnel during Fiscal Year 1999. **Pages S9326, S9343–44**

Stevens Amendment No. 3392, to provide additional funds for U.S. military operations in Bosnia as an emergency requirement. **Pages S9326–27**

Subsequently, the amendment was modified. **Page S9391**

Roberts Amendment No. 3393, to impose a limitation on deployments of United States forces to Yugoslavia, Albania, or Macedonia. **Pages S9327–28**

Abraham/Hutchinson Amendment No. 2964, to provide for improved monitoring of human rights in the People's Republic of China. **Pages S9350–52, S9359**

Hutchinson Amendment No. 3124, to condemn those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing such person from entering or remaining in the United States, and to express the sense of the Congress that the President should make freedom of religion one of the major objects of United States foreign policy with respect to China. (By 29 yeas to 70 nays (Vote No. 248), Senate earlier failed to table the amendment.) **Pages S9334–40, S9345–46, S9358–59, S9373**

By a unanimous vote of 99 yeas (Vote No. 250), Hutchinson Amendment No. 3419 (to Amendment No. 3124), of a perfecting nature. **Pages S9371–73**

Hutchison Amendment No. 3409, to express the Sense of the Congress that the readiness of the United States Armed Forces to execute the National Security Strategy of the United States is eroded from

a combination of declining defense budget and expended missions, including the ongoing commitment of U.S. forces to the peacekeeping mission in Bosnia. **Pages S9341–43, S9396**

Stevens (for Akaka) Amendment No. 3420, to set aside $12,000,000 for continuation of electric and hybrid-electric vehicle development. **Pages S9375–85**

Stevens (for Bingaman/Domenici) Amendment No. 3421, to set aside $2,250,000 for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas. **Pages S9375–85**

Stevens (for Cochran) Amendment No. 3422, to provide $1,000,000 for Acoustic Sensor Technology Development Planning for the Department of Defense. **Pages S9375–85**

Stevens (for Domenici/Harkin) Amendment No. 3423, to require the Secretary of Defense to report on food stamp assistance for Armed Forces families, and to require the Comptroller General to study and report on issues relating to the family life, morale, and retention of members of the Armed Forces. **Pages S9375–85**

Stevens (for Durbin) Amendment No. 3424, relating to the conveyance of the remaining Army Reserve property at former Fort Sheridan, Illinois. **Pages S9375–85**

Stevens (for Gregg) Amendment No. 3425, to require a conveyance of certain property at former Pease Air Force Base, New Hampshire. **Pages S9375–85**

Stevens (for Hollings) Amendment No. 3426, to make available up to $10,000,000 for the Department of Defense share of environmental restoration at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina. **Pages S9375–85**

Stevens (for Inouye) Amendment No. 3427, to designate funds for a strategic materials manufacturing project. **Pages S9375–85**

Stevens (for Inouye) Amendment No. 3428, to authorize the transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii. **Pages S9375–85**

Stevens (for Inouye) Amendment No. 3429, to provide that the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii. **Pages S9375–85**

Stevens (for Kennedy) Amendment No. 3430, to reduce funds available for Navy S–3 Weapon System Improvement program and to provide funds for a cyber-security program. **Pages S9375–85**

Stevens (for Sarbanes) Amendment No. 3431, to provide additional funding for repair of the Korean War Veterans Memorial. **Pages S9375–85**

Stevens (for McConnell/Ford) Amendment No. 3432, to set aside $18,000,000 for the Assembled Chemical Weapons Assessment for demonstrations of technologies and a pilot scale facility. **Pages S9375–85**

Stevens (for Mack) Amendment No. 3433, to authorize the lease of real property at the Naval Air Warfare Center, Training Systems Division, Orlando, Florida. **Pages S9375–85**

Stevens (for Mikulski) Amendment No. 3434, to provide for the funding of a vessel scrapping pilot program. **Pages S9375–85**

Stevens (for Lott) Amendment No. 3435, to provide that the Department of Defense shall, in allocating funds for the Next Generation Internet initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the Department of Defense Major Shared Resources Centers and Centers with supercomputers. **Pages S9375–85**

Stevens (for Murkowski) Amendment No. 3436, to provide $500,000 for payment of subcontractors and suppliers under an Army services contract. **Pages S9375–85**

Stevens (for Shelby) Amendment No. 3437, to designate funds to continue an electronic circuit board manufacturing program. **Pages S9375–85**

Stevens (for Specter) Amendment No. 3438, to reestablish the Commission To Assess the Organization of the Federal Government To Combat the Proliferation of Weapons of Mass Destruction. **Pages S9375–85**

Stevens Amendment No. 3439, to designate funds for the procurement of Multiple Integrated laser Engagement System (MILES) training equipment. **Pages S9375–85**

Stevens Amendment No. 3440, to strike the emergency designation for the funds authorized to be appropriated for the costs of overseas contingency operations. **Pages S9375–85**

Stevens (for Coats) Amendment No. 3441, to reduce funds available for development of the Army Joint Tactical Radio and to provide funds for the development of the Army Near Term Digital Radio. **Pages S9375–85**

Stevens (for Warner) Amendment No. 3442, to designate Army Digitization funds for development of the Digital Intelligence Situation Mapboard. **Pages S9375–85**

Stevens (for Boxer) Amendment No. 3443, to set aside $5,000,000 of Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System, which is to be developed for use in urban warfare, littoral operations, and peacekeeping operations. **Pages S9375–85**

Stevens (for Ford) Amendment No. 3444, to revise and clarify the authority for Federal support of National Guard drug interdiction and counterdrug activities. **Pages S9375–85**

Stevens (for Dodd) Amendment No. 3445, to set aside funds for research and surveillance activities relating to Lyme disease and other tick-borne diseases. **Pages S9375–85**

Stevens (for Kerry) Amendment No. 3446, to make available $3,000,000 for advanced research relating to solid state dye lasers. **Pages S9375–85**

Stevens (for McCain/Kyl) Amendment No. 3447, to authorize the Secretary of Defense to lease a parcel of real property from the City of Phoenix. **Pages S9375–85**

Stevens (for Kyl) Amendment No. 3448, to designate Army RDT&E funds for integration and evaluation of a passenger safety system for heavy tactical trucks. **Pages S9375–85**

Stevens (for Grassley) Amendment No. 3449, relating to matching disbursements for financial accounting. **Pages S9375–85**

Stevens (for Harkin) Amendment No. 3450, to increase the amount provided for research and development relating to Persian Gulf illnesses. **Pages S9375–85**

Stevens Amendment No. 3451, to reduce funds available for development of the Navy Hard and Deeply Buried Target Defeat System and to provide funds for the procurement of Joint Tactical Combat Training System (JTCTS) equipment. **Pages S9375–85**

Stevens (for Faircloth) Amendment No. 3452, to require a comprehensive assessment of the TRICARE program. **Pages S9375–85**

Stevens Amendment No. 3453, to authorize the Secretary of the Army and the Secretary of the Air Force to enter into one or more multiyear leases of non-tactical firefighting, crash rescue, or snow removal equipment. **Pages S9375–85**

Stevens (for Bumpers) Amendment No. 3454, to provide funds for a Domestic Preparedness Sustainment Training Center. **Pages S9375–85**

Stevens (for Faircloth) Amendment No. 3455, to ensure that a balanced investment is made in the Aerostat development program. **Pages S9375–85**

Stevens (for Baucus/Burns) Amendment No. 3456, to provide funds for the redevelopment of Havre Air Force Base and Training Site, Montana, for public benefit purposes. **Pages S9375–85**

Stevens (for McCain/Hutchison) Amendment No. 3457, to repeal limitations on authority to set rates and waive requirements for reimbursement of expenses incurred for instruction at service academies of persons from foreign countries. **Pages S9375–85**

Stevens (for Dorgan) Amendment No. 3458, to make small businesses eligible to participate in the Indian Subcontracting Incentive Program. **Pages S9375–85**

Stevens (for McConnell/Ford) Amendment No. 3459, to provide for full funding of the testing of six chemical demilitarization technologies under the Assembled Chemical Weapons Assessment. **Pages S9375–85**

Stevens (for Wellstone) Amendment No. 3460, to express the sense of the Senate regarding the use of child soldiers in armed conflict. **Pages S9375–85**

Stevens (for Faircloth) Amendment No. 3461, to provide that funds available for Pulsed Fast Neutron Analysis Project should be executed through cooperation with the Office of National Drug Control Policy. **Pages S9375–85**

Stevens (for Bennett) Amendment No. 3462, to designate funds for the development and testing of alternate turbine engines for missiles. **Pages S9375–85**

Stevens (for Gramm) Amendment No. 3463, to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections. **Pages S9375–85**

Inouye (for Moseley-Braun) Amendment No. 3464, to provide for the conversion of the Eighth Regiment National Guard Armory into a Chicago Military Academy. **Pages S9375–85**

Stevens (for D'Amato) Amendment No. 3466, to require the Air National Guard to provide support for Coast Guard seasonal search and rescue operations at Francis S. Gabreski Airport, Hampton, New York. **Pages S9391, S9393–94**

Stevens (for Bingaman) Amendment No. 3467, to require the Secretary of Defense to carry out a program to donate surplus dental equipment to the Indian Health Service Facilities and to Federally-qualified health centers that serve rural and medically underserved populations. **Pages S9393–94**

Stevens (for Bingaman) Amendment No. 3468, to require a report on uniformed services dental care policies, practices, and experience pertaining to furnishing of dental services to dependents of members of the uniformed services on active duty. **Pages S9393–94**

Stevens (for Dodd) Amendment No. 3469, to make funds available for actions necessary to eliminate the backlog of unpaid retired pay relating to Army service and to report to Congress. **Pages S9393–94**

Stevens (for Harkin) Amendment No. 3470, to require the Secretary of Defense to take action to ensure the elimination of the backlog of incomplete actions on requests for replacement medals and replacement of other decorations. **Pages S9393–94**

Stevens (for Harkin) Amendment No. 3471, to provide tobacco cessation therapy. **Pages S9393–94**

Stevens (for Frist) Amendment No. 3472, to make available funds for procurement of lightweight maintenance enclosures (LME) for the Army and the Marine Corps. **Pages S9393–94**

Stevens (for Dorgan) Amendment No. 3473, to require the abatement of hazardous substances at Finley Air Force Station, Finley, North Dakota. **Pages S9393–94**

Stevens (for DeWine) Amendment No. 3474, to provide additional resources for enhanced drug interdiction efforts in the Caribbean and South America. **Pages S9393–94**

Stevens (for Wellstone) Amendment No. 3475, to provide for enhanced protections of the confidentiality of records of family advocacy services and other professional support services relating to incidents of

sexual harassment, sexual abuse, and intrafamily abuse. **Pages S9393–94**

Robb Amendment No. 3476, to express the sense of the Congress that the United States should resolve the claims of the victims of the U.S. Marine Corps aircraft incident in Cavalese, Italy as quickly and fairly as possible. **Pages S9394–95**

Leahy Amendment No. 3477, to prohibit the use of funds to support training programs of security forces of a foreign country if such unit has committed a violation of human rights. **Page S9395**

Stevens (for Santorum) Amendment No. 3394, to add $8,200,000 for procurement of M888, 60–millimeter, high-explosive ammunition for the Marine Corps, and to offset the increase by reducing the amount for Air Force war reserve materials (PE 13950). **Page S9397**

Stevens (for Kerrey) Amendment No. 3478, to express the sense of the Senate regarding payroll tax relief. **Pages S9403–04**

Rejected:

Feingold Amendment No. 3397, to provide additional funds for the Army National Guard operation and maintenance account, and reduce the amount provide for procurement for the F/A–18E/F aircraft program. (By 80 yeas to 19 nays (Vote No. 247), Senate tabled the amendment.) **Pages S9329–32, S9333–34, S9358**

Hutchison Amendment No. 3413, to condition the use of appropriated funds for the purpose of an orderly and honorable reduction of U.S. ground forces in the Republic of Bosnia and Herzegovina. (By 68 yeas to 31 nays (Vote No. 249), Senate tabled the amendment.) **Page S9344, S9360, S9372–73**

Durbin Amendment No. 3465, to prohibit the availability of funds for offensive military operations except in accordance with Article I, Section 8 of the Constitution. (By 84 yeas to 15 nays (Vote No. 251), Senate tabled the amendment.) **Pages S9386–92**

Withdrawn:

Kyl Amendment No. 3398, to limit the use of funds pending establishment of the position of Deputy Under Secretary of Defense for Technology Security Policy. **Pages S9332–33, S9392**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Inouye, Hollings, Byrd, Leahy, Bumpers, Lautenberg, Harkin, and Dorgan. **(See next issue.)**

Subsequently, S. 2132 was indefinitely postponed. **(See next issue.)**

Department of Transportation Appropriations, 1999: Pursuant to the order of July 23, 1998, Senate passed H.R. 4328, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2307, Senate companion measure, as passed by the Senate on July 24, 1998. **Page S9389**

Also, pursuant to the order of July 23, 1998, passage of S. 2307 was vitiated and the bill was indefinitely postponed. **Page S9389**

VA/HUD Appropriations, 1999: Pursuant to the order of July 16, 1998, Senate passed H.R. 4194, making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2168, Senate companion measure, as passed by the Senate on July 17, 1998, insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees on the part of the Senate: Senators Bond, Burns, Stevens, Shelby, Campbell, Craig, Mikulski, Leahy, Lautenberg, Harkin, and Byrd. **Page S9389**

Also, pursuant to the order of July 16, 1998, passage of S. 2168 was vitiated and the bill was indefinitely postponed. **Page S9389**

Congressional Adjournment: Senate agreed to S. Con. Res. 114, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. **Page S9407**

Emergency Farm Financial Relief: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. 2344, to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts, and the bill was then passed. **(See next issue.)**

Patriotic and National Observances, Ceremonies, and Organizations: Senate passed H.R. 1085, to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, ''Patriotic and National Observances, Ceremonies, and Organizations'', clearing the measure for the President. **(See next issue.)**

Printing Authority: Senate agreed to S. Con. Res. 115, to authorize the printing of copies of the publication entitled ''The United States Capitol'' as a Senate document. **(See next issue.)**

Authorizing Payment of Expenses: Senate agreed to S. Res. 263, to authorize the payment of expenses of representatives of the Senate attending the funeral of a Senator. **(See next issue.)**

Antitrust Laws/Major League Baseball: Senate passed S. 53, to require the general application of the antitrust laws to major league baseball, after agreeing to a committee amendment in the nature

of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Jeffords (for Hatch) Amendment No. 3479, in the nature of a substitute. **(See next issue.)**

Granting Consent of Congress: Senate passed S. 1134, granting the consent and approval of Congress to an interstate forest fire protection compact. **(See next issue.)**

Biomaterials Access Assurance Act: Senate passed H.R. 872, to establish rules governing product liability actions against raw materials and bulk component supplies to medical device manufacturers, clearing the measure for the President. **(See next issue.)**

Identity Theft and Assumption Deterrence Act: Senate passed S. 512, to amend chapter 47 of title 18, United States Code, relating to identity fraud, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Jeffords (for Kyl) Amendment No. 3480, in the nature of a substitute. **(See next issue.)**

Freedom From Government Competition Act: Senate passed S. 314, to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Border Improvement and Immigration Act: Committee on the Judiciary was discharged from further consideration of H.R. 2920, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system, and the bill was then passed after striking all after the enacting clause and inserting in lieu thereof the text of S. 1360, Senate companion measure, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Jeffords (for Abraham) Amendment No. 3481, in the nature of a substitute. **(See next issue.)**

Subsequently, S. 1360 was returned to the Senate Calendar. **(See next issue.)**

Steve Schiff Auditorium: Senate passed H.R. 3731, to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium", clearing the measure for the President. **(See next issue.)**

Commercial Space Act: Senate passed H.R. 1702, to encourage the development of a commercial space industry in the United States, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Jeffords (for Frist) Amendment No. 3482, to modify the provisions relating to national launch capability. **(See next issue.)**

Job Training Partnership Act—Conference Report: Senate agreed to the conference report on H.R. 1385, to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States. **(See next issue.)**

Treasury/Postal Service Appropriations, 1999: Senate resumed consideration of S. 2312, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, taking action on amendments proposed thereto, as follows: **Pages S9356–57**

Pending:

McConnell Amendment No. 3379, to provide for appointment and term length for the staff director and general counsel of the Federal Election Commission. (By 45 yeas to 54 nays (Vote No. 246), Senate failed to table the amendment.) **Pages S9356–57**

Glenn Amendment No. 3380, to provide additional funding for enforcement activities of the Federal Election Commission. **Page S9356**

Graham/Mack Amendment No. 3381, to provide funding for the Central Florida High Intensity Drug Trafficking Area. **Page S9356**

Campbell (for Grassley) Amendment No. 3386, to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury. **Page S9356**

Harkin Amendment No. 3387, to provide additional funding to reduce methamphetamine usage in High Intensity Drug Trafficking Areas. **Page S9356**

Kohl (for Kerrey) Amendment No. 3389, to express the sense of the Senate regarding payroll tax relief. **Page S9356**

Withdrawn:

Stevens Amendment No. 3385, to provide for an adjustment in the computation of annuities for certain Federal officers and employees relating to average pay determinations. **Pages S9356–57**

A unanimous-consent agreement was reached providing for further consideration of the bill and amendments pending thereto. **Page S9357**

Texas Low-Level Radioactive Waste Disposal Compact Consent Act Conference Report—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the conference report on H.R. 629, to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact. **Page S9374**

Military Constructions Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of H.R. 4059, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999. **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

Scott E. Thomas, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2003.

Darryl R. Wold, of California, to be a Member of the Federal Election Commission for a term expiring April 30, 2001.

Raymond L. Bramucci, of New Jersey, to be an Assistant Secretary of Labor.

Deidre A. Lee, of Oklahoma, to be Administrator for Federal Procurement Policy.

Thelma J. Askey, of Tennessee, to be a Member of the United States International Trade Commission for the remainder of the term expiring December 16, 2000.

Jennifer Anne Hillman, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 16, 2006.

Stephen Koplan, of Virginia, to be a Member of the United States International Trade Commission for the term expiring June 16, 2005.

David M. Mason, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2003.

Rosina M. Bierbaum, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

Diane D. Blair, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Jonathan H. Spalter, of the District of Columbia, to be an Associate Director of the United States Information Agency.

L. Britt Snider, of Virginia, to be Inspector General, Central Intelligence Agency.

Hugh Q. Parmer, of Texas, to be an Assistant Administrator of the Agency for International Development.

Kelley S. Coyner, of Virginia, to be Administrator of the Research and Special Programs Administration, Department of Transportation.

Carolyn H. Becraft, of Virginia, to be an Assistant Secretary of the Navy.

Ruby Butler DeMesme, of Virginia, to be an Assistant Secretary of the Air Force.

Patrick T. Henry, of Virginia, to be an Assistant Secretary of the Army.

Karl J. Sandstrom, of Washington, to be a Member of the Federal Election Commission for a term expiring April 30, 2001.

Ritajean Hartung Butterworth, of Washington, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

9 Air Force nominations in the rank of general.

79 Army nominations in the rank of general.

11 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S9409–10**

Nominations Received: Senate received the following nominations:

Francis M. Allegra, of Virginia, to be Judge of the United States Court of Federal Claims for a term of fifteen years.

Legrome D. Davis, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Michael M. Reyna, of California, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2004.

Cardell Cooper, of New Jersey, to be an Assistant Secretary of Housing and Urban Development.

Charles G. Groat, of Texas, to be Director of the United States Geological Survey.

David C. Williams, of Maryland, to be Inspector General, Department of the Treasury.

Claiborne deB. Pell, of Rhode Island, to be an Alternate Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Rod Grams, of Minnesota, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Joseph R. Biden, of Delaware, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

John U. Sepulveda, of New York, to be Deputy Director of the Office of Personnel Management.

Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission for the term of three years.

Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2003.

Stephen W. Preston, of the District of Columbia, to be General Counsel of the Department of the Navy.

Harold Lucas, of New Jersey, to be an Assistant Secretary of Housing and Urban Development.

Routine lists in the Army, Air Force, and Navy. **Pages S9407–09**

Nominations Withdrawn: Senate received notification of the withdrawal of the following Nominations:

Daryl L. Jones, of Florida, to be Secretary of the Air Force, vice Sheila Widnall, resigned, which was sent to the Senate on October 22, 1997.

Tadd Johnson, of Minnesota, to be Chair of the National Indian Gaming Commission for the term of three years, vice Harold A. Monteau, resigned, which was sent to the Senate on July 31, 1997, and September 2, 1997.

Cardell Cooper, of New Jersey, to be an Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, vice Elliott Pearson Laws, resigned, which was sent to the Senate on September 2, 1997. **Page S9410**

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Communications: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Statements on Introduced Bills: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Notices of Hearings: **(See next issue.)**

Authority for Committees: **(See next issue.)**

Additional Statements: **(See next issue.)**

Record Votes: Seven record votes were taken today. (Total—252)

Pages S9357–59, S9372–73, S9392 (continued next issue)

Adjournment: Senate convened at 9 a.m., and adjourned at 11:05 p.m., until 10 a.m., on Friday, July 31, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S9410–11.)

Committee Meetings

(Committees not listed did not meet)

OVER-THE-COUNTER DERIVATIVES

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine the legal, economic, and regulatory implications of a recently issued Commodity Futures Trading Commission concept release on regulation of over-the-counter derivatives, and on proposed legislation to provide legal certainty to the over-the-counter derivative market, after receiving testimony from Brooksley Born, Chairperson, Commodity Futures Trading Commission; Lawrence H. Summers, Deputy Secretary of the Treasury; Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Arthur Levitt, Chairman, U.S. Securities and Exchange Commission; Thomas W. Jasper, Salomon Smith Barney, New York, New York, on behalf of the International Swaps and Derivatives Association, Inc.; and William P. Miller II, The Common Fund, Westport, Connecticut, on behalf of the End-Users of Derivatives Association.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 1405, to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, and to provide for improved consumer credit disclosure, with an amendment in the nature of a substitute; and

The nomination of Rebecca M. Blank, of Illinois, to be a Member of the Council of Economic Advisers.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded hearings on the nominations of Romulo L. Diaz, Jr., of the District of Columbia, to be Assistant Administrator for Administration and Resources Management, and J. Charles Fox, of Maryland, to be Assistant Administrator for Water, both of the Environmental Protection Agency, after the nominees testified and answered questions in their own behalf. Mr. Fox was introduced by Senator Sarbanes.

NRC REFORM

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded oversight hearings on the structure and functions of the Nuclear Regulatory Commission, focusing on its license renewal process, after receiving testimony from Shirley Ann Jackson, Chairman, and Nils J. Diaz and Edward McGaffigan, both Commissioners, all of the Nuclear Regulatory Commission; Gary Jones, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; Joe F. Colvin, Nuclear Energy Institute, and David A. Lochbaum, Union of Concerned Scientists, both of Washington, D.C.; James T. Rhodes, Institute of Nuclear Power Operations, Atlanta, Georgia; and Steven M. Fetter, Fitch IBCA Inc., New York, New York.

MEDICARE+CHOICE PROGRAM

Committee on Finance: Committee held hearings to examine efforts to implement the Medicare+Choice program which provides new health care options for beneficiaries, receiving testimony from Michael Hash, Deputy Administrator, Health Care Financing Administration, Department of Health and Human Services; Sally Gronda, Tampa Bay Regional Council Area Agency on Aging, St. Petersburg, Florida, on behalf of the National Association of Area Agencies on Aging; Daniel Lestage, Blue Cross Blue Shield of Florida, Jacksonville, on behalf of the Blue Cross Blue Shield Association; Janet G. Newport, PacifiCare Health Systems, Santa Ana, California, on behalf of the American Association of Health Plans; James T. Paquette, Sisters of Charity of Leavenworth, Billings, Montana, on behalf of the American Hospital Association; Steven J. Smith, St. Joseph Healthcare System, Albuquerque, New Mexico; and Thomas R. Reardon, Portland, Oregon, on behalf of the American Medical Association.

Hearings were recessed subject to call.

CENSUS 2000

Committee on Governmental Affairs: Committee concluded hearings to examine the status of preparations for the Year 2000 Decennial Census, after receiving testimony from J. Christopher Mihm, Associate Director, Federal Management and Workforce Issues, and Victoria Miller and Bruce Taylor, both Senior Evaluators, all of the General Government Division, General Accounting Office.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Carl J. Barbier, to be United States District Judge for the Eastern District of Louisiana, David R. Herndon, to be United States District Judge for the Southern District of Illinois, Gerald Bruce Lee, to be United States District Judge for the Eastern District of Virginia, Nora M. Manella, to be United States District Judge for the Central District of California, Rebecca R. Pallmeyer, to be United States District Judge for the Northern District of Illinois, Jeanne E. Scott, to be United States District Judge for the Central District of Illinois, Patricia A. Seitz, to be United States District Judge for the Southern District of Florida; Paul M. Warner, to be United States Attorney for the District of Utah, and Howard Hikaru Tagomori, to be United States Marshal for the District of Hawaii;

S. 1031, to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury, with an amendment in the nature of a substitute;

H.R. 3528, to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, with amendments;

S.J. Res. 51, granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia; and

S. Res. 193, designating December 13, 1998, as ''National Children's Memorial Day''.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit, Donovan W. Frank, to be United States District Judge for the District of Minnesota, and Richard M. Berman, Alvin K. Hellerstein, Colleen McMahon, and William H. Pauley, III, each to be a United States District Judge for the Southern District of New York, after the nominees testified and answered questions in their own behalf. Ms. Berzon was introduced by Senators Feinstein, Boxer, D'Amato, and Moynihan, Mr. Frank was introduced by Senators Wellstone and Grams, and Messrs. Berman, Hellerstein, and Pauley and Ms. McMahon were introduced by Senators D'Amato and Moynihan.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 4353–4363; and 1 resolution, H. Con. Res. 313, were introduced. **Page H6819**

Reports Filed: Reports were filed today as follows:

H. Res. 513, providing for consideration of H.R. 3736, to amend the Immigration and Nationality Act to make changes relating to H–1B nonimmigrants (H. Rept. 105–660); and

H.R. 2921, to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution, amended (H. Rept. 105–661, Part 1). **Page H6819**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Emerson to act as Speaker pro tempore for today. **Page H6753**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Douglas Tanner of Washington, D.C. **Page H6753**

Education Committee Investigative Authority: The House agreed to H. Res. 507, providing special investigative authority for the Committee on Education and the Workforce, by a recorded vote of 222 ayes to 200 noes, Roll No. 357. Earlier, agreed to the Rules Committee amendment to the resolution. **Pages H6754–66, H6781**

Vietnam Waiver Disapproval: The House failed to pass H.J. Res. 120, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, by a yea and nay vote of 163 yeas to 260 nays, Roll No. 356. **Pages H6766–81**

Commerce, Justice, State, Judiciary Appropriations: The House agreed to H. Res. 508, the rule providing for consideration of H.R. 4276, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies

for the fiscal year ending September 30, 1999, by voice vote. **Pages H6781–90**

Bipartisan Campaign Integrity Act: The House resumed consideration of amendments to H.R. 2183, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office. The bill was last debated on July 20. **Pages H6790–H6817 (continued next issue)**

Agreed To:

The Salmon amendment to the Shays amendment that requires the President to post on the Internet the names of all non-governmental persons who are passengers on Air Force One or Air Force Two within 30 days of the flight; **Pages H6790–91**

The Linda Smith of Washington amendment that clarifies the term ''express advocacy'' and provides an exception for voting record and voting guide information. The amendment was debated on July 20 (agreed to by a recorded vote of 343 ayes to 84 noes, Roll No. 361); **Pages H6813–14**

The Traficant amendment, as modified, to the Shays amendment that requires the Committee on Standards of Official Conduct to make a report and recommend to the House concerning any Member who is convicted of accepting a foreign campaign contribution. The report may include a recommendation for expulsion; **(See next issue.)**

The Blunt amendment, as modified, to the Shays amendment that specifies that the FEC may not include background music or lyrics to determine whether broadcast advertisement is ''express advocacy''; **(See next issue.)**

The Shadegg amendment to the Shays amendment that establishes expedited court review of certain alleged violations of the Federal Election Campaign Act of 1971; **(See next issue.)**

The Stearns amendment to the Shays amendment that establishes criminal penalties for violating the spending limits applicable to the candidate under the Federal Election Campaign Act; and **(See next issue.)**

The Gekas amendment, as modified, to the Shays amendment that requires political committees to transfer suspected illegal or improper campaign contributions of over $500 to the Federal Election Commission for evaluation and investigation. **(See next issue.)**

Rejected:

The Goodlatte amendment that sought to repeal the requirement for States to provide for voter registration by mail and includes provisions to reform voter registration. The amendment was debated on July 20 (rejected by a recorded vote of 165 ayes to 260 noes, Roll No. 358); **Pages H6810–11**

The Wicker amendment that sought to permit States to require photo identification before receiving a ballot for voting in an election for Federal office. The amendment was debated on July 20 (rejected by a recorded vote of 192 ayes to 231 noes, Roll No. 359); **Pages H6811–12**

The Calvert amendment that sought to limit the amount of congressional candidates contributions from individuals not residing in the district or State involved to 50 percent. The amendment was debated on July 20 (rejected by a recorded vote of 147 ayes to 278 noes, Roll No. 360); **Pages H6812–13**

The Rohrabacher amendment to the Shays amendment that sought to allow a candidate whose opponent spends more that $1,000 in personal funds to accept contributions from any legal source up to the same level as the opponent spends in personal funds (rejected by a recorded vote of 155 ayes to 272 noes, Roll No. 362); **Pages H6791–93, H6814–15**

The Paul amendment to the Shays amendment that sought to establish minimum ballot petition signature limits and restrict the imposition of the signature requirements imposed by states (rejected by a recorded vote of 62 ayes to 363 noes, Roll No. 363); **Pages H6793–96, H6815**

The Paul amendment to the Shays amendment that sought to require that candidates who receive campaign financing from the Presidential Election Campaign Fund agree not to participate in multi-candidate forums that exclude candidates with broad-based public support (rejected by a recorded vote of 88 ayes to 337 noes, Roll No. 364); **Pages H6796–98, H6815–16**

The DeLay amendment to the Shays amendment that sought to clarify that certain communications from citizen groups are exempt from express advocacy requirements (rejected by a recorded vote of 185 ayes to 241 noes, Roll No. 365); **Pages H6798–H6803, H6816–17**

The Peterson of Pennsylvania amendment to the Shays amendment that sought to establish a voter eligibility pilot confirmation program to verify citizenship (rejected by a recorded vote of 165 ayes to 260 noes, Roll No. 366); **Pages H6803–10, H6817**

Votes postponed on the following:

The Barr amendment to the Shays amendment that prohibits the use of bilingual voting materials; **(See next issue.)**

The McIntosh amendment to the Shays amendment that specifies that a communication with a Senator or Member of the House of Representatives regarding a pending legislative matter to be construed as to establish coordination with a candidate; **(See next issue.)**

The Horn amendment to the Shays amendment that allows reduced postage rates for principal campaign committees of congressional candidates; **(See next issue.)**

The Shaw amendment to the Shays amendment that requires at least 50 percent of contributions accepted by House candidates to come from in-state residents; **(See next issue.)**

The Kaptur amendment, as modified, to the Shays amendment that establishes a clearinghouse of information on political activities within the Federal Election Commission; **(See next issue.)**

The Stearns amendment to the Shays amendment that allows permanent resident aliens serving in the armed forces to make campaign contributions; **(See next issue.)**

The Stearns amendment to the Shays amendment that requires any candidate for President or Vice President to certify that the candidate will not solicit soft money; **(See next issue.)**

The Whitfield amendment to the Shays amendment that increases the contribution limit to candidates from individuals from $1,000 to $3,000; **(See next issue.)**

The Whitfield amendment to the Shays amendment that defines ''express advocacy'' as a communication that advocates the election or defeat of a candidate by containing a phrase such as ''vote for'', ''reelect'', or ''defeat''; and **(See next issue.)**

The English of Pennsylvania amendment to the Shays amendment that prohibits the bundling of contributions. **(See next issue.)**

The House is considering the bill pursuant to the unanimous consent order of July 17 and H. Res. 442 and H. Res. 458, the rules providing for consideration of the bill.

D.C. Convention Center and Sports Arena: The House passed H.R. 4237, to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such act. **(See next issue.)**

Senate Messages: Messages received from the Senate appear on pages H6753 (continued next issue).

Referrals: S. Con. Res. 97 was referred to the Committee on International Relations. **Page H6818**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6820–23.

Quorum Calls—Votes: One yea and nay votes and ten recorded votes developed during the proceedings of the House today and appear on pages H6780–81, H6781, H6811, H6812, H6813, H6814, H6814–15, H6815, H6816, H6816–17, and H6817. There were no quorum calls.

Adjournment: The House met at 1:00 p.m. and adjourned at 12:29 a.m. on July 31.

Committee Meetings

FARM ECONOMY

Committee on Agriculture: Held a hearing to review the state of the farm economy. Testimony was heard from Dan Glickman, Secretary of Agriculture; and public witnesses.

DISTRICT OF COLUMBIA APPROPRIATIONS; SUBDIVISION ALLOCATIONS

Committee on Appropriations: Ordered reported the District of Columbia appropriations for fiscal year 1999.

The Committee also approved revised Section 302(b) Subdivision allocations.

FANNIE MAE AND FREDDIE MAC—HUD'S ROLE AS MISSION REGULATOR

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on a GAO Study of HUD's Role as Mission Regulator of Fannie Mae and Freddie Mac. Testimony was heard from Nancy Kingsbury, Assistant Comptroller General, General Government Division, GAO; and the following officials of the Department of Housing and Urban Development: Ira G. Peppercorn, General Deputy Assistant Secretary, Housing; and Mark Kinsey, Acting Director, Office of Federal Housing Enterprise Oversight.

FEDERAL MINE SAFETY AND HEALTH ACT REVIEW

Committee on Education and Workforce: Subcommittee on Workforce Protections held a hearing to review the Federal Mine Safety and Health Act of 1997. Testimony was heard from public witnesses.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 3921, Federal Financial Assistance Management Improvement Act of 1998. Testimony was heard from Representatives Portman and Hoyer; Robert Childree, Comptroller, State of Alabama; and a public witness.

COMMITTEE BUSINESS

Committee on House Oversight: Ordered reported H. Res. 506, providing amounts for further expenses of the Committee on Standards of Official Conduct in the second session of the One Hundred Fifth Congress.

The Committee also approved pending Committee business.

OVERSIGHT—CONTROLLED SUBSTANCES USED TO COMMIT DATE RAPE

Committee on the Judiciary, Subcommittee on Crime held an oversight hearing on the use of controlled substances used to commit date rape. Testimony was heard from John H. King, III, Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice; and public witnesses.

BUREAU OF ENFORCEMENT AND BORDER AFFAIRS; PRIVATE IMMIGRATION BILL

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action amended H.R. 4264, to establish the Bureau of Enforcement and Border Affairs within the Department of Justice.

The Subcommittee also approved a motion requesting a report from the Immigration and Naturalization Service on a private immigration bill.

OCEANOGRAPHIC MONITORING STATUS

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the status of oceanographic monitoring and assessment efforts on both global and local scales. Testimony was heard from D. James Baker, Under Secretary, Oceans and Atmosphere, Department of Commerce; Rita Colwell, Director, NSF; Rear Adm. Paul G. Gaffney, II, USN, Chief, Naval Research, Department of the Navy; and public witnesses.

OVERSIGHT—NATIONAL ENVIRONMENTAL POLICY ACT PARITY

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on National Environmental Policy Act Parity. Testimony was heard from Michael Dombeck, Chief, Forest Service, USDA; Ted Ferroli, Senator, State of Oregon; L. Earl Peterson, State Forester, Division of Forestry, State of Florida; and public witnesses.

WORKFORCE IMPROVEMENT AND PROTECTION ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of general debate on H.R. 3736. Workforce Improvement and Protection Act of 1998. The rule waives all points of order against consideration of the bill in the House. The rule provides that in lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, the amendment printed in the Congressional Record numbered 1 shall be considered as adopted. The rule makes in order the further amendment printed in the Congressional Record numbered 2, which will be in order without the intervention of any point of order, and will be debatable for one hour equally divided and controlled by the proponent and an opponent. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Smith of Texas and Watt of North Carolina.

AFRICAN AVIATION INITIATIVE; AVIATION BILATERAL ACCOUNTABILITY ACT; TRANSATLANTIC ALLIANCES

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the Department of Transportation's African Aviation Initiative, H.R. 3741, Aviation Bilateral Accountability Act of 1998, and European Commission's preliminary position on 2 transatlantic alliances. Testimony was heard from Rodney Slater, Secretary of Transportation; and public witnesses.

FATHERHOOD INITIATIVE

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on the Fatherhood Initiative. Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 31, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings on pending nominations, 9 a.m., SR–332.

Committee on Banking, Housing, and Urban Affairs, to hold oversight hearings on mandatory arbitration agreements in employment contracts in the securities industry, 10 a.m., SD–538.

Committee on the Judiciary, to hold hearings to examine issues with regard to physician assisted suicide, 10 a.m., SD–226.

Special Committee on the Year 2000 Technology Problem, to hold hearings to examine the Y2K status of the telecommunications industry, 9:30 a.m., SD–192.

House

Committee on Government Reform and Oversight, hearing on Solving the Cancer Crisis: Comprehensive Research, Coordination and Care, 10 a.m., 2154 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, July 31

Senate Chamber

Program for Friday: Senate may consider any cleared executive or legislative items.

Next Meeting of the HOUSE OF REPRESENTATIVES

1 p.m., Friday, July 31

House Chamber

Program for Friday: Consideration of H.R. 2183, Bipartisan Campaign Integrity Act of 1997 (vote on pending amendments).

Extensions of Remarks, as inserted in this issue

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