

AMENDMENT NO. 3490

(Purpose: To make a technical amendment.)

Mr. GORTON. Senator HATCH has a technical amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. HATCH, proposes an amendment numbered 3490.

The amendment is as follows:

On page 1, line 7, strike "New Mexico" and insert "Texas"

On page 2, line 5, strike "New Mexico" and insert "Texas"

On page 2, line 6, strike "New Mexico" and insert "Texas"

On page 3, line 15, strike "New Mexico" and insert "Texas"

On page 4, line 3, strike "New Mexico" and insert "Texas"

On page 4, line 9, strike "New Mexico" and insert "Texas"

On page 5, line 7, strike "New Mexico" and insert "Texas"

On page 5, line 10, strike "New Mexico" and insert "Texas"

Mr. GORTON. I ask unanimous consent the amendment be considered read and agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the RECORD.

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

The amendment (No. 3490) was agreed to.

The bill (S. 1759), as amended, was agreed to, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The American GI Forum of the United States, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such and granted a Federal charter.

SEC. 2. POWERS.

The American GI Forum of the United States (in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State of Texas and subject to the laws of the State of Texas.

SEC. 3. PURPOSES.

The purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To secure the blessing of American democracy at every level of local, State, and national life for all United States citizens.

(2) To uphold and defend the Constitution and the United States flag.

(3) To foster and perpetuate the principles of American democracy based on religious and political freedom for the individual and equal opportunity for all.

(4) To foster and enlarge equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States citizens, regardless of race, color, religion, sex, or national origin.

(5) To encourage greater participation of the ethnic minority represented by the corporation in the policy-making and administrative activities of all departments, agencies, and other governmental units of local

and State governments and the Federal Government.

(6) To combat all practices of a prejudicial or discriminatory nature in local, State, or national life which curtail, hinder, or deny to any United States citizen an equal opportunity to develop full potential as an individual.

(7) To foster and promote the broader knowledge and appreciation by all United States citizens of their cultural heritage and language.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State of Texas and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Except as provided in section 8(g), eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the corporation.

SEC. 6. BOARD OF DIRECTORS.

Except as provided in section 8(g), the composition of the board of directors of the corporation and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 7. OFFICERS.

Except as provided in section 8(g), the positions of officers of the corporation and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 8. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any member, officer, director, or employee of the corporation.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The corporation may not claim the approval of Congress or the authorization of the Federal Government for any of its activities by virtue of this Act.

(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation organized and incorporated under the laws of the State of Texas.

(f) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State of Texas.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete

books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote in any proceeding of the corporation, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(80) American GI Forum of the United States."

SEC. 12. ANNUAL REPORT.

The corporation shall annually submit to Congress a report concerning the activities of the corporation during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 11. The annual report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the corporation fails to maintain its status as a corporation exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this Act shall terminate.

SEC. 15. TERMINATION.

The charter granted in this Act shall expire if the corporation fails to comply with any of the provisions of this Act.

SEC. 16. DEFINITION OF STATE.

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

CARL B. STOKES UNITED STATES COURTHOUSE

Mr. GORTON. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 487, H.R. 6743.

The PRESIDING OFFICER. The clerk will report.

A bill (H.R. 6743) to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. GORTON. I ask unanimous consent the bill be considered read the third time and passed, a motion to reconsider be laid upon the table, and

any statements relating to the bill appear in the RECORD.

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

The bill (H.R. 6743) was read the third time and passed.

UNANIMOUS CONSENT—H.R. 4354

Mr. GORTON. I ask unanimous consent when the Senate receives from the House H.R. 4354, a bill regarding the U.S. Capitol Police Memorial Fund, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the RECORD.

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

Mr. GORTON. I further ask consent that if the language of H.R. 4354, as amended, as received, is different than that of the bill currently at the desk, this consent be vitiated.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. I ask unanimous consent the Agriculture Committee be discharged from further consideration of the nominations of James E. Newsome, Keith C. Kelly, Charles Rawls, and Barbara Pedersen Holum, and further that the Senate proceed to their consideration and consideration en bloc the following nominations on the Executive Calendar, 701, 702, 703, 704, 705, 707, 708, 710, 712, 713, 714, 715, 717, 723, 724, 725, 727, 729, 736, 737, 782, 791, and 792, and all nominations on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominations be confirmed en bloc; the motion to reconsider be laid upon the table; any statements relating to the nominations appear in the RECORD; and the President be immediately notified of the Senate's action; and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

John D. Kelly, of North Dakota, to be United States Circuit Judge for the Eighth Circuit.

Dan A. Polster, of Ohio to be United States District Judge for the Northern District of Ohio.

Robert G. James, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Ralph E. Tyson, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

Raner Christercuncuean Collins, of Arizona, to be United States District Judge for the District of Arizona.

DEPARTMENT OF COMMERCE

Deborah K. Kilmer, of Idaho, to be an Assistant Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT

Neal F. Lane, of Oklahoma, to be Director of the Office of Science and Technology Policy.

DEPARTMENT OF TRANSPORTATION

Clyde J. Hart, Jr., of New Jersey, to be Administrator of the Maritime Administration.

DEPARTMENT OF THE TREASURY

Raymond W. Kelly, of New York, to be Commissioner of Customs.

James E. Johnson, of New Jersey, to be Under Secretary of the Treasury for Enforcement.

Elizabeth Bresee, of New York to be an Assistant Secretary of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT

Jacob Joseph Lew, of New York, to be Director of the Office of Management and Budget.

THE JUDICIARY

Kim McLean Wardlaw, of California, to be United States Circuit Judge for the Ninth Circuit.

DEPARTMENT OF STATE

Richard Nelson Swett, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Arthur Louis Schechter, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

James Howard Holmes, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

John Bruce Craig, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

David Michael Satterfield, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Charles F. Kartman, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for the Korean Peace Talks.

William B. Milam, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

DEPARTMENT OF ENERGY

Bill Richardson, of New Mexico, to be Secretary of Energy.

DEPARTMENT OF JUSTICE

Howard Hikaru Tagomori, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Paul M. Warner, of Utah, to be United States Attorney for the District of Utah for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Homi Jamshed, and ending Joseph E. Zadrozny, Jr., which nominations were received by the Senate and appeared in the Congressional Record of June 18, 1998.

Foreign Service nominations beginning Robert Bigart, Jr., and ending Carol J. Urban, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 1998.

NOMINATION OF RAYMOND W. KELLY

Mr. D'AMATO. Mr. President, today this body formally approved the nomination of Raymond W. Kelly, of New York, to be Commissioner of Customs. I am deeply, deeply pleased and believe that we have a Customs Commissioner of whom we can be proud, who will do the kind of outstanding work that Ray Kelly has done over the years in law enforcement.

He is a native New Yorker. He spent quite a bit of his time as a young man in the village of Island Park, where I live and grew up. So it is a great pleasure to see him come to this highly regarded position. I know he is going to be an outstanding Commissioner, and I look forward to working with him.

NOMINATION OF JACOB JOSEPH LEW

Mr. BROWNBACK. Mr. President, as we confirm the nomination of Mr. Jack Lew to the Director of the Office of Management and Budget, I want to take this opportunity to highlight a problem that OMB has the power to help correct, but to this date has chosen not to.

As many are aware, there is a real problem right now in rural America brought about the dismal farm prices. The only way that commodity prices are going to increase is to boost exports. Certainly, passage of Fast Track, funding of the IMF, continuing normal trade relations with China, and lifting sanctions are necessary parts of the strategy to grow our export markets.

However, there is also a tool, the Export Enhancement Program, that the federal government can be using to help boost exports and revive farm exports in the near term. Congress has done its part in providing appropriations for this program, but the Administration has failed to utilize the program.

The EEP program is designed to help our agricultural exports compete in the face of subsidized competition in international markets. Despite clear evidence that subsidized competition is eroding U.S. markets, particularly for wheat flour, the Administration has been dragging its feet in initiating the EEP.

The USDA has been pushing for the use of the Export Enhancement Program for wheat flour for almost two years. However, before the program can be initiated, an interagency review group, of which OMB is a member, must approve the initiative. OMB has not endorsed usage of the Export Enhancement Program to counteract European subsidies for wheat flour, and thus has effectively blocked use of the program.

It is objectionable that the Clinton Administration is not compelled to stand up for its farm community in the face of adversity in the same way that its European counterparts are. Secondly, it is objectionable that the OMB is driving agricultural trade policy, instead of the Department of Agriculture in conjunction with the U.S. Trade Representative.