United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, THURSDAY, MAY 14, 1998 No. 61

# House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. NEY).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*May 14, 1998.*

I hereby designate the Honorable ROBERT W. NEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Give us, we pray, the gifts of the spirit. O gracious God, from whom all blessings flow, remind us that our daily lives can be filled with benefits that come from Your good spirit. The gifts of love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. May these lively contributions to the human condition bless, strengthen and give encouragement to our daily lives and keep us all in Your grace now and evermore. 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 Alabama (Mr. ADERHOLT) come forward and lead the House in the Pledge of Allegiance.

Mr. ADERHOLT 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 concurrent resolutions of the House of the following titles:

H. Con. Res. 255. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 262. Concurrent resolution authorizing the 1998 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

H. Con. Res. 263. Concurrent resolution authorizing the use of the Capitol Grounds for the seventeenth annual National Peace Officers' Memorial Service.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2676, An act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2676) ''An Act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. HATCH, Mr. MURKOWSKI, Mr. NICKLES, Mr. GRAMM, Mr. MOYNIHAN, Mr. BAUCUS, Mr. GRAHAM, Mr. BREAUX, and Mr. KERREY; and from the Committee on Governmental Affairs: Mr. THOMPSON, Mr. BROWNBACK, Mr. COCHRAN, Mr. DURBIN, and Mr. CLELAND, to be the conferees on the part of the Senate.

The message also announced that the Senate passed bills of the following titles, in which concurrence of the House is requested:

S. 1244. An act to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

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.

## MOTION TO ADJOURN

Mr. SERRANO. Mr. Speaker, I have a privileged motion to adjourn at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SERRANO moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. 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 15, nays 379, answered ''present'' 1, not voting 37, as follows:

[Roll No. 152]

YEAS—15

| | | |
|---|---|---|
| Ackerman | Frank (MA) | McDermott |
| Brown (CA) | Hoyer | McNulty |
| Conyers | Johnson, E. B. | Sabo |
| Eshoo | Lewis (GA) | Serrano |
| Filner | Martinez | Slaughter |

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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NAYS—379

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—37

Barton
Bateman
Becerra
Bryant
Christensen
Davis (FL)
Dixon
Engel
Fattah
Fowler
Gonzalez
Goodling
Greenwood
Harman
Hefner
Jones
Kaptur
Kolbe
McDade
Meeks (NY)
Myrick
Norwood
Pombo
Quinn
Radanovich
Reyes
Riggs
Rothman
Skaggs
Stark
Stearns
Stenholm
Talent
Torres
Traficant
Weldon (PA)
Young (AK)

□ 1026

Ms. FURSE, Ms. PELOSI, and Messrs. RILEY, EWING, DAVIS of Virginia, LATHAM, LEWIS of California, and KASICH changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PRIVILEGES OF THE HOUSE—EXPRESSING DISAPPROVAL OF CONDUCT OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT'S INVESTIGATION BY REPRESENTATIVE BURTON

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 431), pursuant to clause 2 of rule IX, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

Whereas the Supreme Court of the United States has noted that, although the power to conduct investigations is inherent in the legislative process, that power is not unlimited, may be exercised only in aid of the legislative function, and cannot be used to expose for the sake of exposure alone;

Whereas the Supreme Court of the United States has further noted that the investigative power of Congress contains ''no general authority to expose the private affairs of individuals without justification in terms of the functions of Congress'';

Whereas Representative Burton is the only member in the history of the House of Representatives who has had the power to unilaterally issue subpoenas and the power to disclose information obtained therefrom, and has abused these powers;

Whereas the Committee on Standards of Official Conduct has determined that it is improper to alter a House document if such alteration changes the meaning or extensively modifies the document;

Whereas the Speaker of the House of Representatives has correctly and steadfastly called for adherence to the Rule of Law and emphasized that no man is above the law;

Whereas those upon whom the House of Representatives has bestowed its Constitutional power to investigate must abide by the Rule of Law, and must exercise the investigative power fairly and judiciously and in a manner that will preserve the dignity of the House and reflect credit thereon.

Whereas the Rules of the House of Representatives provide that documents and other materials obtained pursuant to a Committee subpoena are records of the Committee that may not be publicly disclosed by a chairman without authorization by the Committee;

Whereas the Committee on Government Reform and Oversight has adopted procedures governing the public disclosure of documents and other materials obtained pursuant to a Committee subpoena;

Whereas pursuant to a Committee subpoena, Representative Burton obtained from the Department of Justice tape recordings of the telephone conversations engaged in by Webster Hubbell while in prison;

Whereas the Department of Justice advised Representative Burton of his responsibility to pay special regard to the sensitive nature of the tape recordings, which recordings the Department of Justice could not lawfully disclose to the public;

Whereas Representative Burton intentionally violated the Rules of the House of Representatives and the procedures of the Committee on Government Reform and Oversight and displayed an utter disregard for both the privacy rights of those involved and the ability of the Bureau of Prisons to perform its functions effectively by publicly disclosing the tape recordings and transcripts of telephone conversations between Webster Hubbell and his wife, other family members, friends, and attorneys;

Whereas the transcripts publicly disclosed by Representative Burton in violation of the Rules of the House of Representatives and the procedures of the Committee had been altered and selectively edited so as to mislead Members of the House of Representatives and the public, distort the public record; impair the ability of the House of Representatives to perform its legislative and oversight functions, and violate the integrity of Committee proceedings.

Whereas the materials publicly disclosed by Representative Burton in violation of the Rules of the House of Representative and the procedures of the Committee contained conversations between a husband and wife pertaining to family, personal, medical, and marital problems;

Whereas, through these actions, his failure to abide by the Rule of Law, and his consistent abuse of the investigative powers of the House of Representatives, Representative Burton has brought discredit upon the House of Representatives: Now, therefore, be it

*Resolved*, That the House of Representatives disapproves of the manner in which Representative Burton has conducted the Committee on Government Reform and Oversight's investigation of political fundraising improprieties and possible violations of law.

□ 1030

The SPEAKER pro tempore (Mr. NEY). In the opinion of the Chair, the

resolution constitutes a question of the privileges of the House under rule IX.

MOTION TO TABLE OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY) to lay the resolution on the table.

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

RECORDED VOTE

Mr. GEPHARDT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 196, not voting 13, as follows:

[Roll No. 153]

AYES—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
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
Istook
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)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
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
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
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
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
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
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Bateman
Fowler
Gonzalez
Harman
Hefner
John
Pombo
Quinn
Radanovich
Riggs
Skaggs
Torres
Traficant

□ 1057

Messrs. GREENWOOD, LIVINGSTON and ROGAN changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEY). The Chair will recognize five Members from each side for the purpose of 1-minute speeches.

## WHITE HOUSE WOULD RESERVE PRIVACY RIGHTS FOR CRIMINALS AND NOT THE INNOCENT

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

Mr. KNOLLENBERG. Mr. Speaker, we have just gone through an exercise talking about the rule of law. The White House has recently become remarkably solicitous of the privacy rights of convicted felons.

While the coddling of criminals is nothing new for liberals, what is new is the idea that the White House cares about privacy rights for the law-abiding.

I ask the White House, what about the privacy rights of the 900 Republicans whose FBI files ended up in the hands of political operatives in the White House?

What about the privacy rights of Billy Dale and the other Travel Office employees? Rights which were trampled upon by the IRS and the FBI in a despicable smear campaign.

In this strange new world, privacy rights are reserved for convicted criminals and denied to the innocent.

Mr. Speaker, this entire episode is a perfect example of the liberal mindset when it comes to crime: Misplaced priorities, double standards, and always, always, always, preference for the rights of criminals over the rights of the law-abiding.

□ 1100

## TIME IS NOW TO END U.S. SUPPORT FOR SUHARTO DICTATORSHIP

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, the time is now to end U.S. support for the Suharto dictatorship in Indonesia and to help that country move for democracy.

General Suharto is a dictator who has been in office for over 30 years and during that period has committed horrendous atrocities. Today his political opponents are in jail, they are being tortured, they are being kidnapped by the secret police.

Just the other day, six unarmed student protesters were shot down in cold blood. General Suharto is known not only for his brutality but for his corruption and greed. In a country where the average income is less than $20 a week, his family has amassed a fortune of over $30 billion.

Mr. Speaker, if the brave students of Indonesia are prepared to put their lives on the line to end the Suharto dictatorship, how can we ignore their cries for freedom? Let us end our support for Suharto now.

## TRIBUTE TO DEPUTY RICH OWEN

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

Mr. HUTCHINSON. Mr. Speaker, last November, deputies and employees of the Benton County Sheriff's Office in Arkansas voted Rich Owen Deputy of the Year. They selected him for the award, they noted, because of his outstanding professionalism and devotion to helping others. Within days of that vote, Deputy Owen died in the line of duty. He died from injuries he received in an auto accident while responding to a burglary call.

This week is National Law Enforcement Officers' Memorial Week, a time dedicated to the memory of heroes like Rich Owen, men and women who gave their lives serving and protecting others. I am at once proud and at the same time sad to pay tribute to these officers. I am proud that Arkansas has produced such courageous individuals as Deputy Owen, but I am sad that some have paid such an awful price for that dedication.

I would like to pay special tribute to Deputy Owen's son, Brandon, who is with me here today. And I offer my condolences to Brandon's mother, Frankie Owen, as well. These two stand as a constant reminder of the sacrifices not only our police officers pay every day, but their families as well. They stand here today as a reminder of the debt the rest of us owe to our law enforcement community. The courage we pay tribute to here today is not only that of the officers, but of their families as well. The sacrifices they make are great.

## GENETIC INFORMATION NONDISCRIMINATION IN HEALTH INSURANCE ACT

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

Ms. SLAUGHTER. Mr. Speaker, scientists recently announced a breakthrough in the treatment of cancer, one of the deadliest and most common diseases plaguing humanity. A combination of two drugs has been shown to prevent tumors from spawning the growth of new blood vessels that allow the tumor to grow.

The advances in genetic testing now allows us to pinpoint people who are at high risk for common cancers like breast cancer and colorectal cancer. Tragically, however, people are afraid to take those genetic tests that would allow them to take advantage of new anti-cancer drugs at the earliest possible phases of cancer. They refuse to take these tests because they fear genetic discrimination, especially in health insurance.

Congress could solve the problem by passing H.R. 306, The Genetic Information Nondiscrimination Health Insurance Act, which has 200 bipartisan sponsors. To date, however, we have not been able to get a schedule to vote on this proposal; and, as a result, Americans are forced to make a Hobson's choice between learning vital health information and risking their health insurance.

I urge my colleagues to demand a vote on H.R. 306 to protect all of our constituents against genetic discrimination and allow them to make health decisions based on sound medical facts.

## FREEDOM FROM RELIGIOUS PERSECUTION ACT

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

Mr. WOLF. Mr. Speaker, today the House will vote on the freedom from religious persecution bill, which covers only cases of torture, enslavement, abduction, and death.

Noted Russian Jewish dissident Natan Sharansky said, ''When the West stood up for its most basic values,'' as this bill does, ''and spoke up for persecuted Soviet Jewish communities, Soviet chains around churches and political dissidents began to shatter.''

Noted Chinese dissident Wei Jingsheng sent a letter yesterday and said, ''If I did not see it myself, even I would not imagine the shameful and despicable means the Communists use against believers.''

This bill gives the President total and complete waiver authority. Cardinal O'Connor of New York, in a letter yesterday said, ''The Freedom from Religious Persecution Act could begin the desperately needed process of ending the legitimizing of such persecution.''

Failure to pass the bill would send a message to all of the dictators all over the world that it is open season for people of all religious beliefs. I hope and I pray that this bill will pass with an almost unanimous vote.

## CAMPAIGN FINANCE REFORM

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

Mr. KANJORSKI. Mr. Speaker, I rise today and perhaps I should ask for a moment of silence because the vote that was taken to table the privileged resolution from the gentleman from Missouri (Mr. GEPHARDT) is a sad moment in the House of Representatives.

I have the distinct honor and pleasure of serving on the Committee on Government Reform and Oversight. The fact that we have had a difficult time in the administration of our mission over the last 18 months is evident to everyone in this Chamber and everyone in this Nation.

The privileged resolution would have given this House the opportunity to air the problems in that committee and to attempt to find a solution so that we could move on in our mission of adequate investigation of financial and campaign finance violations of the 1996 election.

I think, as a result of our failure to use the debate process on that privileged resolution, we will find that May 14, 1998, by a vote of 223–196, this House has decided not to reform campaign finance but to start the political campaign of 1998.

## FREEDOM OF RELIGION IN PAKISTAN

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

Mr. PITTS. Mr. Speaker, I rise today to speak on behalf of a person imprisoned because of his religious beliefs in Pakistan.

Recently, a Pakistani Christian, Ayub Masih, was sentenced to death under Pakistan's blasphemy law. In Pakistan, no one has yet been officially executed under the blasphemy law. However, extremists have killed a number of accused believers.

On May 6, 1998, human rights activist Bishop John Joseph allegedly committed suicide to protest the blasphemy law and Masih's death sentence. Although the Pakistani Constitution protects freedom of religion, the blasphemy law contradicts the constitution and a number of international human rights standards.

Mr. Speaker, every person, every country in the world should have this fundamental human right, the freedom of religion. I urge the Pakistani Government to acquit Mr. Ayub Masih and release him from prison with full protection of his rights and to protect him and his family.

## TIME FOR CHAIRMAN BURTON TO STEP DOWN AS HEAD OF INVESTIGATION

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

Ms. DELAURO. Mr. Speaker, I rise today to decry the use of taxpayer funds for an investigation that has in fact turned into nothing more than a partisan political witch hunt.

According to yesterday's Washington Post, the investigation of the gentleman from Indiana (Mr. BURTON) ''began more than a year ago and has cost several million dollars,'' yet has ''produced little information beyond what was disclosed during a similar investigation by the Senate Governmental Affairs Committee.''

Meanwhile, the gentleman from Indiana (Mr. BURTON) has blatantly abused his power by unilaterally issuing over 500 subpoenas, releasing tapes of personal, private conversations and altering the content of those tapes to suit his own political purposes.

It is time to restore some integrity to this investigation. It is time to end

this waste of taxpayer money. It is time for the gentleman from Indiana (Mr. BURTON) to step down as head of this investigation.

## CHILD CUSTODY PROTECTION ACT

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

Ms. ROS-LEHTINEN. Mr. Speaker, although we live in the world's greatest democracy, we also live in a society that, unfortunately, in the name of women's rights permits parents to be stripped of our inherent and sacred right, our right to parent.

H.R. 3682, The Child Custody Protection Act, will protect every parent's right to be a parent. It will prevent every parent from being stripped, deprived, and divested of our profound right to protect our young daughters from abortions and life-altering and life-threatening procedure.

Pro-abortion groups wrongfully claim a right to procure secret abortions for minors. But it is not up to a stranger to determine whether our daughters should have an abortion. The Congress and the American people will take a strong stand against the twisted notion that the Constitution somehow confers upon strangers a right to parent our children.

Together with Senator SPENCER ABRAHAM, our bill will be heard in committees next week and we hope that we can get even more cosponsors for our pro-family protection bill.

## CAMPAIGN FINANCE REFORM

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

Mr. TIERNEY. Mr. Speaker, campaign finance reform still is a critical issue confronting this House and needs to be addressed.

The Committee on Government Reform and Oversight had a particular opportunity to address this issue, to hold hearings, and to come up with some solutions and some facts that were a basis as to how we should proceed in that area.

So far, however, due to lack of leadership in that committee, we have been unable to embark on that process. We have had instead a very partisan hearing process, a fiscally irresponsible process, one that is motivated by personal vindictiveness not only of persons on the majority but also of their staff.

In fact, we have had a tremendous amount of incompetence in those proceedings that have cost the American taxpayers some $6 million. New committee leadership is needed to restore credibility to that committee and dignity and credibility to this House.

It is a shame, Mr. Speaker, that the Members of the majority were unable to take the action that would allow us to move in that process. It now is incumbent upon the gentleman from Indiana (Mr. BURTON) as the head of that committee to realize that he can no longer function properly and to move that leadership to another member of that committee.

## FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1998

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 430, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 430

*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. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes. The first reading of the bill shall be dispensed with. 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 International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on International Relations, the Judiciary, and Ways and Means now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 3806, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, 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. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, 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 the purpose of debate only.

Mr. Speaker, this rule, House Resolution 430, is a structured rule providing for the consideration of H.R. 2431, The Freedom from Religious Persecution Act of 1998. The admirable purpose of this legislation is to reduce the widespread and ongoing religious persecution taking place, unfortunately, in many places in the world today.

□ 1115

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, which had primary jurisdiction over the legislation.

Because the bill was referred to five committees for their consideration, and three of those committees reported varying versions of the bill, a new bill for the purpose of amendment, H.R. 3806, was introduced last week.

The gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules announced on the House floor on May 7 that the bill, H.R. 3806, would be used as the base text for purposes of amendment. The rule, therefore, makes in order as an original bill for purposes of amendment an amendment in the nature of a substitute consisting of the text of H.R. 3806 as modified by the amendments in Part 1 of the report of the Committee on Rules and provides that the amendment in the nature of a substitute shall be considered as read.

Mr. Speaker, this is a fair rule which allows for a broad range of amendments on a very narrowly focused bill. The goal of the bill is to combat religious persecution, and clearly all forms of persecution are to be condemned. But the crafters of this bill, as I stated, created a very focused religion-specific bill to make clear that we are focusing on one particular aspect of unacceptable persecution which must, must be combated.

Thus, the bill was not brought with an amendment, for example, from the distinguished gentleman from North Carolina (Mr. WATT) who offered an amendment which would have expanded the scope of the bill to cover all forms of persecution prohibited by the Geneva Convention. It was felt by the framers of the legislation, however, that this bill, to have an opportunity to be considered and to have an opportunity for passage, should be framed as specifically and narrowly as it has been.

I believe that the gentleman from North Carolina (Mr. WATT), when he moves forward, if he does, with his concept, will get tremendous support on a bipartisan basis. I certainly would be supportive of the effort by the gentleman from North Carolina (Mr. WATT), but I think that it is important to keep in mind what the purpose of this bill is.

It is a very focused, I would maintain, modest and reasonable and, hopefully, achievable piece of legislation to focus on upon that egregious and condemnable practice which occurs all too often in different parts of the world, religious persecution. I would urge my colleagues to support both this fair rule and the underlying bill.

The bill prohibits Federal agencies and U.S. persons from exporting goods to entities engaged in religious persecution. I think that is an important step to demonstrate that we are serious about condemning and opposing that unconscionable practice.

Mr. Speaker, though the bill has been limited in the process of amendment and of discussion, this is a very important piece of legislation that we are dealing with today. I would say it is somewhat of a definitional piece of legislation for this Congress at this particular moment in our history.

I often think about what we have witnessed in the last years and the fact that we are in a transitional moment. I often think about the fact that, while doubtless, we saw an ''evil empire,'' as President Reagan often called it, collapse, I wonder what it is that has won. What is it that has won? And what kind of world is it that we are walking into at this stage in our history?

In a certain sense that is what we are discussing. That is what will be discussed and debated with this particular legislation. We have to decide, ultimately, if what we accept and what we wish to embrace as a society and as a world, as an international community, is ethics as some sort of guide, some sort of factor in human conduct; or whether we are officially going to embrace the law of the jungle, if we are going to simply embrace the concept, as Dostoyevsky said when he pointed out that in his belief, those who say that God does not exist in effect are saying that anything is possible. In other words, if the concept of ethics will have no relevance whatsoever, then we might as well officially proclaim that in this era in which we are living.

So what the framers have done, the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH), the gentleman from New York (Mr. GILMAN), and so many others who have worked so tirelessly on this legislation, through this legislation, this very focused legislation, is to say that that particular egregious conduct, religious persecution, torture, being put into a dungeon, into a cage, being tortured or killed because of a human being's religious beliefs and practices is going to be officially, by the United States Congress, condemned today.

Even though there are all sorts of waivers, as the gentleman from Virginia (Mr. WOLF) stated earlier, and he will state subsequently, in his legislation for the President, the same President who will be, according to what I am told, standing, in just a few weeks, at Tiananmen Square, being received officially by the Chinese Government with all the symbolism that that means in the world of diplomacy, that there could be no other place to be received in Beijing except Tiananmen Square.

Even though this bill, as focused as it is, as limited as it is, grants multiple waiver authority to the President of the United States, it is, nonetheless, a very important piece of legislation. It is a piece of legislation that is going to be watched. What we do today is going to be watched throughout the world and, most especially, by those who languish in dungeons and in caves and who are tortured and oppressed because of their religious views and practices.

So I would urge my colleagues to not only support this fair rule, but the underlying legislation.

Mr. Speaker, I again want to commend the framers of the legislation. I have great admiration for all of them: the gentleman from New York (Mr. GILMAN), of course, the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH), the gentleman from Ohio (Mr. HALL), who is here, my dear friend on the other side of the aisle and to whom I have yielded the customary 30 minutes on this rule, a tireless champion, as well, for human rights and human decency throughout this world.

I thank them all for their hard work on this legislation and other similar pieces of legislation that have dignified this Congress in the past.

So I would urge my colleagues to support the rule. I know that we have the distinguished presence here of the gentlewoman from Florida (Ms. ROS-LEHTINEN) who will be speaking on the rule, also, by the way, an extraordinary fighter for human rights.

Mr. Speaker, I reserve the balance of my time

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

Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time and his very, very kind words.

Mr. Speaker, this is a structured rule. It will allow debate on H.R. 2431, which is called the Freedom From Religious Persecution Act. As my colleague has described, this rule will provide 1 hour of general debate that will be equally divided and controlled by the chairman and the ranking minority member of the Committee on International Relations.

The rule self-executes two amendments. In addition, it makes in order four amendments which may be offered on the House floor.

Mr. Speaker, religious freedom is one of the most fundamental rights of Americans. It is enshrined in the first amendment to the Constitution. It is a foundation of the American government. It is more than just an American right. The right to freedom of religion is recognized by international law, including the Universal Declaration of Human Rights.

Unfortunately, the brutal suppression of religious expression is all too common beyond the borders of the United States. In my travels and in the travels of many of the sponsors of the bill, especially the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH), we have witnessed firsthand the extraordinary intolerance against people who chose to practice their faith outside the officially approved religions.

In Romania, the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) and I saw churches that were burned down, people that were thrown in prison, Bibles by the thousands that were shredded into toilet paper under the official government policy of repression.

In northern Uganda, I saw Catholic girls who were mutilated for no other reason than their faith. Their ears and their noses were cut off. I visited them in the hospitals. It goes on in so many countries in the world that practice this brutality.

But when I and my fellow House Members would return to the United States from these countries, there was little we could do about the horror we saw. We did not have the legal tools necessary to stop it.

The bill before us today is such a tool. The bill was introduced by my friend, the gentleman from Virginia (Mr. WOLF), who, as I have said before, I have accompanied on many international trips to investigate human rights abuses.

His bill establishes the Office of Religious Persecution Monitoring to identify and report on religious persecution. If the Secretary of State determines persecution exists, then a series of sanctions take effect, including a prohibition on exports and U.S. foreign aid.

Because of the importance of religious freedom to our Nation, it seems fair that our government express this in our foreign policy. While we cannot dictate the internal policies of other countries, we can direct the State Department and our foreign assistance programs to deny support for countries and individuals that repress religious freedom contrary to basic American values.

President Clinton has already taken an important step towards universal freedom of religious expression by establishing a Commission on Religious Liberty to advise the State Department. However, I believe we can do more.

I regret that we are taking up this bill under such a restrictive rule. I would prefer that we would have more of an open rule, but I strongly support this bill to express U.S. outrage over the religious persecution in other countries and to help stop the brutality.

Reluctantly, I do support this rule so that we can proceed with the consideration of a bill that I consider a most important piece of legislation.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), my distinguished colleague and friend.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART), my colleague from Miami, for his leadership on this issue.

Mr. Speaker, along with the gentleman from Florida (Mr. DIAZ-BALART) and the gentleman from Ohio (Mr. HALL), I also rise in strong support of H.R. 2431, the Freedom From Religious Persecution Act of 1998. I especially commend my colleagues, the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH), and the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations for their leadership and for their dedication in bringing forward such a critical piece of legislation.

Jose Marti, the man who liberated my homeland of Cuba from tyranny, said, ''To witness a crime in silence is to be an accomplice of that crime.''

Today, my colleagues and I are making a statement to the world that the United States will not stand by silently. We will bear witness to the thousands of our fellow human beings who are tortured and, indeed, even murdered for exercising their fundamental right to religious freedom.

Today, we will give a voice to those whose cries for freedom and justice have been equaled by violent and repressive regimes that seek to destroy that which is so precious to us as children of God.

□ 1130

This bill will help ensure that practicing one's faith will not become a death sentence, as it has been, unfortunately, for so many men, women and children throughout the world.

When we speak of religious persecution, we need to fully recognize that in many countries this does not mean simple harassment, but it refers to unthinkable, monstrous acts, ranging from imprisonment, forced slavery, torture, starvation and murder. These acts, endorsed, and in many cases imposed, by extremist, repressive regimes, have gone unpunished for too long.

As we reflect on this issue today, we ask that you think of people like the 18 year old girl from Laos who was arrested by government forces and is currently sitting in a squalid prison cell. And what is her crime? Teaching Bible classes to neighborhood children. Or think about the student from Tibet who did nothing but record traditional music from Tibet, and, for this offense, he was sentenced to 18 years.

I ask you to picture the father who was shot in the streets of Iran because he was not in the mosque at prayer time. There are many prisoners in my native homeland of Cuba who are in jail because they dared to hold religious meetings at their homes, and there are evangelical Christians and Jehovahs' Witnesses routinely harassed in Cuba.

These are just a few examples of the grim destiny that so many of our global brothers and sisters face at the hands of those who hold no respect for religious beliefs and no respect for human life.

Religious persecution following the Cold War has not diminished. Sadly, it has only persisted, and has now reached new heights. H.R. 2431 will provide a permanent mechanism for the United States to investigate religious persecution and ensure that these cases receive high priority at the State Department.

By creating an Office of Religious Persecution Monitoring within the State Department, we will help to develop a mechanism that will help to strengthen and improve our methods of addressing religious freedom and persecution throughout the world. If and when a country is identified in engaging in widespread and ongoing acts of persecution, the United States would terminate non-humanitarian U.S. foreign aid and require U.S. opposition to loans to such regimes from taxpayer supported international agencies. It bans the export of torture and other crime control related supplies to offending countries, and it bans visas to known persecutors.

This bill furthers U.S. interests by ensuring that U.S. funds do not go to pariah states which engage in practices that run contrary to our values and our beliefs and which violate basic human dignity. Through this bill, we will finally shine light into the eyes of those who seek to oppress and destroy lives, and we will hold them responsible for their cruel acts.

Pope John Paul II has said,

> Religious persecution is an intolerable and unjustifiable violation of the most fundamental human freedom, that of practicing one's faith openly, which for human beings is their reason for living.

Let us not stand idly by while thousands continue to suffer. Let us make these rogue regimes accountable for their crimes against humanity. Let us render strong support for H.R. 2431.

I once again congratulate the gentleman from Virginia (Mr. WOLF) for his tenacity, dedication, and never-wavering focus on the issue of religious persecution worldwide. I regret the bill has been changed as it has moved through the committee process, but it definitely is still a powerful weapon to foster international religious freedom. We are truly blessed in this house to have a man of vision like the gentleman from Virginia (Mr. WOLF) guiding our efforts.

Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to start by joining my friend, the gentleman from Florida (Mr. DIAZ-BALART) in praising the work of the gentleman from Ohio (Mr. HALL). There is not a person in this body more respected on issues related to hunger and protecting the rights of people who have been persecuted around the world for whatever reason than the gentleman from Ohio (Mr. HALL). I want to associate myself with comments that have been made in praise of the gentleman by the gentleman from Florida (Mr. DIAZ-BALART).

Mr. Speaker, I am rising in opposition to the rule on this bill. I rise in opposition to the rule because the Committee on Rules ruled that an amendment that I attempted to offer on the floor was not in order. I think the Committee on Rules should have made my amendment in order.

There is not a person in this house or in our country, I believe, who would not find offensive and abhorrent the abduction, enslavement, killing, imprisonment, rape, crucifixion or any forms of torture, which this bill condemns and sanctions. This bill condemns and sanctions those forms of torture, but it does it only when the victims are tortured because of religious beliefs.

The amendment that I sought to offer would have expanded this bill to offer the same kind of protections for those persecuted because of race, nationality, membership in a particular social group or political opinion.

This bill sets up two new categories in the law, a category 1 and a category 2, for people who have been enslaved or killed for religious persecution, and, by doing so, implies that somehow religious persecution is more abhorrent than persecution for other reasons, such as race or political belief or nationality or group membership.

The very example that the gentleman from Florida (Mr. DIAZ-BALART) referred to about the President going to China and standing in Tiananmen Square, imagine, if you would, that the tanks in Tiananmen Square had just rolled right over the protesters there. Nothing in this bill would address that issue, because those protesters were there for political reasons, not for religious reasons.

So I rise to say all forms of persecution, whether they are for religious reasons, whether they are for racial reasons, whether they are for nationality reasons, whether they are because people are standing up for their political beliefs, most often in defense of democracy, all forms of persecution should be covered under this bill. And the Committee on Rules has decided that it will not allow an amendment to be debated on this floor, to be considered and voted on on this floor, that would expand the coverage of this bill to those other forms of persecution. By doing so, it is implying to the world that somehow religious persecution should be given extra protection and heightened priority.

Mr. Speaker, we should provide special protections against all forms of persecution.

Some people would have you believe that we are paying less attention to religious persecution in the world than we are to the other kinds of persecution that I have made reference to, but let me suggest that that is simply not the case.

The United States has 78,000 refugee slots allocated for 1998. Twenty-five thousand of those funded slots are allocated to those Bosnians who are Muslim. Religious reasons. Twenty-one thousand of those slots are allocated to religious minorities from the former Soviet Union. So 59 percent of our refugee allocation is set aside for victims of religious persecution in one way or another. Does that mean that we are treating religious persecution in some lesser fashion? I think not.

The only thing I would say to this body is that this bill ought to be broader, and everybody keeps telling me, ''Well, you ought to go and introduce a separate bill.''

My response to that is, we have a bill on the floor. If everybody thinks this is a good idea to expand the protections in this bill to victims of persecution based on race, nationality, group membership or political opinion, as the gentleman from Florida (Mr. DIAZ-BALART) indicated everybody does, then put it in this bill, and let us vote it up or down. Because it is not in the bill and the amendment has not been made in order, I oppose this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with what the gentleman from North Carolina (Mr. WATT) has said. I think we have to recognize that we have a coalition of interests opposing us that, in effect, want there to be absolutely no sanctions on any sort of conduct anywhere in the world, and that the law of the world should be if there is a buck to be made anywhere, no matter what the conditions, no matter under what the circumstances, no matter if it is dealing in or contributing to the most horrendous conduct conceivable, that that is acceptable. That is the coalition against us.

The message that we will send out today to that coalition, to the world and to those who are imprisoned, is that we will not be defeated, and that we are going to continue to make progress.

Mr. Speaker, I yield 6 minutes to my dear friend, the distinguished gentleman from Virginia (Mr. WOLF), a leader in human rights throughout the world.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me time. I appreciate the comments of the gentleman, and I appreciate the comments the gentleman made about my very good friend, the gentleman from Ohio (Mr. HALL). I second those, and completely agree.

Passing this bill will say to the world that the United States will no longer remain silent while people of faith are being tortured—because that is what this bill covers—enslaved, abducted and killed for their religious beliefs. Passing the bill will shatter the silence.

There are troubling things taking place all over the world. In the past decade in Sudan alone, 1.5 million Christians and Muslims and Animists have been killed for their faith. Starvation is that government's weapon of choice, liberally spiced with high altitude bombing in the villages, and mass murders. And there is slavery, the selling into slavery in Sudan of young Sudanese boys and girls.

In China, Catholic priests and bishops are imprisoned today, as we now speak, some for decades, simply for offering holy communion. Protestant pastors are thrown in jail for having house church services, and Muslims suffer persecution, as do Buddhist monks and nuns in Tibet.

In Tibet, where I have been, China's government has systematically destroyed up to 4,000 to 6,000 monasteries, and the government tightly controls all of the existing monasteries.

Many around the world are enduring hardships simply because they practice their faith. They endure mostly in silence and away from the public spotlight and with little hope of improvement. This bill would apply to all faiths, Jewish, Muslim, Hindu, Christian, Buddhist and all others.

This bill is moderate, it is balanced, and this bill gives the President total waiver authority, meaning that if the President does not want this bill to go into effect, it will not go into effect.

Finally, the bill, I think, will send a message to help so many people. It is a bipartisan effort, Republicans and Democratic Members alike, with 131 cosponsors.

I will tell Members, on three different occasions I personally have looked into the eyes of young boys in southern Sudanese refugee villages who have lost their moms and dads and had nobody to care for them.

□ 1145

I have seen the monasteries that are plundered in Tibet and the gentleman from New Jersey (Mr. SMITH) and I have been to Beijing Prison No. 1 in China.

Cardinal O'Connor of New York wrote a letter yesterday where he said, ''The Freedom From Religious Persecution Act could begin the desperately needed process of ending the legitimizing of such persecution. In my judgment,'' Cardinal O'Connor said, ''its passage would be an act of historic proportions.''

Catholic Archbishop Theodore McCarrick, who just returned from China said, and I quote from a letter yesterday, ''The bill represents a modest step that reflects the growing awareness that this vital human rights issue has too often been overlooked, and a growing conviction that the core American values, including religious liberty, must play a proper role in foreign policy.''

Other supporters of the bill, and there are so many, are the International Campaign for Tibet, the Christian Coalition, the U.S. Catholic Bishops Conference, the Family Research Council, the National Jewish Coalition, the Anti-Defamation League, the Religious Action Center for Reformed Judaism. The Southern Baptist Ethics and Religious Liberty Commission, the American Family Association, Prison Fellowship Ministries, the Union of Orthodox Congregations of America, the Salvation Army, the Catholic Alliance, B'Nai B'rith, and many, many others. This bill is also supported by so many others that we will put their names in the RECORD.

Mr. Speaker, when this bill hopefully becomes law, America will reaffirm for the world that we still honor those words that Jefferson penned where he said: ''We hold these truths to be self-evident, that all men women are created equal, endowed by their Creator, by God, with life and liberty and the pursuit of happiness.''

These words by Jefferson were not just for Virginians, they were not only for Americans, but they were for people around the world. Passage of the bill will reaffirm the words of President Reagan where he said, ''We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings.''

The last two points. If this bill were to fail, can we imagine what the prison wardens would say to those who are imprisoned in Sudan today, those who are in the ghost houses? What that would say would be that nobody cares. On the other hand, when this Congress passes this bill, and those in Yei and Torit and little villages in southern Sudan and those in little villages in China, as they tune into their crystal radio sets and listen, they will know that the people's House, the United States Government, the United States Congress has stood on behalf of those who are persecuted. And it will send a message, as Natan Sharansky said when he was in the old Soviet Perm 35 and he heard that the Congress stood for him; it will send a message that we stand for the least of these and we stand with them boldly, whereby those words of Jefferson hold true for everybody around the world.

Mr. Speaker, I urge and plead that everyone support this bill.

Mr. Speaker, I rise in strong support of H.R. 2431, the Freedom from Religious Persecution Act. Passing this bill will say to the world that the United States will no longer remain silent while people of faith around the world are being tortured, enslaved, abducted and killed for their religious beliefs. For too long the U.S. has remained silent on this issue—passing H.R. 2431 helps shatter that silence.

There are troubling things taking place in the world. In just the past decade, the government of Sudan has killed or allowed to starve over a million of its own people. The fallen—mostly Christians, Animists and some Muslims in southern Sudan—are victims of a religious war. Starvation is that government's weapon of choice, liberally spiced with high-altitude bombing, mass murder and even selling Sudanese boys and girls as slaves.

In China, Catholic priests and bishops are in prison—some for decades, simply for practicing their faith. Protestant pastors are thrown in jail just for holding house church services. Muslims suffer persecution, as do Buddhist monks and nuns.

In Tibet, the Chinese government has systematically destroyed up to five thousand Buddhist monasteries. The monasteries still standing have a cadre of Chinese police to monitor what goes on. The government tightly controls the activities of the monks and nuns and even pictures of the Dalai Lama are forbidden.

In Pakistan, Ahmadi Muslims and Christians are victimized by the ominously named ''blasphemy'' law under which those who speak against the prophet Mohammed can be given the death sentence. Just last week, as we prepared to debate this bill, one of Pakistan's leading Catholic bishops, Bishop John Joseph committed suicide to protest a death sentence handed down to Christian Ayub Masih. Bishop Joseph reportedly said just before putting a shot through his head ''It is no longer possible for my people to live in Pakistan.''

Many around the world are enduring hardships simply because they practice their faith. They endure mostly in silence and away from the public spotlight and with little hope for a brighter tomorrow. The Freedom from Religious Persecution Act is for them. It would apply to people of all faiths—Jew, Muslim, Hindu, Christian, Buddhist and others.

The bill establishes the Office of Religious Persecution Monitoring at the State Department—a permanent mechanism to monitor religious persecution overseas. Countries found to be engaged in ''widespread and ongoing'' persecution which involves abduction, enslavement, killing, imprisonment, forced mass relocation, rape, torture or the imposition of particularly severe fines, would be named and subjected to four punitive actions. These actions are:

(1) A ban on non-humanitarian foreign aid;

(2) A ban on visas to individuals known to be responsible for persecution;

(3) A ban on U.S. support for loans by international financial institutions to offending countries, and

(4) Two narrowly-targeted export bans which ban the sale of items used for torture to offending countries and the direct export of goods to entities responsible for persecution.

The bill is moderate and balanced. It provides the President with the authority to waive the sanctions when national security interests would be served or if waiving the sanctions would ''promote the objectives of the act.''

Finally, the bill imposes sanctions on the government of Sudan until it ceases its massive campaign of religious persecution—the same sanctions that were imposed on the government of South Africa in the 1980's for its immoral apartheid policy.

When America speaks out, it makes a difference. Just ask noted Russian Jewish dissident Natan Sharansky, who languished for years in Soviet gulags as a prisoner of conscience. He sent a letter to a group of religious leaders gathered to talk about this bill, ''When the West stood up for its most basic values and spoke up for persecuted Soviet Jewish communities, Soviet chains around churches and political dissidents began to shatter.''

This bill has broad bipartisan support—over 131 cosponsors. It is supported by a broad coalition of religious and civic groups.

For example, Wei Jingsheng, one of China's most well known and well respected political dissidents, supports H.R. 2431. I quote from his recent letter:

> I have personally witnessed the oppression and exploitation of religious groups and individuals that occurs today in China. The true situation may be difficult for Americans to imagine, and it is difficult for the Chinese people to imagine. If I did not see it myself, even I would not imagine the shameful and despicable means the Communists use against religious believers . . . I feel that if a government such as China which for such a long time totally denied the rights of freedom of religion to its citizens cannot receive sanction, than it is completely unjust. I urge the friends of human rights to support this effort.

I submit Wei's entire letter for the record. He knows that pressure works—he's out of jail today because the U.S. pressed for his release.

Cardinal O'Connor of New York says, and I quote,

> The Freedom from Religious Prosecution Act could begin the desperately needed process of ending the legitimizing of such persecution. In my judgment, its passage would be an act of historic proportions.

Archbishop Theodore McCarrick says,

> The bill represents a modest step that reflects growing awareness that this vital human rights issue has too often been overlooked, and a growing conviction that core American values—including respect for religious liberty—must play proper roles in shaping the U.S. foreign policy agenda.

Both letters are submitted for the RECORD.

Other supporters of the bill include: the International Campaign for Tibet, the Christian Coalition, the U.S. Catholic Bishops' Conference, the Family Research Council, the National Jewish Coalition, the Anti-Defamation League, the Religious Action Center for Reformed Judaism, the Southern Baptist Ethics and Religious Liberty Commission, the American Family Association, Prison Fellowship Ministries, the Union of Orthodox Congregations of America, the Salvation Army, the Catholic Alliance and B'Nai B'rith.

The bill is also supported by a number of groups representing ethnic groups suffering persecution like the American Coptic Association, the Cardinal Kung Foundation, the Free Vietnam Alliance, the Pakistani-American Association, the Ahmadiyya Movement in Islam and Southern Sudanese in America.

And there are many, many more. A total list of supporters is submitted for the RECORD. All have worked tirelessly to pass this bill and I thank them for their efforts.

When H.R. 2431 becomes law, America will reaffirm for all the world that we still honor those ringing words in the Declaration of Independence that, ''We hold these Truths to be self-evident, that all Men [and women] are created equal * * * endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.''

These words by Thomas Jefferson are not for America alone, but for people everywhere. And passage of this bill will reaffirm the words of President Ronald Reagan, spoken on a different occasion, when he said, ''We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings.''

I urge you to vote for H.R. 2431. It will help people of faith everywhere.

ORGANIZATIONS IN SUPPORT OF H.R. 2431

American Baptist Evangelicals
American Coptic Association
American Copts of California
American Family Association
Anti-Defamation League
Assyrian Academic Alliance
Assyrian National Congress
Assyrian National Foundation
B'Nai B'rith
Campus Crusade for Christ
Cardinal Kung Foundation
Catholic Alliance
Christian Coalition
Christian Legal Society
Christian Reformed Church
Christian Solidarity International
Concerned Women for America
Empower America
Ethics and Public Policy Center
Evangelical Free Church of America
Evangelicals for Social Action
Family Research Council
Focus on the Family
Freedom House's Puebla Program
Institute on Religion and Democracy
International Campaign for Tibet
International Christian Concern
International Fellowship of Christians and Jews
Iranian Christian International
National Association of Evangelicals
National Jewish Coalition
National Religious Broadcasters
Open Doors with Brother Andrew
Prison Fellowship Ministries
Religious Action Center for Reformed Judaism
The Rutherford Institute
The Salvation Army
Seventh Day Adventist Church
Southern Baptist Convention
U.S. Catholic Bishops Conference
Union of American Hebrew Congregations
Union of Orthodox Jewish Congregations of America
Voice of the Martyrs
World Evangelical Fellowship-Religious Liberty Commission

THE COALITION FOR THE DEFENSE OF HUMAN RIGHTS UNDER ISLAMIZATION

Advocates International
Agape International
American Coptic Association
American Coptic Union
Asian Christian Ministries
Assyrian International News Agency
Assyrian National Congress
Assyrian Political Review
Bangladesh Reformed Presbyterian Theological Seminary
Bet-Nahrain
Canadian Coptic Association
Christian Amnesty
Christian Copts of California
Christian Voice of Pakistan
Coptic American Friendship Association
Coalition Committee of Experts
Coming Home USA
CREED
Egyptian Relief Agency

Eritrean Academic Committee
Federation of Hindu Associations
Foundation for Faith in Search of Understanding
Freedom USA
Institute on Religion and Democracy
Indo-American Kashmir Forum
International AWAZ
International Christian Concern
Iranian Christians International
HIS
Jubilee Campaign
Law and Liberty Trust
Lebanese Organization of New York
MECHRIC
Middle East Research Center
National Interreligious Task Force
New Sudan Foundation
Operation Nehemiah for South Sudan
Open Doors-Netherlands
Pakistani-American Association
Pakistani Apostolate
Persecution Relief
Research and Education Foundation
South Lebanese Christian Association
Southern Sudanese in America
Southern Sudan Resource Center
Society of St. Stephen
The Trinitarians Religious Freedom Program
Toronto Coptic Association
Wake-up Coalition
World Evangelical Fellowship-Religious Liberty Commission
World Lebanese Organization
World Maronite Union
Zwemer Institute of Muslim Studies

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CHRISTIAN LEGAL SOCIETY,
*Annandale, VA, May 11, 1998.*

Hon. NEWT GINGRICH, RICHARD GEPHARDT, DICK ARMEY, and DAVID BONIOR,
*U.S. Congress,*
*Washington, DC.*

DEAR MR. SPEAKER, CONGRESSMEN GEPHARDT, ARMEY, AND BONIOR: We take great heart from recent House actions in support of a growing, nationwide movement of conscience against religious persecution.

We are deeply grateful for the stunning 31–5 House International Relations Committee vote in favor of the Freedom From Religious Persecution Act. We are further grateful for the House Leadership's scheduling of a floor vote on this Act on May 14. We note as well Senate Leadership commitments to ensure 105th Congress consideration of anti-persecution legislation. These developments are critical steps towards achieving the imperative goal of ending today's widespread and ongoing persecutions of vulnerable communities of faith.

Because further Congressional action remains to be taken, we believe it useful to set out our view of the elements necessary for effective legislation.

In so doing we again endorse the Freedom From Religious Persecution Act, in the strongest terms, and reiterate our intent to work for its rapid passage. The Act's prospects in the House result from efforts of a broad coalition of religious groups and such House leaders as Representatives Wolf, Berman, Gilman, Gjedenson, Hall, Pelosi, Chris Smith and Majority Leader Armey. We believe that these efforts will produce historic legislation, and for the following reasons:

The Act's baseline sanction of withdrawing non-humanitarian foreign aid from persecuting regimes is both limited and meaningful—and will be a powerful tool to end the threats of murder, torture, rape, starvation and enslavement now faced by millions of believers.

The Act's limited but targeted focus on hard-core persecution ensures that its reach will not exceed its grasp.

The Act's waiver provisions fully allow the President to maintain non-humanitarian aid to persecution regimes while also creating real accountability on his part if he chooses to do so.

The Act's small, distinguished and independent office will have no policy-making authority—thus leading to fact-based, less politicized findings of whether and where religious persecution actually occurs.

The Act's application of the South Africa sanctions against Sudan will ensure that we treat genocide with no less resolve than was brought to bear against apartheid.

The Act's moderate reform of immigration practices, in a manner fully consistent with existing immigration law, will help secure traditional American protection for victims of religious persecution.

Because various provisions of the Act may be the subject of amendments on the House floor, we believe it useful to set forth our views on a number of important matters.

Sudan: This is a regime responsible for wholesale torture, rape, starvation, murder and enslavement of religious communities. Thus, the Act's Sudan provision reflects a central moral premise of our movement—the need for full parity in America's resistance to South African apartheid and Sudanese genocide. We urge the House to restore the most effective sanction against this regime: a ban on imports from the Sudan.

Immigration Reform: Given America's establishment as a haven for victims of religious persecution, today's often-hostile treatment of religious asylum claimants is deeply troublesome. Yet, despite statutory provisions barring the summary exclusion of some classes of asylum applicants, the Act maintains the Immigration Service's right to summarily exclude religious asylum applicants without full hearings. The Act's modest reforms represent minimal progress in a critical area of concern. We will fight hard to restore them.

Non-Humanitarian Foreign Aid: The Act's response to regimes engaged in ''widespread and ongoing'' acts of hard-core religious persecution—ending their non-humanitarian taxpayer subsidies—qualifies as a ''sanction'' only by stretching the meaning of that term. We believe it axiomatic that no taxpayer subsidies should go towards such regimes, and therefore strongly oppose the removal of Export Import Bank subsidies from the Act's reach. Further, because Presidential waivers can restore those subsidies, and because some hard-core persecutors will be largely unaffected by the Act without withdrawal of Export-Import Bank subsidies, we strongly believe that the Act will not have its necessary effectiveness without this vital feature.

The Freedom From Religious Persecution Act is moderate in its responses to persecution but serious about putting those responses into effect. It will make the President accountable if he exercises his broad authority to waive its sanctions. By its targeted focus on hard-core persecution it offers real protection to vulnerable believers. It will deal evenhandedly with all persecuting regimes, whether strong or weak. It is modeled on the Jackson-Vanik law, which helped bring freedom to people of all faiths in the Soviet Union and elsewhere. It puts America on the right side of history and ensures that the world will not see us as the Swiss are now seen to be—a country willing to abet evil in the pursuit of expedient goals and short-term financial gain.

Prayerfully and with full determination, we intend to work for the Act's overwhelming adoption by the House, and for Congressional enactment of effective legislation. We remain at your pleasure in our continuing effort to realize this long-needed and historic outcome.

Respectfully,

John Ackerly, President, International Campaign for Tibet; The Right Reverend Keith Ackerman, The Episcopal Church, Bishop of Quincy; William Armstrong, Former U.S. Senator (1979–1990); Gary L. Bauer, President, Family Research Council; William J. Bennett, Co-Director, Empower America; Dr. Bill Bright, President, Campus Crusade for Christ; Charles Colson, Chairman of the Board, Prison Fellowship Ministries; Michael Cromartie, Senior Fellow, Ethics and Public Policy Center; Nathan J. Diament, Director, Institute for Public Affairs, The Union of Orthodox Jewish Congregation of America; Bishop Alex D. Dickson, Director, Institute for Christian Leadership, and Vice President, American Anglican Council; Dr. James Dobson, President, Focus on the Family; Rev. John C. Eby, National Coordinator, American Baptist Evangelicals; Sam Elisha, Director, Special Ministries Division, HIS International, Inc.; David H. Engelhard, General Secretary, Christian Reformed Church of North America; Edward L. Foggs, General Secretary, Leadership Council, Church of God; Deacon Keith A. Fournier, Catholic Alliance; Abraham H. Foxman, National Director, Anti-Defamation League; Jim Geist, Executive Director, Interfaith Alliance for Christian Human Rights; Chris Gersten, President, Institute for Religious Values; Dr. Scott M. Gibson, President, American Baptist Evangelicals; Dr. Os Guinness, Senior Fellow, The Trinity Forum; E. Brandt Gustavson, President, National Religious Broadcasters; Michael Horowitz, Director, Project for International Religious Freedom, Hudson Institute; Clyde M. Hughes, General Overseer, International Pentecostal Church of Christ; Charles ****, Research Director, American Anti-Slavery Group; James Jacobson, President, Christian Freedom International; The Right Reverend Stephen H. Jecko, The Episcopal Church, Bishop of Florida; D. James Kennedy, Ph. D., Coral Ridge Presbyterian Church; Ed Koch, Former Mayor of New York City, New York; Diane Knippers, Institute on Religion and Democracy; Bishop Richard W. Kohl, Evangelical Congregational Church; Shawley F. Koras, President, American Coptic Association; Dr. Beverly LaHaye, Chairman, Concerned Women for America; Dr. Richard Land, President and CEO, Ethics and Religious Liberty Commission, Southern Baptist Convention; Dr. Duane Litfin, President, Wheaton College; Michael McConnell, Presidential Professor, University of Utah College of Law; Steven T. McFarland, Director, Center for Law and Religious Freedom, Christian Legal Society; Michael Medved, Film Critic, Radio Host; Rev. Dr. Peter Moore, Dean and President, Trinity Episcopal School for Ministry; Father Richard Neuhaus, Editor-in-Chief, First Things Journal, Institute on Religion and Public Life; Michael Novak, George Frederick Jewett Chair, in Religion and Public Policy, American Enterprise Institute; Marvin Olasky, Editor, World Magazine; The Very Rev. Keith Roderick, Coalition for the Defense of Human Rights Under Islamization; Rabbi David Saperstein, Director, Religious Action Center of Reform Judaism; Nina Shea, Director, Center for Religious Freedom, Freedom House; Ronald J. Sider, President, Evangelicals for Social Action; Steven L. Snyder, President, International

Christian Concern; Jack Stone, General Secretary, Headquarters Operations Officer, Church of the Nazarene; Randy Tate, Executive Director, Christian Coalition; Jim Wallis, Editor-in-Chief, Sojourners Magazine; The Right Reverend William C. Wantland, The Episcopal Church, Bishop of Eau Claire; Commissioner Robert A. Watson, National Commander, The Salvation Army; Tom White, The Voice of the Martyrs.

WEI JINGSHENG FOUNDATION,
*Washington, DC, May 12, 1998.*

*To All Members of the House of Representatives:*

I have recently heard that you will soon consider the Freedom from Religious Persecution Act that is sponsored by my friend Congressman Frank Wolf. I want to express the great interest I have for this effort to sanction the Chinese communist authorities for their denial of the basic right of freedom of religion.

I strongly believe that the freedom of religious beliefs is one important component of man's fundamental human rights. The Chinese communist leadership continues to trample on freedom of religion as it tramples on the basic rights of all Chinese people. I have personally witnessed the oppression and exploitation of religious groups and individuals that occurs today in China. The true situation may be difficult for Americans to imagine, and it is difficult for the Chinese people to imagine. If I did not see myself, even I would not imagine the shameful and despicable means the Communists use against religious relievers.

I feel that if a government such as China which has for such a long time totally denied the rights of freedom of religion to its citizens cannot receive sanction, then it is completely unjust. I urge the friends of human rights to support this effort.

Respectfully,

WEI JINGSHENG.

CARDINAL'S OFFICE,
*New York, NY, May 12, 1998.*

Hon. FRANK R. WOLF,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WOLF: Be assured of my strong support for the Freedom from Religious Persecution Act and my firm hope that the House of Representatives will vote in favor of it overwhelmingly.

I have been following the tragic course of religious persecution with close attention for many years. No religious body can assume itself to be exempt. The Freedom from Religious Persecution Act could begin the desperately needed process of ending the legitimizing of such persecution. In my judgment, its passage would be an act of courage of historic proportions.

I am deeply grateful for your personal role.

Faithfully,

Cardinal O'CONNOR,
*Archbishop of New York.*

INTERNATIONAL CAMPAIGN FOR TIBET,
*Washington, DC, May 13, 1998.*

Hon. BENJAMIN A. GILMAN,
*Chairman, Committee on International Relations, House of Representatives, Washington, DC.*

DEAR CHAIRMAN GILMAN: It has come to my attention that some House Members are using a May 11 New York Times column by Anthony Lewis to advance the position that the Dalai Lama opposes ''The Freedom from Religious Persecution Act,'' scheduled for a vote in the House tomorrow.

It is the custom of the Dalai Lama not to take a position on specific U.S. legislation. However, he has been aware for many months of Frank Wolf's particular efforts to advance the issue of religious freedom in the Congress. In February of this year the Dalai Lama sent a message, which I enclose, to a Washington meeting on religious persecution which focused on strategies to advance the Wolf bill. I also enclose remarks he made this morning at the Wisconsin state legislature, the column mentioned above, and a letter to the editor from Rabbi David Saperstein taking issue with Mr. Lewis' ''misassessment.''

It would be unfortunate if the efforts of the International Campaign for Tibet, Students for Free Tibet and other U.S. Tibet support groups to bring attention to the fact of religious persecution in Tibet and to gain Congressional support for Mr. Wolf's bill were eclipsed by a misrepresentation of the Dalai Lama's views in the final hours of debate.

I hope you will share this information with your colleagues should the need arise.

Sincerely,

MARY BETH MARKEY,
*Director of Government Relations.*

MESSAGE OF THE DALAI LAMA

All religions teach compassion and aim to alleviate suffering. It is therefore no surprise that Christian men and women in the United States have taken on a campaign to end the suffering of those persecuted around the world for their religious faith. As a Tibetan and a monk, I am deeply gratified by the efforts you are undertaking to draw attention to China's policies in my country which are increasingly focused on the eradication of the Tibetan Buddhist culture.

While many people remember Mao Tse-tung's terrible admonition that ''religion is poison,'' few people understand that this remains China's policy on religion to this day, nor do they understand the insidious nature of that government's involvement in religion practice in China and Tibet. For example, in my country, monasteries and temples are under the purview of the Religious Affairs Bureau (a local government body), the local Communist Party Committee, Party work teams, and branches of police stations set up under the Public Security Bureau. Since 1959, almost every monastery has been overseen by a Democratic Management Committee (DMC) which manages the monastery's affairs including religious affairs, study, security and finances. These DMCs have supplanted the traditional role of abbot in guiding the religious and administrative functioning of the monastery.

The Tibetan people are deeply religious and suffer great cruelties for their faith. From the Buddhist point of view, this suffering is in itself a kind of teaching and benefits the spiritual growth of the individual. I know that suffering is of special significance in the Christian faith as Jesus himself took on the suffering of mankind. Your campaign to end religious persecution bears witness to the suffering of others, challenging devout men and women to recommit to the teachings of their faith, which includes the development of compassion, not just to friends, but to everyone. Again, I commend you for your compassionate work for peace in Tibet and in the world.

DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
*Washington, DC, May 11, 1998.*

*U.S. House of Representatives,*
*Washington, DC.*

DEAR MEMBER: I am writing to renew our support for the Freedom from Religious Persecution Act (H.R. 2431), which passed the House International Relations Committee by an overwhelmingly 35–1 vote.

The Freedom from Religious Persecution Act rightly links U.S. aid to a country's performance on religious liberty, a linkage that the U.S. Catholic bishops have long urged for the full range of fundamental human rights. This bill represents a modest step that reflects growing awareness that this vital human rights issue has too often been overlooked, and a growing conviction that core American values—including respect for religious liberty—must play proper roles in shaping the U.S. foreign policy agenda.

The Freedom from Religious Persecution Act, as revised, covers persecution against believers of all faiths in all countries. The bill provides appropriate responses to the most egregious forms of religious persecution involving widespread killing, torture, enslavement, forced relocation and the like. It ends military aid, sales and financing to some of the world's most brutal regimes that, in many cases, also violate the full range of fundamental human rights. The bill also ends most other forms of U.S. assistance, while exempting humanitarian and development aid to avoid indirect harm to those whom the bill seeks to help. It does not impose embargoes, but rather imposes modest, highly-targeted sanctions against specific governmental entities directly involved in egregious persecution.

In addition, the revised bill provides ample waivers for national security reasons and for cases where the president deems sanctions counter-productive. Finally, the revised bill contains other helpful features, such as improved training for asylum and foreign service officers.

As pastors of a universal Church we are all too familiar with the human face of religious persecution. That is why we respectfully urge you to support H.R. 2431 as a modest but valuable step toward relieving the plight of those who suffer solely for their faith.

Sincerely yours,

THEODORE E. MCCARRICK,
*Archbishop of Newark,*
*Chairman, International Policy Committee.*

RELIGIOUS ACTION CENTER OF REFORM JUDAISM,
*Washington, DC, May 12, 1998.*

DEAR REPRESENTATIVE: On behalf of the Union of American Hebrew Congregations and the Central Conference of American Rabbis, which represent 1.5 million Reform Jews and 1,800 Reform rabbis in North America, I write to express support for the Freedom From Religious Persecution Act of 1997 (H.R. 2431) and to urge you to vote for its passage when the full House considers the bill on Thursday, May 12.

We have been horrified by stories of religious minorities suffering brutal persecution at the hands of governments and local authorities. Tibetans are ruthlessly punished by the Chinese for simply owning a picture of their spiritual leader, the Dalai Lama; the Islamic government in Sudan commits atrocities against its Christian population including torture, rape and murder; and in Egypt, the Coptic Christian minority has been the target of Islamic fundamentalist violence. We cannot turn our back against innocent people whose sole ''crime'' is the expression of their deepest religious beliefs. Having so often been the victim of persecution, it is our duty and obligation as part of the Jewish community to not only speak out against the persecution of other religious groups around the world, but to take affirmative steps to prevent such persecution in the future.

The Freedom from Religious Persecution Act (H.R. 2431) works to protect people of all religions from persecution on the basis of their faith. The coalition supporting it is broad and unified, spanning the political

spectrum. The bill is not, nor does it purport to be, a solution to all violations of religious liberty around the world. It does, however, offer a serious important and modest tool for combating the most blatant forms of religious persecution and helping to improve the situation of millions who suffer simply because of their faith.

As committed as we are to combating religious persecution, the legislation as it was originally introduced was problematic for some of us. However, the bill coming to the House floor is substantially different from when it was introduced in September, 1997. The current version of the bill now addresses some of our most pressing concerns by: broadening the coverage of the bill to include all religious groups in all countries; moving the monitoring office from the White House to the State Department; providing a presidential waiver for sanctions when they would endanger the persecuted group; ending U.S. military aid, military sales and military financing to some of the world's most brutal regimes; broadening the exemption for humanitarian and development aid; and restoring some vital procedural safeguards for those seeking asylum from persecution on account of their religion, safeguards that we urge also be restored for those claiming persecution on grounds of race nationality, membership in a particular social group, or political opinion.

We urge you to support this bill and to oppose any major changes to the legislation when it comes to the floor on May 14th; in particular, to oppose efforts to change the definition of persecution, to eliminate the automatic sanctions requirement, or to weaken the refugee and asylum provisions.

I hope you will help pass legislation which represents a modest and long overdue effort to address vital human rights concerns.

Sincerely,

RABBI DAVID SAPERSTEIN.

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ANTI-DEFAMATION LEAGUE,
*New York, NY, March 19, 1998.*

Hon. FRANK WOLF,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE WOLF: On behalf of the Anti-Defamation League, we commend your longstanding efforts on behalf of persecuted peoples and your leadership in introducing legislation that has already sparked action to raise the diplomatic profile of the issue internationally.

Enactment of the Freedom from Religious Persecution Act will strengthen our nation's hand in dealing with countries which torture and oppress individuals on the basis of their faith. It would codify the kind of increased reporting and training of U.S. personnel that will be critical to monitoring and addressing this horrific problem.

We welcome recent modifications in the legislation which take into consideration both the safety of victims on the ground and the disparate circumstances in which persecution may occur. While the mechanism created by the bill was always designed to protect all persecuted peoples, the language now makes clearer that it is inclusive of all faiths. Also, the bill seeks to safeguard protections already in place for victims of all human rights abuses.

ADL supports addressing all forms of oppression with equal vigor, but also recognizes the value of spotlighting problems such as religious persecution which is a bellwether for how countries behave on other fronts. We view this legislation as an important tool to make religious freedom a more prominent factor in U.S. diplomacy. As the bill moves forward, we are open to exploring further refinements that may ensure that U.S. policy will alleviate the suffering of victims in the most forceful and effective manner possible.

Sincerely,

HOWARD P. BERKOWITZ,
*National Chairman.*
ABRAHAM H. FOXMAN,
*National Director.*

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THE SALVATION ARMY,
*Alexandria, VA, March 10, 1998.*

Re Freedom from Religious Persecution Act (H.R. 2431).

Hon. FRANK R. WOLF,
*241 Cannon House Office Building,*
*Washington, DC.*

DEAR FRANK: I urge you to support the captioned bill.

The Salvation Army serves in 103 countries around the world. We see enough evidence of documented religious persecution to know it is important for the United States to take a moral stand, which hopefully can bring some relief to those who are suffering because of their beliefs.

You have many matters that require thought, prayer, and action. I urge you to consider supporting this legislation.

May God bless you.

Sincerely,

ROBERT A. WATSON,
*National Commander.*

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FOOD & ALLIED SERVICE TRADES,
*Washington, DC, May 13, 1998.*

Hon. FRANK R. WOLF,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE WOLF: I am writing to express my support for H.R. 2431, the Freedom From Religious Persecution Act of 1998. This bill would improve the monitoring of religious persecution and provide for the imposition of sanctions against countries engaged in a pattern of religious persecution.

Sadly, people of faith continue to be tormented in many countries. By simply exercising their beliefs they risk bodily harm, prison, and sometimes death. Your bill reaffirms the idea that this country stands in support of basic human rights and human dignity and that our national interest transcends narrow economic advantage. It places the United States on the side of the oppressed, not the oppressors.

You are to be commended for your leadership on this issue, and I hope this bill receives favorable consideration by the House.

Sincerely,

JEFFREY L. FIEDLER,
*President.*

The SPEAKER pro tempore (Mr. KINGSTON). The Chair would remind the gentleman from Florida (Mr. DIAZ-BALART) he has 9 minutes remaining, and the gentleman from Ohio (Mr. HALL) has 18 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, first of all, let me say that I am very proud to be a cosponsor of H.R. 2431, the Freedom From Religious Persecution Act. The Subcommittee on International Operations and Human Rights, of which I am privileged to serve as chairman, has held extensive hearings on the subject of religious persecution, including hearings on the rising tide of persecution of Christians, and the rising tide of worldwide anti-semitism. We have heard riveting and revolting first-person account testimony of the torture of Tibetan Buddhist monks and nuns, of atrocities against Muslims in Bosnia and East Turkistan, and of Baha'i in Iran.

The time has come, Mr. Speaker, not just to talk about the problem of religious persecution—talk is often cheap—but to do something about it. The gentleman from Virginia (Mr. WOLF), a hero of the human rights movement, has clearly shown us the way.

During the course of the legislative process, the gentleman from Virginia worked closely with a broad coalition of evangelical Christians, Jewish organizations, the United States Catholic Conference, and the International Campaign for Tibet, in order to improve the bill. It has truly been, I say to my colleagues, a work in progress. We worked very hard to incorporate meaningful reforms and language that were suggested by the administration. As a matter of fact, I offered the amendments during markup in full committee that makes it very clear that it is the Secretary of State and not the director who makes the final call. That was a recommendation that came from the White House, and I think the bottom line is that it probably improves the bill.

We also made it very clear—and I offer this as well, because there was some ambiguity, although never at all is the intent of the gentleman from Virginia (Mr. WOLF)—that this bill applies to everyone, Christians, Jews, Muslims, Hindus, religious believers of every and any faith, and I think it is important that that be underscored this morning.

Let me repeat, we not only focused on persecuted Christians, but also on persecuted Muslims. For example, the bill contains a specific finding suggested by the gentleman from California (Mr. ROHRABACHER) with respect to the Uighur, an overwhelmingly Muslim ethnic group in the formerly independent Republic of East Turkistan, who are now severely persecuted by the Communist Government of China.

The bill also makes crystal-clear that in affording heightened protection for members of religious communities whose situation is particularly compelling, the Freedom From Religious Persecution Act will not sacrifice any of the protections currently afforded to victims of other forms of persecution, whether it be on religious grounds or for any other reason. There is no hierarchy of human rights. That is an absolutely bogus contention. Every time we pass a human rights bill, we are saying we want to focus on that, we want to advance the bill to protect a persecuted or somehow disadvantaged group of individuals around the world.

I truly believe that we finely tuned and carefully calibrated the sanctions in this bill, and I would remind Members and ask them to read the bill. We

are not talking about discrimination, as bad as that is; we are talking about persecution. We are talking about people who have severely suffered for their faith.

We also have a waiver. The waiver states, and there are two waivers, that if the national security interests of the United States justify a waiver, the President has that option, or if such a waiver will substantially promote the purposes of this act, so there are two good waivers contained in this bill.

Mr. Speaker, I do ask Members to support the rule, and I hope they will support the underlying bill when it comes up on the floor.

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

Mr. STRICKLAND. Mr. Speaker, last weekend in Marietta, Ohio I had a chance to talk with the newly appointed Chinese ambassador, and I raised with him the issue of Christians and others of religious faith who are imprisoned in China. He denied that that was the case. Following that exchange, a young student attending Ohio University came to me and thanked me for raising the issue, saying that he had been a part of the Tiananmen Square student uprising, and he could attest to the fact that China imprisons people of faith.

It is almost impossible for us to imagine a place where worship and fellowship is illegal, but The New York Times has reported and others have substantiated that for people who live in China and other oppressive countries, religious persecution is a constant reality.

The Chinese Government likes to claim that it allows religious pursuits and only arrests Christians who are troublemakers. But what they do not say is that the so-called churches they point to, the State-sanctioned churches, are actually under the control of the Communist Party. China prohibits Christians from worshipping in any churches except those they deem patriotic ones, that submit to the Communist Party's religious domination, registration, regulation, control of clerical appointments, and censorship reached to the pulpit and to the altar, like forbidding the Second Coming of Jesus Christ.

China is by no means the only country that denies religious liberty. The Government of Sudan, for instance, uses tactics such as slavery, forced conversion, starvation, torture and the kidnapping of children against Christians and even Muslims they do not agree with.

All of this is why I urge support for the Freedom From Religious Persecution Act. This act seeks to use America's leverage as the world's only superpower to pressure oppressive countries into allowing more religious freedom. If we do not act, who will? If not now, when?

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I rise in support of The Freedom From Religious Persecution Act. This bill clearly puts America on the side of religious liberty. Why should America give economic aid to countries that oppress and persecute people just because of their religion? The thought that a country can have widespread government-tolerated, and in some cases, government-sponsored religious oppression and still receive U.S. aid is an absolute travesty. While this bill will stop nonessential aid to offending governments, it does allow continued humanitarian and agricultural aid, so it will not hurt the people it aims to help, and it gives the President broad authority to grant a waiver if sanctions are deemed counterproductive. Clearly, this is a very balanced and a flexible bill.

Many of our forefathers came to America to escape the same kind of religious intolerance this bill will help to stop. So of all of the free Nations of the world, we should have the strongest policy of supporting religious freedom. I urge my colleagues to support this very important measure.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume to say in closing that this is a good bill, it is an important piece of legislation. The gentleman from Virginia (Mr. WOLF) has provided great vision and direction in this, and along with the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. GILMAN), they have given it great support and direction. I urge support of the rule and of the bill.

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

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) and others, and especially the gentleman from Virginia (Mr. WOLF) who worked so hard on this legislation, so diligently.

In the last weeks we have witnessed a series of diplomatic gestures which served as blank checks of acceptance for the actions of tyrants and thugs. The U.N. Human Rights Commission failed to take up a resolution on China completely. The U.N. Human Rights Commission voted down a resolution condemning the tyranny in Cuba, despite an increase in repression there in recent months.

The President, as I mentioned before, is going to be received officially in the next weeks when he goes to Communist China at Tiananmen Square. There can be no clearer message to the Chinese people of what that means in terms of acquiescence to the conduct of that regime, of brutality, and of inhumanity.

□ 1200

This very week the First Lady is going to stay in the same hotel in Geneva as the Cuban tyrant. Is there no other hotel that could have been chosen by the Government of the United States in Switzerland? What kind of message does that send to the ongoing repression that is being suffered at this point by the Cuban people?

I remember Dr. Veguilla, a constituent of mine now, who was expelled from Cuba because he was an evangelical; and he still is an evangelical minister. Because of his religion and his activities in Cuba, he was placed by the Cuban dictatorship in a cell with a bear as a form of tyranny.

It is to the Dr. Veguillas of the world who, today we say, we remember you, the United States of America stands with you and the conduct of brutal regimes made up of thugs will not only not be acquiesced, but will be condemned by the people's House, in representation of the sovereign people of the United States of America.

I would urge passage of this rule and passage of the underlying legislation, Mr. Speaker.

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.

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to House Resolution 430 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2431.

□ 1201

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 consideration of the bill (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. GILMAN. As we begin today's historic debate, Mr. Chairman, on the Freedom From Religious Persecution Act, I want to commend the gentleman from Virginia (Mr. WOLF) for his outstanding work in drawing attention to the problems of religious persecution around the world, and for introducing this legislation to permanently enlist the United States in the fight against persecution.

The tireless efforts of the gentleman from Virginia (Mr. WOLF) on behalf of persecuted religious believers has been an inspiration to all of us and a blessing for followers of all faiths.

Mr. Chairman, I also want to commend the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, for his unwavering support of human rights around the world and for his diligent efforts on behalf of this important legislation.

Mr. Chairman, let there be no doubt that the results of the passage of H.R. 2431, the Freedom From Religious Persecution Act, is going to be felt around the world. That is what is intended. While reaffirming our Nation's commitment to the vital protection of religious rights, it also sends a long overdue signal to repressive governments that their repulsive behavior is no longer going to be overlooked. We are not just going to talk about it.

Persecuted Christians in Sudan, in China, North Korea, Cuba, Laos, Vietnam, Indonesia, Saudi Arabia, Pakistan, and other nations will be encouraged in their struggle to freely practice their religion when they learn that world opinion is awakening to their plight. They will take comfort from the knowledge that at least our Nation will stop providing economic assistance and taking other actions to prop up the very governments that have been oppressing them.

I am aware that H.R. 2431 has been criticized as a ''sanctions bill'' by those who are concerned about making a profit by trading with tyrants, and that it has become fashionable in some circles to disparage economic sanctions as retrograde and being ineffective and, indeed, even as being isolationist.

Those who espouse that view conveniently forget that economic sanctions contributed significantly to our Nation's triumph in the Cold War, and that the bipartisan policy we followed for nearly 50 years of resisting communism around the world was the most internationalist policy our Nation ever followed.

Sanctions helped bring about the end of apartheid, and the threat of U.S. sanctions is today one of the most important tools we have in the combatting of international drug trafficking, and to discourage the proliferation of weapons of mass destruction.

Mr. Chairman, I ask Members to please bear in mind that the purpose of this bill is not to impose sanctions on foreign nations that engage in or condone religious persecution. The main purpose is to encourage countries to stop persecution. The degree to which sanctions are actually imposed under this measure will be the degree to which the bill has failed. The degree to which sanctions are not imposed will be the degree to which it has succeeded.

Our sanctions are targeted to make certain that only oppressive governments will be denied foreign aid and other U.S. benefits, not the innocent people who live under such governments. Humanitarian assistance will never be cut off under this measure.

This bill, Mr. Chairman, is intended to make the world a better, more humane place in accordance with the finest moral values and traditions of our Nation. Accordingly, it deserves our full support, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 2431.

Mr. Chairman, we all agree that the United States should do more to promote religious freedom around the world. I think everyone in this Chamber wants to do that. I believe that the bill that is before us is brought forward with the very best of intentions. The question is, what is the best way to accomplish our objective? I do not believe this bill, as presently drafted, is the best way. I will oppose it.

I oppose it, really, for three reasons. First of all, I think the bill will do very serious harm to the United States' national interest. The United States' national interest in any country is multifaceted, but this bill forces the President to conduct American foreign policy toward countries on the basis of a single standard, tolerance of religious freedom, as defined in the bill.

The mandatory, automatic sanctions in this bill sharply restrict the President's ability to conduct foreign policy. A determination of religious persecution would automatically trigger all of the sanctions listed in this bill. Even if the President chose to waive the sanctions, such a determination would damage relations with countries of enormous importance to the United States.

The bill will deprive the President of the ability to determine what to condemn and how to condemn it and how to deal with it. We are saying in this bill that there is only one way to deal with this problem; that is to apply sanctions.

Foreign policy is not that simple. In making sanctions decisions, this bill gives the Secretary of State no authority to balance our concern about religious persecution against any other national interest, not our economic stake in a foreign country, not our security interests, not even our interest in promoting other basic human rights.

The Secretary of State has no authority under this bill to exercise judgment about how best to promote religious freedom in any particular country. The Secretary would be compelled to impose sanctions. The sanctions waiver does not mitigate the automatic public censure this bill requires, so the bill gives the President a single tool, sanctions, to promote religious freedom.

On a question of immense complexity in every country, this bill shackles the United States and says, automatic sanctions is the answer. I think it harms our ability to promote religious freedom.

Let me try to give Members some examples of what this bill will do. In Egypt there are, of course, reports of abuse against the Coptic Christians. How would automatic sanctions against Egypt help Coptic Christians whose leaders are opposed to this bill? How would automatic sanctions against Egypt, the first and most important Arab country to make peace with Israel, help the peace process at this moment in time?

Or let us take Saudi Arabia. Christians have been beaten there, services stopped, converts have been beheaded. How would sanctions against Saudi Arabia advance the vital U.S. national interest in the secure flow of oil? How would sanctions promote the goal of containing Saddam Hussein and enforcing U.S. Security Council resolutions against Iraq?

Or Pakistan? Right now we are making every effort, at this moment in time, to persuade Pakistan not to conduct nuclear tests. Automatic sanctions would make that difficult to ask, even much more difficult. If we impose automatic sanctions, what chance do we have that the Pakistanis would pay any attention to us?

Likewise, a similar situation in Indonesia. Catholics are persecuted in East Timor. The State Department says that every single country in Southeast Asia, except Australia and New Zealand, could be sanctioned under this bill.

Would sanctions help the United States address the financial crisis in Indonesia and in Asia today, with the threat that that poses to the entire world's financial system? How would a financial collapse promote religious tolerance?

On and on we can go, in Germany, in Greece, and even in Israel. In Israel, Jehovah's Witnesses have been threatened and attacked, and their meeting hall was firebombed. Is it really in the U.S.'s interest to apply automatic sanctions on our friend and staunch ally, Israel, because of such incidents?

This bill places the question of religious persecution ahead of every other question in American foreign policy, and I think it is going to cause harm to the American national interest.

My second objection is that the bill will harm and not promote efforts to protect religious freedom. This is not some kind of theoretical concern that I am spinning here. We have heard from churches and evangelical groups with tens of thousands of missionaries. We have heard from people like Ned Graham, Billy Graham's son, who heads a major Christian mission in China.

What do these religious leaders say? They do not like the bill. They worry that sanctions will produce a backlash against the persecuted religious community that they are trying to help. The bill will put greater pressure on minority religious communities, and these minority communities will be accused of complicity in American sanctions.

The third reason I oppose this bill is because it creates a damaging hierarchy of human rights violations. What this bill does is it makes religious persecution the top priority of human rights and human immigration policy. This bill says that religious persecution is more important than any other kind of persecution: more important than female infanticide, more important than racial discrimination, more important than press censorship, more important than ethnic cleansing. None of these equally serious rights abuses would be monitored by a special State Department office and punished with its own unique set of sanctions.

It is a mistake, in my view, to establish a hierarchy of human rights violations in U.S. law, and when we state that one form of persecution takes priority over another form of persecution, we invite governments to test our tolerance for other forms of persecution.

In conclusion, Mr. Chairman, may I say that I think it is appropriate and important for Congress to address this important issue. I want to say that the sponsors of this bill have been willing to make adjustments on it, and I appreciate that, and I hope they will be willing to make more.

I know it is very, very difficult for any Member to come into this Chamber and vote against this bill, but we need a bill that will not provoke a backlash against persecuted religious communities. We need a bill that will give the President and the Secretary of State the power to balance our interests in reducing religious persecution against the full range of important and even vital national interests, and we need a bill that gives the President the ability to craft an appropriate response to each distinct instance of religious persecution. This is not that bill.

Because it falls short in these key respects, the President's senior advisers will recommend that he veto it, and I urge Members to vote against it.

Congress has before it other legislative proposals designed to promote religious freedom overseas. I am hopeful that we will ultimately be able to agree on a bill that has strong bipartisan support and the backing of the President, a bill to promote our shared objective of religious freedom, without the damaging consequences of this bill.

□ 1215

I urge a no vote.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey (Mr. SMITH), distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding the time to me and commend him for his great work on this, and the gentleman from Virginia (Mr. WOLF) as well.

Let us focus on exactly what kind of religious persecution this bill seeks to address. We are not talking about discrimination or harassment, although these are very bad things. This bill punishes only the worst of the worst: governments that engage in widespread, ongoing persecution that includes murder, torture and other particularly shocking forms of persecution. Let us look at what we mean by this.

To my left in the photograph is Palden Gyatso, a Tibetan Buddhist monk. Palden Gyatso testified at one of our subcommittee hearings and told us that the Chinese Government routinely uses electric shock guns, serrated and hooked knives, handcuffs and thumbcuffs treatment and other forms of torture. He showed us some of the torture implements that have been used against himself and other prisoners of conscience in Tibet. Other witnesses at the hearing included Harry Wu and Katherine Ho who corroborated the monk's testimony. Their witness to torture brought tears to my eyes.

On October 10, the second picture, a mob destroyed several Christian churches in Situbondo, Indonesia. At the time, some official sources maintained that this might not be religious persecution, that the churches just might have been random targets. But the slogans that were painted on the church by the people who burned it (the translation is ''Jesus Excrement''—and they used a word far worse than that—''Mother Mary Communist'') leave no room for doubt.

The third picture, this was a church in which an elderly minister, his wife and two children and a young woman who worked at the church were burned to death. The next picture shows their charred bodies burned almost beyond recognition.

At the funeral of their five victims, the caskets had to be closed because the persecutors had done their work so well.

This next picture, Mr. Chairman, is the last view of Reverend Noor Alam, a Christian clergyman who was murdered in front of his family in Pakistan by a mob who first brought down the walls of his under-construction church building on December 6, 1997, and later killed him by lynching. Lynching has become increasingly common in Pakistan in recent years, as have convictions of Christians and other religious dissenters for blasphemy. The most recent tragedy to result from this spiral of violence was the death of Catholic Bishop John Joseph, who took his own life in public protest after a member of his diocese was sentenced to death for blasphemy. At Bishop Joseph's funeral, the mourners chanted, ''End persecution of Christians.'' The police fired tear gas and bullets that wounded three people, including a young girl.

Picture No. 6 on my left, this picture is of a Sudanese Christian boy in a refugee camp in Kenya. A member of a congressional staff delegation, led by my staff director, Joseph Rees, asked him why he was afraid to return to Sudan. He said, ''Because I want to see.'' If Members look closely, his eye has been plucked out. The staff member asked who tortured him. He said they did it because of his religious beliefs.

Mr. Chairman, let me speak briefly to two objections raised by the administration in their talking points against the bill. First, they say that by protecting victims of religious persecution in a bill that does not address other human rights violations, we are establishing a so-called hierarchy of human rights. This is a bogus argument and unworthy of those who employ it. The argument clearly ignores some very basic facts about the legislative process. Not every bill can address every subject. By addressing one urgent problem in this bill, we are not denying the existence of other urgent problems that should be addressed by other legislation or by other means.

Under the administration's argument, it would have been wrong to enact the Jackson-Vanik amendment which protected freedom of immigration and had the laudatory consequence of protecting Soviet Jews and others who had been denied right to emigrate. We risked superpower confrontation with the Soviet Union because we believed Soviet Jews mattered and we would never again turn our back on persecuted Jews?

Not even the anti-apartheid sanctions against South Africa in the 1980s, which I supported and voted for would pass the test proposed by the State Department's talking points, because those sanctions were designed to help victims of racial discrimination and racial persecution but did not address freedom of religion or other important human rights. Frankly, if we stuck to the administration's talking points, no important human rights legislation would ever pass because no bill, no matter how good, can do everything.

Next, the administration suggests that it is wrong for Congress to enact what they call ''automatic sanctions''—sometimes they call them ''one size fits all'' sanctions—even against the most brutal governments. But we have to wonder whether whoever wrote those talking points had actually read the bill. The sanctions are not automatic. They will not go into effect if the President waives them, and he can waive them for either national security reasons or because he believes that the waiver will serve the objective of promoting religious freedom.

Let me just remind my colleagues, this is a very generous waiver. The only way we could go further would be to give the President the freedom to do absolutely nothing at all in the face of severe, widespread and ongoing human rights violations and persecution. In evaluating legislation that deals with persecution of any kind, we must always remember that tyrants understand strength. They also understand weakness. Of all the millions of people who are victimized by tyrants around

the world, many are in trouble because they share our values. This bill is designed to help our brothers and sisters around the world who have faith and suffer because of it.

Wei Jingsheng, who also testified before our subcommittee, a great leader of human rights who spent his life in the gulag because of it, said: ''If I did not see it myself, even I could not imagine the shameful and despicable means the Communists use against religious believers.''

Religious persecution is on the rise. This bill puts us on a track of saying we will no longer look the other way. We will stand up for those brethren who are suffering.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, first of all, I would like to associate myself with the remarks of the gentleman from Indiana (Mr. HAMILTON). He stated the case about as well as one can. The problem that this bill creates for me is that it pits individuals one side on the other, as though some Members are in favor of religious persecution and do not want to do anything about it and other Members really care and they want to do this.

The problem with that argument is that it is not clear what automatic kinds of sanctions really do. We are presently in the midst of automatic sanctions under the nuclear explosions in India. We are very likely to have automatic sanctions against Pakistan. And the question is, how many, what is the ramification of that when we give the President no flexibility to tailor or to craft a response to an event that all of us deplore? There is nobody on this floor that thinks India should have exploded nuclear devices, absolutely none. The question is whether or not the President has the ability to craft.

The bill before us says, on page 21, the President shall instruct the United States executive director of each multilateral development bank and the International Monetary Fund to vote against and use his or her best efforts to deny any loan or other utilization of funds of their respective institutions.

It also talks about the Eximbank.

Now, what we are talking about here? Let us just take Indonesia. We have the largest Muslim country in the world in tremendous chaos. Their currency is in real problems, and the International Monetary Fund has been working with them under our leadership to gradually give them money when they make changes. We have pushed on the issue of corruption. We have pushed on a number of issues. And what we are saying is, we are going to back out of Indonesia and leave it, leave the President no way to deal with that.

I think this is wrong to put the President of the United States in that position. Therefore, I will vote against it.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. ARMEY), our majority leader, a staunch advocate of human rights and religious freedom throughout the world.

Mr. ARMEY. Mr. Chairman, I thank the gentleman from New York for yielding time to me.

I want to personally, if I may, personally thank the gentleman from Virginia (Mr. WOLF) for his work on this legislation and his uncompromising commitment to move it through the House. I would like to appreciate the work of the Committee on International Relations, the Committee on the Judiciary, and the Committee on Ways and Means.

This bill has been examined from every possible angle. It is prepared. It is ready. And while it is assertive on the question of religious liberties and freedom from religious persecution, it is also mindful of and respectful of the affairs of state with respect to matters of less importance in the lives of people, matters such as monetary systems and trade relationships.

It does allow flexibility.

Let me just focus for a moment on the essential purpose of this bill. The purpose of this bill is for this great Nation to stand before the world and say we cannot condone and we will not tolerate nations that persecute people on the basis of their practice of religious faith. That is not only fundamental but I think is absolutely prerequisite to and essential to our observation of all of our liberties.

As we study the religions of the world, in each and every case the religions of the world define, in the hearts and the minds of their practitioners, the fundamentals from which other understandings of rights, liberties, and responsibilities are gathered.

In my own faith, we know beyond a shadow of a doubt that freedom is a right granted to us by God Almighty, our Creator. And from our recognition of that and our desire to honor that, we develop an appreciation of, a respect, a practice of and a requirement for so many other liberties.

I do not want to stand before my colleagues as an economist and say that monetary systems are not important, that systems of trade are not important. Of course, these things are important. But let me ask my colleagues: Would you not allow others to say and would you not endorse all others across the Nation to say what you know and I know we would say in our own heart and for our own life? If you take away from me the right to my faith, can these other things even matter?

Without the right of each and every person on this globe to know they are free, respected, supported and honored to practice their faith, most certainly they will be lost and in the end so will we. So let us stand together in support of this legislation, and with a clear declaration we require for all the peoples of the world the same respect, freedom, and dignity we require for ourselves.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, I thank the gentleman from Indiana (Mr. HAMILTON) for yielding the time.

First of all, I want to say that this is a very, very difficult subject because it digs right down into our emotions, our religious beliefs and what is right and what is wrong.

I have tremendous respect for the gentleman from Virginia (Mr. WOLF) and I am sure he is a far better Christian than I am. I am sure he really has thought through this thing very carefully. I just come out on a different side of this thing.

I talked a little bit about this last night, so therefore I will not go into all the sort of philosophic background here. I just would like to make a few points.

First of all, there is not anybody that I know of who likes persecution, particularly those people who are being persecuted. The worst kind of persecution, of course, is religious persecution.

□ 1230

And we would all like to have it stopped, period, end of it. The question is how do we get at it?

It seems to me that when we want to help somebody, we should make sure that the people we want to help want to be helped. That is a sort of a basic human axiom. And the research I have done and the contacts I have made, particularly through the National Council of Churches, or through other friends I have had in the world, I have traveled around to different parts of this world and talked not only to business and political, but also religious leaders, not a single religious group wants this.

So I am saying, why are we doing this? Why are we superimposing our feeling of guilt upon people who do not want us to get involved?

Now, there are a lot of horror stories, and I am sure I can give them on either side, but the question is, do we want to put ourselves in a position of sort of being post-colonial arbiters of what is right and what is wrong as far as religion is concerned?

People are scared. Dr. Billy Graham's son is scared for what will happen in China. I know some of the people in Russia are scared of what will happen there. I know people in Sudan are scared. I have talked to somebody who is the titular head of 29 million Muslims in Indonesia; they are scared of what the United States is doing.

There are always horrifying acts. We had one in Waco. Obviously, there was one in Israel when Prime Minister Rabin was shot. But these are fringe religious groups, and no government can control fanatical religions. It is wrong to, therefore, label a government because of those fanatics.

We must be sure that as we reach out to the rest of the world, we are attuned to what they need, what they want,

what are those things which are so important to them, not just how we approach it. Because it is those people that we will affect.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 15 seconds to very briefly respond.

A large number of national and international religious groups support this legislation, including the B'nai B'rith, National Association of Evangelicals, the U.S. Catholic Bishops' Conference, the Anti-Defamation League, the Southern Baptist Convention on Ethics and Religious Liberty, the National Jewish Coalition, the International Campaign for Tibet, the Religious Action Center for Reformed Judaism, the Union of Orthodox Congregations of America, Campus Crusade for Christ, the Seventh Day Adventist Church, the Salvation Army, National Religious Broadcasters, and I can go on and on. But large numbers of religious bodies wholeheartedly embrace this legislation.

Mr. HAMILTON. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, I am sure those people the gentleman just referred to feel very deeply about this, but I want to say in response to that that I have not had a single letter from anybody other than Washington or New York who has espoused this. None from overseas.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I have a letter from Wei Jingsheng, who spent 17 years in prison, who was earlier with us today. He said, ''I strongly believe that the freedom of religious belief is one important component of man's fundamental human rights.'' And he goes on to say, ''The true situation may be difficult for Americans to imagine, and it is difficult for the Chinese to imagine. If I did not see it myself, a man in prison for 17 years, I would not imagine the shameful and despicable means.''

Many of these groups around the world all support this bill, but they are afraid to come forward because if they do, they may very well be killed. We get communication daily from groups in all these countries that say they support what we are doing, but they are afraid to come forward publicly.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Chairman, I commend my colleague, the gentleman from Virginia (Mr. WOLF), for his passionate advocacy for the persecuted and for bringing this to our attention.

I have had the opportunity to participate in the debate in the committee on this most important issue. I do think this bill is important for all of us in dealing with these tragedies.

I stand before my colleagues in support of this legislation, knowing that religious persecution is a problem in this world. And we always have to remind ourselves why the United States of America was created. How did it get its roots? Why did people come to the United States? And let us always be respectful to all religions and all faiths and all beliefs in the world.

Nearly 2 years ago I cosponsored House Resolution 515, condemning persecution of Christians worldwide. Since that time I have been closely involved in trying to craft better policies for us to address religious persecution worldwide. I wholeheartedly support the attention that this bill has brought to the issue and a number of its provisions, particularly in training our foreign service and immigration officers.

Still, we have more progress to make to reach our goal of the most effective, comprehensive legislation possible. We must address, report on and respond to religious persecution not only at its most violent stage of rape, murder and torture as defined in this bill, but before it escalates to such terrible levels.

We must also have more tools to address persecution rather than sanctions only in an all-or-nothing approach policy for all countries in the world. Sometimes the means will be diplomatic, sometimes economic, but let us look at all the foreign policy tools to bring about changes in the world and end religious Christian persecution in the world that does exist.

Support the Wolf legislation.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, I first want to stand and show strong support for the chairman, and I believe that this particular sponsor, the gentleman from Virginia (Mr. FRANK WOLF), is doing something that all America wants him to do. He is saying that all policy in America has to have a heart and all policy has to have a conscience.

This bill says that all constructive engagement, as the President likes to say, will keep in mind the religious freedom of all people.

Now, earlier today several speakers have said this takes away all the latitude from the President. This bill is drafted in a way that the moment his administration makes a recommendation that there is gross, very strong religious persecution in a country and there should be sanctions, he can immediately say no to the sanctions.

It just simply says that he has to stop being silent. It simply says that we as a Nation will declare that religious persecution, that persecution of any kind, is wrong; that this is an America that stands for freedom, for liberty, and for religious liberty. These are the things America stands for.

Now, the President calls for constructive engagement, and yet he is silent on harvesting livers and corneas from religious and political prisoners in China. Is this constructive engagement? He was silent on the Tibetan monks being tortured and murdered because of their faith. He has been silent on the Government of Sudan intensifying attacks upon Christians and tribal faiths.

I guess if that is the policy, we need this bill, because although it does not do a whole lot toward making the President do anything, it does make him break his silence on all of the things that are going on in the world. Whether it be in China, whether it be in Pakistan, if America does not stand for freedom, if America does not stand for the worker and the family all over the world, then what is America?

I say today that this bill does one thing: It says America has a conscience and America has a heart, and I think we should pass it today.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute and 10 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to this bill.

I appreciate the many changes that its sponsors have made to prevent it from having the devastating impact it would have had in its original form on our trade and security interests and on our ability to provide the leadership the world needs to prevent the very persecution the bill seeks to punish.

I oppose the bill because it is fundamentally flawed. It would force the United States to treat government-sponsored or -permitted persecution, that is, killing, imprisonment, enslavement, forced mass relocation, rape, torture and the confiscation of property differently if these crimes were committed against people for their religious beliefs than if these crimes were committed against people for their political beliefs or for ethnic cleansing. That is just not right.

American foreign policy has always opposed religious persecution, political oppression, ethnic cleansing policies. It is profoundly unwise to adopt a policy that implies that government-supported persecution is more acceptable if used for political oppression and ethnic cleansing than for religious persecution. This is what this bill would do.

This bill sets up a very bureaucratic mechanism that encourages an automatic sanctions process without any consideration as to whether or not the sanctions would hurt American interests or have any effect on the sanctioned country. Most seriously, it discourages the broader range of diplomatic and multilateral actions that would have a far greater impact.

Furthermore, government-sponsored persecution should provoke a far more comprehensive response than this bill envisions. Under current law we have the full range of diplomatic tools at our disposal, even recalling our ambassador and working to mobilize multilateral sanctions, always more effective a multilateral response than a single-nation response.

I appreciate how deeply troubled my colleague, the gentleman from Virginia (Mr. WOLF), is by religious persecution,

but I oppose setting up a separate bureaucracy, a rigid process to identify and respond to religious persecution as opposed to a comprehensive response to such violations of human rights for political and ethnic origin as well.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Mr. HASTINGS of Florida. Mr. Chairman, I yield the gentlewoman from California (Ms. PELOSI) 1 minute.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) is recognized for 3 minutes.

Ms. PELOSI. Mr. Chairman, I rise today to commend the gentleman from Virginia (Mr. WOLF) for his leadership in bringing this legislation to the floor and to express my gratitude to him for giving us this opportunity today to speak out for American values.

It is interesting for me to hear some of our colleagues, who have always opposed any initiatives that we have on this floor on human rights in every aspect, political, freedom of the press, religious, to come to the floor now and say, oh, no, we cannot support this because it is only about religion and it creates a hierarchy. They were not there for us when we had the full array.

We have an opportunity today with this religious persecution act to begin to address the full array, and it is an opportunity that I believe we must take.

My colleagues have said no one likes religious persecution. Of course we do not, and I would stipulate that every person in this body is viscerally and intellectually opposed to religious persecution. But the business community is once again weighing in and saying, oh, this bill does not go far enough in terms of protecting human rights throughout the world. If this was not such a serious matter, that would almost be laughable. It is pathetic.

But, Mr. Chairman, I come to the floor today to say that what this bill does is give recognition to the persecution of people on the basis of their religious faith. What it does not do is tie the President's hands. Indeed, it gives the President more leverage. It gives him more leverage because he can then say to a country that this is what the Congress has said: I can exercise a waiver if I see that it would be beneficial to the cause and in our national interest. But the persecuting country must demonstrate that use of the waiver would be beneficial.

So I believe that this is appropriate. I think the Committee on International Relations did an excellent job in modifying the legislation so that it would have the support of many more people here who were concerned about the Presidential discretion.

Mr. Chairman, as we debate this bill today, I am sad to report that in China the Catholic bishop, elderly and frail Bishop Zeng Jingmu, 78 years old, who is the unofficial bishop of Yujiang, a diocese among the poorest in China, was at the top of the list of the jailed Catholics in China.

Perhaps my colleagues saw recently on May 10 the news in the paper that he had been released. Did my colleagues know that he was imprisoned for his Catholic beliefs? Maybe not, but, oh, there was great celebration when this was released. But released he was not; he was assigned to house arrest.

An elderly Catholic bishop whose health is failing, who had been assigned to 3 years in a reform-through-labor camp, was, in order to get some kudos from the Clinton administration, freed from the labor camp and put under house arrest.

The problems are severe. This legislation is modest and moderate. I thank the gentleman from Virginia for giving us the opportunity to vote our conscience today. I urge my colleagues to support the Wolf legislation.

□ 1245

Mr. HASTINGS of Florida. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) has 11½ minutes remaining. The gentleman from New Jersey (Mr. SMITH) has 11¾ minutes remaining.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Chairman, while I salute the intention of the authors of this legislation, I rise to strongly oppose this bill, freighted as it is with unintended consequences.

This legislation would put our foreign policy and our trade policy on auto pilot to be dictated by an unelected bureaucrat in the bowels of the State Department. It would insert America into a surprising range of domestic policy disputes in Muslim nations where Shihites suppress Shunites, or vice versa, in Germany, in France, in Greece, in Turkey, Mexico, even in Egypt and Israel.

But most importantly, Mr. Chairman, if we are to pursue the dubious course of using clumsy, unilateral trade sanctions indiscriminately to change the domestic policies of our trading partners, why is it that under this bill we would restrict our ability to export to offending nations but not their ability to export to the United States?

This bill would increase our trade deficit. And in the end, the only human rights that this legislation is certain to affect is the right of many American workers to earn a living. Vote it down.

Mr. Chairman, I rise in strong opposition to H.R. 3806, the Freedom from Religious Persecution Act.

Like every American, I am committed to continued U.S. leadership on religious freedom. But, I am deeply concerned that this bill—however well intentioned—could backfire badly.

In addition, I am deeply worried that a one size-fits-all strategy, based on using unilateral U.S. sanctions to promote Christianity and religious freedom, could put American interests and security at risk.

If implemented, this legislation could impose U.S. sanctions over such longstanding allies as Israel, Saudi Arabia, Egypt, Turkey, Great Britain, Mexico, Greece and Germany.

This bill could also oblige us to impose U.S. economic sanctions on the world's key emerging powers—China and Russia.

U.S. sanctions could be profoundly destabilizing from the standpoint of ensuring continued global peace.

Scenario 1: Should the United States impose economic sanctions of Saudi Arabia—a key ally—because it has put down a riot by Iranian Shiites who are on pilgrimage to the holy sites of Mecca?

Scenario 2: Should the United States sanction Israel, because it has imprisoned Hamas terrorists who engage in violence against the innocent in the name of Islamic fundamentalism?

As Members of Congress, we need to look long and hard before we push America into each and every religious conflict through unilateral economic sanctions, which history shows can backfire on American interests.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2¼ minutes to the distinguished gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Chairman, I wonder if I could join in a colloquy with the sponsor of the bill, the gentleman from Virginia (Mr. WOLF).

I am wondering if it is the understanding of the gentleman that under this bill there is no general prohibition of exports to a country which is deemed to contain responsible entities who are committing religious persecutions, as defined by the director of the Office of Religious Persecution Monitoring, but rather, the ban on export covers only those to the responsible entities themselves?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentleman from Illinois (Mr. EWING) is correct. Under this bill, exports of items other than persecution facilitating products are prohibited from being exported only to the responsible entities themselves, such as prisons or slave labor camps, as the case may be, and not to the country generally. Furthermore, under this act, ''responsible entities'' are to be defined as narrowly as possible.

Mr. EWING. So, then, if I understand the gentleman, if a farmer exports grain to a country that the director of the Office of Religious Persecution Monitoring deems to contain responsible entities engaged in religious persecution, and exports that grain to other parties either governmental or private that are not deemed by the Director to be responsible entities, the farmer has not violated this act?

Mr. WOLF. Mr. Chairman, if the gentleman would further yield, that is absolutely correct. Under this act, there is no blanket prohibition on exports but only exports to the responsible entities engaged in persecution.

Furthermore, I would point out to the gentleman from Illinois (Mr. EWING) that if a farmer or exporter exports grain to a country deemed to contain responsible entities engaged in religious persecution but sends the grain to a party other than a responsible entity, the gulag, that farmer or exporter has not violated this act even if the grain eventually reaches the responsible entity itself.

Mr. EWING. So there is no provision in this act that would punish the farmer or exporter if the product exported eventually reached a responsible entity?

Mr. WOLF. That is correct. There is no requirement that the exporter know or be responsible for the ultimate end user of his product, but only that the exporter does not export to those found by the director to be responsible entities engaged in religious persecution.

Mr. EWING. And is it the understanding of the gentleman that under this act there is no prohibition on P.L. 480, GSM, or other commodity-related aid from the United States Government to other nations under this act?

Mr. WOLF. Yes. Under the definition of ''United States assistance'' in this act, any assistance under the Foreign Assistance Act of 1961 is barred. However, this definition of ''United States assistance'' explicitly carves out an exemption for ''assistance which involves the provision of food, including the monetization of food.''

Mr. EWING. I thank the gentleman for answering my questions.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding. Mr. Chairman, I rise in opposition to H.R. 2431.

This bill, The Freedom From Religious Persecution Act, is a well-intentioned piece of legislation but it is sadly misguided. I think like every Member of this body, I share the belief that every individual, wherever they are in the world, ought to be able to practice their faith freely without fear of harassment or persecution. And if I believed for one minute that this bill would enhance that right, I would use every tool at my disposal to ensure its passage. But the sad fact is it will not. In fact, it may do the opposite.

The problem of this bill is the problem that is at the core of all sanctions legislation. It allows Members of Congress to feel like they are taking actions to solve the legitimate foreign policy problem, without taking any responsibility for the long-term consequences of their actions or the unintended impacts of this legislation.

My greatest fear is that this bill will actually lessen tolerance for religious freedom abroad. Let me explain why I say that. Today there are a large number of faith-based organizations performing missionary work abroad, organizations such as East Gates Ministries, working in China to distribute Bibles and provide religious training to the Chinese people. These people that work for these organizations, empowered by their faith, work daily under very harsh and dangerous conditions, subjecting themselves to the scrutiny and the whims of their host governments.

A bill such as The Freedom From Religious Persecution Act could seriously jeopardize their ability to continue performing missionary activities abroad. Imagine for a moment that they were a foreign government or a representative. All of a sudden they are singled out for condemnation and automatic economic sanctions by the United States because of their actions, even because of actions that are beyond their control, towards Christians, Jews, Muslims or any other religious sect.

In many nations the response is not going to be to openly embrace the criticism levied but to respond in more predictable ways, to rally around the flag, embrace their nationalistic roots, retaliate against those who antagonize them.

In fact, we are seeing this in India today. And by the way, if we had given away all of our sanctions on religious persecution in India, we would not have anything today to deal with the nuclear proliferation problem.

Mr. Chairman, I urge my colleagues to have the courage to vote no on this bill. Do not place the work of those who do missionary work abroad in jeopardy.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Pennsylvania (Mr. GOODLING) senior member of the Committee on International Relations.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

It has been said that the opposite of love is not hate but indifference. And unfortunately, American indifference to religious persecution lends our tacit, if indirect, support and approval of some of the most awful abuses of human rights, particularly abuses of a right we sometimes take for granted, which of course is the freedom of religion.

As a senior member of the House Committee on International Relations, I have heard a great deal of testimony about the persecution of individuals abroad, persecution based solely on religious beliefs.

In committee we heard about the atrocities committed by the Chinese Government against Tibetan Buddhists. We heard eye-witness testimony of frightened, weak, and near starving Tibetans who traveled hundreds of miles, often barefoot with nothing but the shirt on their back, over the cold and often deadly Himalayan Mountains into India to seek relief.

Most Americans would be shocked to learn that Christians in the Sudan are actually sold into slavery on a daily basis. Those Buddhist monks and others that I mentioned, the Chinese Government rapes, tortures, and murders them. The execution of religious minorities in Iran is almost commonplace.

The business community is concerned how economic sanctions will hurt American businesses abroad. And as chairman of the House Committee on Education and the Workforce, I take a back seat to no one in supporting American business. But as Americans who live under the protection of the first amendment, we must make it clear that the almighty dollar does not and will not take precedence over American values and morals, the beliefs upon which this great Nation was founded.

Religion is a very personal matter to me, and I am proud to be part of this exercise today.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the distinguished 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. Chairman, we all rise today in opposition of religious persecution. There is not one Member of this House that does not abhor the religious persecution that we find all too often, far too frequently in many parts of the world.

But I guess where there is a fundamental difference is whether or not we are going to be most effective in turning back religious persecution by taking actions which further isolate some of the countries which are the worst perpetrators of that act.

Many of us contend that by engaging both economically, socially and culturally, we are going to be far more effective in ensuring that the citizens of the countries throughout the world will not be subject to the degree of religious persecution that now persists.

I rise in opposition to this bill today because I sincerely believe that we will be shutting the door on perhaps the greatest opportunity we have in order to improve the plight of people throughout the various countries of the world.

I think when I look at the issues of sanctions, that is what brings me to the greatest concern. Because I think all too often we have seen the implementation of sanctions that in fact have actually worked to the detriment of the very people that we are trying to help. And I am also very concerned that when we also take actions that are going to impose economic sanctions that are focused primarily on preventing the exportation of goods which are produced by working men and women of the United States, it is going to be our citizens who are going to be paying a good portion of the economic cost of this legislation.

We need to be diligent in our efforts to ensure that we are going to eliminate religious persecution, but let us not tie the hands of the administration, let us not tie the hands of our President. Let us not empower a director of this new department with the

sole responsibility of making a determination on which people are being persecuted and which portion or entity of the government is responsible for that entity.

I very much believe that this is a measure that once again will not advance the interests of freedom and religious freedom throughout the world, and I rise in opposition.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding. I rise in strong support of this legislation.

I want to first of all commend my friends the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) for their very hard work on this bill. This is a very moderate and reasoned and sensible approach to a problem that is, unfortunately, growing very rapidly around the world.

I am pleased to be an original cosponsor, and I am also pleased that such a wide array of religious organizations have endorsed this bill.

Many immigrants came to our country over 200 years ago to practice religion as they chose and be free from religious persecution. And if we just look above the Speaker's rostrum, we see the words ''in God we trust.'' This serves as a reminder of how important religion has been and is to this Nation.

Religious freedom is one of the most basic of all human rights, one of the most basic human rights that any individual can have. This legislation does not apply to simply one religion or just one religion, it applies to them all. No matter what a person's faith or beliefs, people around the world should be able to worship as they wish, free from fear of abduction and enslavement, imprisonment, murder, rape, torture and so forth. And believe me, that is occurring around this world, those types of things, even as we speak.

I first became interested in this after reading a portion of Nina Shea's recent book called ''The Lion's Den.'' In that book Nina Shea said this, quote:

> Millions of American Christians pray in their churches each week, oblivious to the fact that Christians in many parts of the world suffer brutal torture, arrest, imprisonment, and even death, their homes and communities laid waste, for no other reason than that they are Christians. The shocking untold story of our time is that more Christians have died in this century simply for being Christians than in the first 19 centuries after the birth of Christ.

Mr. Chairman, I think this is deplorable. In addition, I read a recent interview by Michael Horowitz, a leader in speaking out against this persecution.

□ 1300

Mr. Horowitz, who happens to be Jewish, says in a recent interview, ''I am speaking out on behalf of persecuted Christians precisely because I am a Jew in the most deeply rooted sense. I see eerie parallels,'' Mr. Horowitz said, ''between the way the elites of the world are dealing with Christians who have become the scapegoats of choice for thug regimes around the world and the way the elites dealt with the Jews when Hitler came to power.

''Another parallel is the tongue-tied silence of the Christian community in the face of persecution. A similar silence was evident in the years leading to the Holocaust. Silence, anybody's silence in the face of persecution, is deadly. So for me'', Mr. Horowitz said, ''sparking our campaign for awareness in action is the most important thing I expect to do. What thugs did to Jews, they are now doing to Christians. Christians are become the Jews of the 21st Century.''

All faiths, Catholics, Protestants, Jews, people from all walks of life have joined in support of this very important bill. This is good legislation. I urge all my colleagues to support it.

The CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) has 6½ minutes remaining, and the gentleman from New Jersey (Mr. SMITH) has 5 minutes remaining.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I realize that some Members are supporting this bill out of frustration with what they perceive as the apparent lack of progress on foreign religious persecution issues.

I would like to share with the body comments made in an editorial opinion by Samuel Berger, the President's National Security Advisor. Mr. Berger says what I believe is something critical that we need to pay attention to. He says that, ''Moreover, the more the United States is perceived as making unilateral, peremptory judgments on the performance of other countries, the less we will be able to work with those countries, including on issues of religious freedom.''

Mr. Chairman, I have had the good fortune, along with many Members in this body, to travel to a significant number of countries in the world. In each delegation that I participated in, be it in China or in Africa or elsewhere, we have raised the subject of religious persecution.

I traveled to China with the chairman of the Committee on International Relations, and the template of our remarks to all of the Chinese interlocutors had to do with religious persecution in China.

I traveled to China with the Speaker of the House. In each instance when we met, ranging all the way from the prime minister to the president to various persons that we were interlocutors with, each time, the subject of religious persecution was among our highest priorities, including those that we share with the concerns for the rule of law.

I traveled to China with the gentleman from Nebraska (Mr. BEREUTER), one of the most respected Members of this body. In each instance, the gentleman from Nebraska (Mr. BEREUTER) and myself and others traveling with us raised subjects of religious persecution.

So long as we are not making those peremptory judgments, so long as we are not acting unilaterally, we have been able to make some progress. With reference to this administration, it needs to be clear that there is more that can be done, but a lot has been done.

Last year, the President imposed sanctions on Sudan because of the persistent and severe persecution of Christians and others by the Government of Sudan. Religious persecution refugees, more than any other category of refugees, we are granting them asylum here in the United States.

The President sent 20,000 United States troops, and most of us in this body backed that effort, to Bosnia to keep the peace to help end religion-based conflict. Secretary of State Albright and other U.S. officials have raised religious persecution in numerous meetings with foreign officials, quiet and sometimes not so quiet.

Diplomacy has reaped dividends. Religious prisoners have been released in China. Christian Orthodox classes have been permitted in Turkey. I have seen evidence of substantial change in Kazakhstan and Uzbekistan, places where, we formerly knew them as of the Soviet Union.

The Secretary of State has also instructed all United States embassies to upgrade their reporting and advocacy on this issue. Later, I will introduce an amendment that will discuss what we might do to enhance the activities of our embassies with reference to advocacy on the issue of religious persecution.

In Austria and in Greece, United States embassies have succeeded in easing restrictions on religious practices. I, for one, have witnessed and talked with embassy officials in each of those countries and seen the evidence of their work.

The State Departments human rights reports now devote more attention to religious freedom. Procedures for reviewing asylum cases have been modified to increase sensitivity to religious persecution.

In January, the Secretary of State established a new assistant secretary-level coordinator position for issues relating to religious persecution. In essence, that is what this legislation is trying to do at, yet, another level.

I urge the administration to fill that position soon, and it would then allow that we are doing parallel activity with what the administration has done.

At the United Nations Commission on Human Rights, the United States has led the successful effort to create a special repertoire on religious intolerance. I can go on and on and on; I shall not at this time, Mr. Chairman.

We need a bill that will not promote a backlash against persecuted religious communities. We need a bill that will

enable the President and the Secretary of State to balance our interests in reducing religious persecution against the full range of important and even vital national interests.

We need a bill that gives the President of the United States the ability to craft an appropriate response to each distinct instance of religious persecution. This is not that bill.

Some of us, in an amendment that I offer, will be trying to make it a little bit better. But this bill falls short in key respects. Specifically, the President's senior advisors intend to recommend that he veto it. I urge Members to vote against it.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Mississippi (Mr. PICKERING), a good friend and colleague.

Mr. PICKERING. Mr. Chairman, I rise in support today of the Freedom From Religious Persecution Act.

I would like to start my time by going back to the beginning of our Nation, correspondence between the Hebrew Newport congregation and a letter written to our first President, George Washington.

It says ''Deprived as we hitherto have been of the invaluable rights of precitizens, we now, with a deep sense of gratitude to the Almighty Disposer of all events, behold a government erected by the majesty of the people, a government which to bigotry gives no sanction, to persecution no assistance, but generously affording to all liberty of conscience and immunities of citizenship, deeming everyone of whatever nation, tongue, or language equal parts of the great government.''

George Washington's response to the Hebrew Congregation at Newport, Rhode Island, ''The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy, a policy worthy of imitation; for, happily, the government of the United States gives to bigotry no sanction, to persecution no assistance.''

This is what we are trying to do today, to say that our Nation, which was founded on the cornerstone of the freedom of conscience, of religious liberty, that we will give no assistance to those who persecute people of faith.

Today I would like to share a little of my own experience that I bring to this debate, for I lived in a Communist country in 1986 and 1987, in Budapest, Hungary.

I saw during that time, before the collapse of communism, what happens when religious freedoms are deprived. I met with ministers who had been in prison for practicing their faith. I saw the refugees who had fled their countries into the West with the hopes and the dream of having the freedom to practice their faith, to capture the dream that we cherish in this land of freedom.

Then I saw in my lifetime, and we have seen in our lifetime, the modern-day miracle of Jericho where we saw the walls of communism collapse. We have to ask ourselves why. If you go to Poland, it was the church, the Catholic church that led the descent.

In Czechoslovakia and Romania, it was the Protestant church which allowed the people of faith and courage and conviction to rise up and to stand for their God-given rights which brought about as much as anything that we ever did in the West with military containment. It was the force of the religious convictions and conscience that brought about the renewal and the reform and the collapse of a brutal and evil system.

Today we are trying to say we should have the same policy, that we stand with the persecuted, that we stand for the same cornerstone in our country of religious liberty. From that, we will have greater economic freedom, greater trade, greater democracy across the world. We will have greater stability with our allies. This is the cornerstone of our Nation, to stand with those to have the freedom of conscience and faith.

I ask all of my colleagues that we follow the words of our founder George Washington, that we give to bigotry no sanction, to persecution, no assistance.

The CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) has 30 seconds remaining. The gentleman from New Jersey (Mr. SMITH) has 1½ minutes remaining.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

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

Mr. ADERHOLT. Mr. Chairman, I applaud the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH), and all the other Members of this House and this body who have worked to fight against the persecution of people of faith throughout the world.

I am proud to be a cosponsor of this bill, because I believe that we can no longer ignore the cruelty of some government authorities around the world that has been directed towards people whose only crime is faith in God.

We must not forget that there are those who are suffering in other countries; people are being tortured, enslaved, and killed for their beliefs. This bill will send a clear and resounding message that the United States does not support this violation of human rights and religious freedom.

Abraham Lincoln, the President who is probably best noted for his work to free those who were enslaved and mistreated, once said, ''Those who deny freedom to others deserve it not for themselves; and under a just God, cannot long retain it.''

If enacted into law, this bill will impose immediate sanctions on those countries that have mistreated and abused Christians and people of other faiths, time and time again.

I urge my colleagues to vote in support of the Freedom From Religious Persecution Act.

The CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) has 30 seconds.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself the remaining portion of my time.

Mr. Chairman, last night, I listened to the gentleman from New York (Mr. HOUGHTON) who, on both sides of the aisle, is respected, not only in this arena, but for his evenhanded approach to trying to develop bipartisan efforts.

Last night, he spoke agonizingly, as I do now, about this particular legislation. We would want to dispel the notion that there are any among the 435 of us who would stand and say we favor religious persecution anywhere in the world. We do not. And that is all of the Republicans and all of the Democrats and all of those on the committee.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, in 1984, on one of several human rights trips to Romania, the gentleman from Virginia (Mr. WOLF), the gentleman from Ohio (Mr. HALL), and myself pushed for the release of persecuted Christians and, in particular, Father Calccu.

For over a decade, during both the Carter and the Reagan administrations, Father Calccu endured unspeakable tortured beatings, solitary confinement in coffins that were vertical. Yet, the world, the State Department, everybody said, Ceausescu, the dictator in Romania was somehow a good guy, we need to work with him.

The gentleman from Pennsylvania (Mr. GOODLING) said it well. Hate is not the opposite of love; indifference is. This bill ends our indifference, our bipartisan indifference towards religious persecution.

□ 1315

Religious persecution has been and it is today the orphan of human rights. We need to stand strong. This is against religious persecution, things like torture. I urge support for this bill, hopefully in a very bipartisan way.

Mr. QUINN. Mr. Chairman, I want to express my strong support for H.R. 2431, the Freedom From Religious Persecution Act. This bill would reassert the position that the United States is a defender of personal liberty, including the liberty to choose and practice one's religion.

The Freedom From Religious Persecution Act makes significant changes in U.S. policy that will help identify and terminate discrimination against religions around the world. The bill calls for the creation of the office of Religious Persecution Monitoring within the State Department. This office will make an annual report on the existence and extent of religious persecution around the world.

This report will be the basis for punitive sanctions against countries who take part in or allow religious persecution. Some may say

that the United States should not interfere in others' business. Yet the United States has always stood for personal liberties and unalienable rights. For us to stand by and be mute while thousands of people are discriminated against or killed for their faith, would be unacceptable.

Did you know that in China, a 76 year-old Protestant leader was sentenced to 15 years in prison for merely passing out bibles? And in Iran, some religious groups are denied the right to organize and worship and have no legal rights. Worst of all, in Sudan, government soldiers have systematically enslaved and murdered thousands of people because they are Christians.

I know the Freedom From Religious Persecution Act will not end suffering throughout the world. But it will put the United States on record as a nation that is concerned with the fundamental right of people to follow their faith. I am pleased to be able to support legislation that will make a real difference in the lives of those who aren't free to practice their own religion.

Mr. DINGELL. Mr. Chairman, persecution for one's religious beliefs is wrong. It should not be permitted anywhere, and this bill, the ''Freedom from Religious Persecution Act,'' has the important and laudable goal of intending to reduce and eliminate the widespread and ongoing religious persecution taking place throughout the world today. The United States, as a world leader, should do what we can to eradicate this human rights abuse. This Nation was founded on principles of religious freedom, and we have thriving faith communities today because of our commitment to those principles. Persecution is reprehensible, and we need to pursue all appropriate ways to stop it.

The bill seeks to achieve its objective by increasing the priority attached in U.S. foreign policy to the problem of religious persecution. The bill would impose sanctions on foreign governments that carry out or condone serious religious persecution. Also, the bill would seek to increase the refugee and asylum protections available to victims of religious persecution.

While I want to end religious persecution globally, there are defects in this bill that do not permit me to support the measure as reported to the House. The bill's automatic sanctions, which include restrictions on exports and foreign assistance would be counterproductive. Further, these measures will tie the President's hands in areas of foreign policy where the executive has traditionally had discretion in the exercise of his constitutional duties and powers to promote the full range of U.S. interests—including national security, economic prosperity, and respect for all human rights.

Our laws and policies already give significant weight to human rights, and I would support strict and severe sanctions against repressive governments under current law. Further, it is unlikely that the imposition of sanctions, as provided in this bill, would have much effect on governments that are of a mind to persecute people on account of their faith.

Such automatic sanctions risk strengthening the grip of those who permit or undertake religious intolerance in their countries. Sanctions may trigger reprisals against victims as well as an end to American engagement with offending governments. Furthermore, by establishing sanctions and preferential treatment for those fleeing religious persecution alone, the bill would signal to the world that this Nation believes in a an inappropriate hierarchy of human rights violations. What about our efforts toward universal respect for all civil and political rights? Severe and violent acts of persecution on ethnic, racial, or political grounds, for example, would not invoke these sanctions or bring about procedural advantages in the immigration context.

Although some religious organizations have expressed their support for the measure, others have stated that this bill would do more harm than good for the very people it seeks to protect. Clearly, we need to foster religious tolerance and respect for all human rights around the world. But we must do it in a proper fashion that helps, not hurts those that deserve our help.

Mrs. CAPPS. Mr. Chairman, I rise today to announce that I will vote for the Freedom from Religious Persecution Act. I am compelled, however, to express some deep concerns that I have with this legislation.

Religious persecution around the world is intolerable. All people should have the freedom to express their faith without fear of retribution. Tragically, the persecution of religious communities has claimed the lives of millions of people in this century, and today continues unchecked in many countries. Clearly, steps must be taken to stop this dangerous trend and I commend the authors of this bill for raising awareness in Congress about religious persecution.

Although I strongly support the spirit of this bill, I have some questions about the legislation that we are voting on today.

My first concern is that this bill could possibly bring harm to those who suffer from religious persecution, if the government in question chooses to blame religious groups for the imposition of U.S. sanctions. We surely would not want to endanger the safety and well-being of the very people we are trying to protect.

Additionally, I am troubled that this bill establishes a ''hierarchy of human rights''. If passed, religious persecution—as important as it may be—would be seen as a higher priority than other human rights—such as racial discrimination, violations of women's rights, and the suppression of free speech.

Instead of establishing a new office at the White House, I wonder if it wouldn't be more efficient to leave the issue of religious freedom to be dealt with in the State Department's human rights bureau. Religious persecution is an unforgivable crime around the globe, but our efforts to combat it must not be allowed to damage our fight for other critical human rights.

I will vote in favor of this bill today, because it sends a strong message against intolerable religious persecution. But I hope when the bill is considered in the Senate, and then in conference, we can roll up our sleeves to draft a better bill, that will work not only to end these unforgivable practices, but to help those who are oppressed all around the world.

Mr. WATTS of Oklahoma. Mr. Chairman, I rise today to urge my colleagues to support of H.R. 2431, the Freedom From Religious Persecution Act. It is high time that Congress take decisive steps to stop foreign governments from jailing, torturing or killing people, just because of their religious beliefs. We must also hold accountable those nations which are aware that religious bigotry is occurring within their borders, but do nothing of consequence to stop this injustice.

This legislation would require our government to stop giving non-humanitarian foreign aid to nations that persecute people for their religious beliefs. It would also require American executives who sit on the board of international banking institutions to oppose the issuance of loans to countries that practice or support religious persecution.

The Government of Sudan is one particular big offender in this regard. Sudan's main political party, the National Islamic Front, is responsible for the deaths of an estimated 1.3 million Christians and others who failed to recognize Islam as their faith.

Of course, Sudan is not the only nation with blood on its hands. The People's Republic of China has a history of imprisoning and killing citizens who refuse to register with one of the state's official religions, institutions where worship is organized and controlled by the government.

Some countries which practice or facilitate religious persecution, such as Pakistan, may even be allies of America when it comes to national security issues. But we still have an obligation as Americans to defend freedom. Just as America fought the spread of Communism during the Cold War, today, the United States must pour its heart and soul into stopping religious persecution. One good step towards this goal is by Congress passing the Freedom From Religious Persecution Act.

Mr. NADLER, Mr. Chairman, I rise to support the Freedom from Religious Persecution Act.

This bill is vitally important to combat the violent religious persecution that is tragically occurring in many nations across the world.

We need more effective tools to end the threats of murder, torture, rape, starvation, and enslavement now faced by millions of people of faith. I believe this bill would strengthen the United States' ability to promote human rights and effectively confront regimes that are abusive to religious minorities in their countries.

However, the United States must do more to become a safe haven for those fleeing persecution. Our current expedited removal procedures for asylum seekers are inhumane, dangerous, and morally offensive.

Asylum seekers ought to have a fair hearing before an immigration judge before they are sent back to a country where they may be threatened, beaten, or even killed.

Unfortunately, the provisions in this bill that would have made our immigration policy slightly more humane were removed from the legislation. I think we are making a big mistake. In fact, the provisions that would have protected asylum seekers fleeing religious persecution should have been expanded to aid those seeking asylum based on racial persecution, ethnicity, membership in a in a social group, or political opinion.

Our nation must never turn its back on those fleeing persecution. It is offensive to our American tradition, our cultural heritage, and the very nature of our republic.

This legislation does, however, for the first time require the GAO to conduct a study of airport deportations, so that we may gather data about the abuses that may be occurring in our immigration practices. What is happening to the people we turn away? How many

people are we sending to their deaths? We need this information, and I am hopeful that once we have it we can revisit our immigration policy and end the shameful practice of turning away those who are seeking asylum from persecution.

Let me reiterate that I strongly support this legislation, I only wish it were stronger. I urge my colleagues to take an important step to protect human rights worldwide and vote for this legislation.

Mr. FAZIO of California. Mr. Chairman, the right to religious freedom should be a fundamental right that every citizen enjoys.

Indeed, our nation was founded on this premise.

Yet sadly, there are nations where being a Muslim, a Jew, a Christian, or any of a number of other religions, can cause you great harm.

It's difficult for many of us who live in a nation where everyone can worship as he and she chooses without fear of persecution to even imagine the possibility of being thrown in jail or being killed because of whom you pray to.

This brutal suppression of religious freedom, of course, is reprehensible.

And President Clinton has made securing religious freedom for people of all faiths a priority in our foreign policy.

The State Department has expanded coverage of religious freedom in its annual human rights report.

And the Administration has created an Advisory Committee on Religious Freedom Aboard.

In addition, the Secretary of State will be creating a senior-level coordinator responsible for integrating religious freedom into our foreign policy.

These stepped-up actions by the Clinton Administration will help us in persuading governments to prevent limitations on religious freedom.

Our current law already provides an adequate basis for us to impose sanctions on foreign governments when we need to take tough action.

So the question is: do we continue our policy of being quietly effective, using the wide range of tools in our foreign policy toolbox to get things done—or do we engage in a policy of ranting and raving that may backfire, causing more harm than good.

Public condemnation of governments that do not provide religious freedom often is appropriate.

Our President has not been shy about using the bully pulpit to criticize governments that don't do right by their citizens.

But this bill would make condemnation automatic—a situation not always appropriate that very well might put religious prisoners and their families in further jeopardy.

It also may jeopardize our efforts in other political and economic arenas that we use to improve relations that will result in tolerance for religious diversity.

That is the wrong approach.

We should be bold in our actions without jeopardizing our foreign policy and our broad global interests.

That's why our current policy is the best route to achieving the means that all of us here want to achieve.

You can be sure that some may use this bill in the Fall campaign to position those who are against it as being against religious freedom.

Chances are that the 30-second sound bites and the direct mail pieces that say ''voted against the Freedom from Religious Persecution Act'' already are in the works.

It is sad that some will seek political gain on an issue so delicate, but that is the state of politics in this day and age.

Make no mistake: no one who opposes this bill believes that killing, enslaving, or jailing those who practice their faith is just.

We abhor it.

But we believe there's a smarter way to put an end to these practices.

America is the greatest nation in the world because of our leadership in foreign affairs and the bridges we have built nations around the world.

We decry religious persecution whenever we see it.

While this legislation is good intentioned, it handcuffs our ability to have the flexibility we need to end religious persecution.

Let's not put our best efforts to stop religious persecution at risk with an ill-advised policy that is blind to policies that are effective on a nation-to-nation and case-to-case business.

Allow our diplomats to work effectively to allow religious freedom around the world.

Mr. PAYNE. Mr. Chairman, I rise in support of this bill.

I cannot condone any government that abuses the rights of its citizens whether it is for abuses in the category of human rights, democracy, freedom of speech, press. Likewise religious persecution is equally as important. This is not a one-size-fits-all approach. Today people all over the world are still persecuted for their beliefs. Many are living in constant terror and some even fear for their lives.

Christians, Muslims, Jews, and many others are singled out. Even in places like Germany, China, the North of Ireland, and the Sudan people are being persecuted for their religion.

In China officials crack down on unregistered Protestant house church members simply for practicing their religious beliefs. The situation in Sudan remains intolerable. In May the Popular Defense Force of the National Islamic Front (NIF) regime raided several villages, burning homes, schools, and two churches. Furthermore, it was reported that children of the black Africans in Sudan are being enslaved and forced to change their cultural identity and become Arabic-speaking Muslims. The Christian Solidarity International (CSI) estimates that there are tens of thousands of chattel slaves still in bondage in the borderlands between northern and southern Sudan.

Sudan has often been described as one million miles of suffering. A million southern Sudanese deaths over the past decade, executions of political opponents, the thousands of slaves that are branded like cattle to show ownership combined with the capture of some 3,000 ['95 & '96] children by the Lord's Resistance Army (LRA) aided by the al-Bashir government did not go unheeded.

Violations of religious freedom in this world are innumerable. Hopefully, we will be able to live in a world where people can practice their religion peacefully without any threat or fear. Once again, I support this bill and urge my colleagues to do the same.

Mr. POSHARD. Mr. Chairman, I rise today in strong support of H.R. 2431, the ''Freedom From Religious Persecution Act of 1997.'' As Americans, we too often take for granted the freedoms we enjoy to practice our faith and live according to our moral, ethical and spiritual beliefs. What we must not forget is that all over the world, people are being persecuted on the basis of their religious beliefs, and I believe we have an obligation to do what we can to protect them.

It seems that every day we are greeted with horrifying accounts of religious persecution, involving forced relocation, enslavement, rape, starvation, torture and even murder. Perhaps most disturbing is that these atrocities are sanctioned by and carried out under the orders of foreign governments and local authorities. It is clearly not enough to simply urge these brutal regimes to grant their citizens the same religious liberties that are enjoyed in this country, and I believe that this legislation represents a necessary step in our efforts to combat the terrible reality of religious persecution.

H.R. 2431 is a moderate and reasoned response to a serious situation. This legislation will link U.S. aid to a country's performance on religious liberty and focuses on the most egregious forms of persecution against all religious groups. It does not impose embargoes, as some of my colleagues have sought to argue, but rather provides for moderate, targeted sanctions against specific governmental entities which have direct involvement in religious persecution. In addition, the bill permits waivers for national security reasons and in situations where sanctions are deemed by the president to be counter-productive.

Mr. Chairman, I am proud to be a co-sponsor of this important legislation, and I will take great pride in casting my vote in favor of its passage. I urge my colleagues to join me in supporting the religious freedom of all of our brothers and sisters around the world by voting yes on H.R. 2431.

Mr. PORTER. Mr. Chairman, I would first like to thank my friend and colleague FRANK WOLF for his consistent and strong leadership in bringing this vital issue in front of the Congress, and for his determination to focus attention on one of the most critical human rights crises of our day, religious persecution. He has been a voice crying in the wilderness for many years, speaking out for Tibetans in China, Christians in Sudan, and Bahai's in Iran, and I am proud of the work we have done together on these and other important human rights issues. I also want to thank the leadership of the House International Relations Committee—specifically Mr. GILMAN and Mr. SMITH—for shepherding this bill through the legislative process and for their commitment to human rights.

As co-chairman of the Congressional Human Rights Caucus, I have spent many hours in hearings and briefings receiving testimony from persons all over the world who have suffered from the most serious kinds of persecution. In fact, the Caucus was founded in 1983 after I returned from a trip to the former Soviet Union, where I witnessed the harsh religious persecution practiced by that regime. I have met people who have been imprisoned, tortured, raped and who have lost loved ones as a result of religious intolerance. Today, the House has an opportunity to say to the torturers, rapists and murderers ''The United States is not going to stand by and allow you to terrorize people who are engaged

in the peaceful practice of their religious beliefs.'' I call on all of my colleagues to join me in supporting this important legislation.

There has been a great deal of talk about what H.R. 2431 does and does not do. Once you cut through all of the hyperbole, it is clear that this is a reasonable and modest approach to a very serious issue. No government on this plant should receive U.S. assistance if they are engaged in the type of gross violations of human rights that are specified in this bill. No government should fail to take action against those who perpetrate these abuses, and continue to receive the benefit of U.S. foreign aid. In these times of fiscal constraint, America's foreign assistance programs have been cut to the bone. Every year, worthy projects and applicants go unfunded due to a lack of funds. In this climate, it is morally and fiscally reprehensible to allow abusive or grossly negligent regimes to receive aid. H.R. 2431 remedies this situation without punishing the innocent victims because it only cuts off non-humanitarian aid. This is an even-handed and compassionate response to the abuse of human rights.

I urge all Members to vote for this bill and send our support to those who suffer for their faith in silence and obscurity around the world.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 3806, modified by the amendments printed in part 1 of House Report 105–534, is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Freedom From Religious Persecution Act of 1998''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Governments have a primary responsibility to promote, encourage, and protect respect for the fundamental and internationally recognized right to freedom of religion.

(2)(A) Since its inception, the United States Government has rested upon certain founding principles. One of those principles is that all people have the inalienable right to worship freely, which demands that religion be protected from unnecessary government intervention. The Founding Fathers of the United States incorporated that principle in the Declaration of Independence, which states that mankind has the inalienable right to ''life, liberty, and the pursuit of happiness'', and in the United States Constitution, the first amendment to which states that ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof''. Therefore, in accordance with this belief in the inalienable right of freedom of religion for all people, as expressed by the Declaration of Independence, and the belief that religion should be protected from government interference, as expressed by the United States Constitution, the Congress opposes international religious persecution and believes that the policies of the United States Government and its relations with foreign governments should be consistent with the commitment to this principle.

(B) Numerous international agreements and covenants also identify mankind's inherent right to freedom of religion. These include the following:

(i) Article 18 of the Universal Declaration of Human Rights states that ''Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance''.

(ii) Article 18 of the Covenant on Civil and Political Rights declares that ''Everyone shall have the right to freedom of thought, conscience, and religion . . .'' and further delineates the privileges under this right.

(iii) The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief, adopted by the United Nations General Assembly on November 25, 1981, declares that ''religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life . . .'' and that ''freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination''.

(iv) The Concluding Document of the Third Follow-Up Meeting of the Organization for Security and Cooperation in Europe commits states to ''ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief''.

(3) Persecution of religious believers, particularly Roman Catholic and evangelical Protestant Christians, in Communist countries persists and in some cases is increasing.

(4) In many countries and regions thereof, governments dominated by extremist movements persecute non-Muslims and religious converts from Islam using means such as ''blasphemy'' and ''apostasy'' laws, and such movements seek to corrupt a historically tolerant Islamic faith and culture through the persecution of Baha'is, Christians, and other religious minorities.

(5) The extremist Government of Sudan is waging a self-described religious war against Christians, other non-Muslims, and moderate Muslims by using torture, starvation, enslavement, and murder.

(6) In Tibet, where Tibetan Buddhism is inextricably linked to the Tibetan identity, the Government of the People's Republic of China has intensified its control over the Tibetan people by interfering in the selection of the Panchen Lama, propagandizing against the religious authority of the Dalai Lama, restricting religious study and traditional religious practices, and increasing the persecution of monks and nuns.

(7) In Xinjiang Autonomous Region of China, formerly the independent republic of East Turkistan, where the Muslim religion is inextricably linked to the dominant Uyghur culture, the Government of the People's Republic of China has intensified its control over the Uyghur people by systematically repressing religious authority, restricting religious study and traditional practices, destroying mosques, and increasing the persecution of religious clergy and practitioners.

(8) In countries around the world, Christians, Jews, Muslims, Hindus, and other religious believers continue to be persecuted on account of their religious beliefs, practices, and affiliations.

(9) The 104th Congress recognized the facts set forth in this section and stated clearly the sense of the Senate and the House of Representatives regarding these matters in approving—

(A) House Resolution 515, expressing the sense of the House of Representatives with respect to the persecution of Christians worldwide;

(B) S. Con. Res. 71, expressing the sense of the Senate with respect to the persecution of Christians worldwide;

(C) H. Con. Res. 102, concerning the emancipation of the Iranian Baha'i community; and

(D) section 1303 of H.R. 1561, the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997.

(10) The Department of State, in a report to Congress filed pursuant to House Report 104–863, accompanying the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208) set forth strong evidence that widespread and ongoing religious persecution is occurring in a number of countries around the world.

(11)(A)(i) In recent years there have been successive terrorist attempts to desecrate and destroy the premises of the Ecumenical Patriarchate in the Fanar area of Istanbul (Constantinople), Turkey.

(ii) Attempts against the Ecumenical Patriarchate have intensified, including the following:

(I) On September 30, 1996, a hand grenade was thrown into the headquarters of the Eastern Orthodox Patriarchate and exploded, causing damage to the physical structure of the grounds, most notably the Agios Georgios Church.

(II) On May 28, 1994, three powerful bombs were discovered in the living quarters of the Patriarch, and were subsequently defused only minutes before they were set to detonate.

(III) In July and August 1993, the Christian Orthodox cemetery in Yenikoy, near Istanbul, was attacked by vandals and desecrated.

(iii) His All Holiness Patriarch Bartholomew and those associated with the Ecumenical Patriarchate are Turkish citizens and thus must be protected under Turkish law against blatant and unprovoked attacks toward ethnic minorities.

(iv) The Turkish Government arbitrarily closed the Halki Patriarchal School of Theology in 1971.

(v) The Ecumenical Patriarchate is the spiritual center for more than 250,000,000 Orthodox Christians worldwide, including approximately 5,000,000 in the United States.

(vi) It is in the best interest of the United States to prevent further incidents regarding the Ecumenical Patriarchate and in the overall goals of the United States to establish peaceful relations with and among the many important nations of the world that have substantial Orthodox Christian populations.

(B) It is the sense of the Congress that—

(i) the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Security Council to suggest that the Turkish Government—

(I) ensure proper protection for the Patriarchate and all of the Orthodox faithful residing in Turkey;

(II) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel;

(III) establish conditions that would prevent the recurrence of past terrorist activities and vandalism and other personal threats against the Patriarch;

(IV) establish conditions to ensure that the Patriarchate is free to carry out its religious mission; and

(V) do everything possible to find and punish the perpetrators of any provocative and terrorist acts against the Patriarchate; and

(ii) the Secretary of State should report to the Congress on an annual basis on the status and progress of the concerns expressed in clause (i).

(b) PURPOSE.—It is the purpose of this Act to reduce and eliminate the widespread and ongoing religious persecution taking place throughout the world today.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Religious Persecution Monitoring established under section 5.

(2) LEGISLATIVE DAY.—The term ''legislative day'' means a day on which both Houses of Congress are in session.

(3) PERSECUTED COMMUNITY.—The term ''persecuted community'' means any religious group or denomination whose members have been found to be subject to category 1 or category 2 persecution in the latest annual report submitted under section 6(a) or in any interim report submitted thereafter under section 6(c) before the next annual report.

(4) PERSECUTION FACILITATING PRODUCTS.—The term ''persecution facilitating products'' means those crime control, detection, torture, and electroshock instruments and equipment (as determined under section 6(n) of the Export Administration Act of 1979) that are directly and substantially used or intended for use in carrying out acts of persecution described in paragraphs (5) and (6).

(5) CATEGORY 1 PERSECUTION.—The term ''category 1 persecution'' means widespread and ongoing persecution of persons on account of their religious beliefs or practices, or membership in or affiliation with a religion or religious group or denomination, whether officially recognized or otherwise, when such persecution—

(A) includes abduction, enslavement, killing, imprisonment, forced mass relocation, rape, crucifixion or other forms of torture, or the systematic imposition of fines or penalties which have the purpose and effect of destroying the economic existence of persons on whom they are imposed; and

(B) is conducted with the involvement or support of government officials or agents, or pursuant to official government policy.

(6) CATEGORY 2 PERSECUTION.—The term ''category 2 persecution'' means widespread and ongoing persecution of persons on account of their religious beliefs or practices, or membership in or affiliation with a religion or religious group or denomination, whether officially recognized or otherwise, when such persecution—

(A) includes abduction, enslavement, killing, imprisonment, forced mass relocation, rape, crucifixion or other forms of torture, or the systematic imposition of fines or penalties which have the purpose and effect of destroying the economic existence of persons on whom they are imposed; and

(B) is not conducted with the involvement or support of government officials or agents, or pursuant to official government policy, but which the government fails to undertake serious and sustained efforts to eliminate, being able to do so.

(7) RESPONSIBLE ENTITIES.—The term ''responsible entities'' means the specific government units, as narrowly defined as practicable, which directly carry out the acts of persecution described in paragraphs (5) and (6).

(8) SANCTIONED COUNTRY.—The term ''sanctioned country'' means a country on which sanctions have been imposed under section 7.

(9) UNITED STATES ASSISTANCE.—The term ''United States assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) assistance under chapter 8 of part I of that Act;

(ii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 of part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iii) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(iv) antiterrorism assistance under chapter 8 of part II of that Act;

(v) assistance which involves the provision of food (including monetization of food) or medicine;

(vi) assistance for refugees; and

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961; and

(C) financing under the Export-Import Bank Act of 1945.

(10) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any United States citizen or alien lawfully admitted for permanent residence into the United States; and

(B) any corporation, partnership, or other entity organized under the laws of the United States or of any State, the District of Columbia, or any territory or possession of the United States.

**SEC. 4. APPLICATION AND SCOPE.**

The responsibility of the Secretary of State under section 5(g) to determine whether category 1 or category 2 persecution exists, and to identify persons and communities that are subject to such persecution, extends to—

(1) all foreign countries in which alleged violations of religious freedom have been set forth in the latest annual report of the Department of State on human rights under sections 116(d) and 502(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)); and

(2) such other foreign countries in which, either as a result of referral by an independent human rights group or nongovernmental organization in accordance with section 5(e)(2) or otherwise, the Director has reason to believe category 1 or category 2 persecution may exist.

**SEC. 5. OFFICE OF RELIGIOUS PERSECUTION MONITORING.**

(a) ESTABLISHMENT.—There shall be established in the Department of State the Office of Religious Persecution Monitoring (hereafter in this Act referred to as the ''Office'').

(b) APPOINTMENT.—The head of the Office shall be a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall receive compensation at a rate of pay not to exceed the rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) REMOVAL.—The Director shall serve at the pleasure of the President.

(d) BARRED FROM OTHER FEDERAL POSITIONS.—No person shall serve as Director while serving in any other position in the Federal Government.

(e) RESPONSIBILITIES OF DIRECTOR.—The Director shall do the following:

(1) Consider information regarding the facts and circumstances of violations of religious freedom presented in the annual reports of the Department of State on human rights under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

(2) Make findings of fact on violations of religious freedom based on information—

(A) considered under paragraph (1); or

(B) presented by independent human rights groups, nongovernmental organizations, or other interested parties, at any stage of the process provided in this Act.

When appropriate, the Director may hold public hearings subject to notice at which such groups, organizations, or other interested parties can present testimony and evidence of acts of persecution occurring in countries being examined by the Office.

(3) On the basis of information and findings of fact described in paragraphs (1) and (2), make recommendations to the Secretary of State for consideration by the Secretary in making determinations of countries in which there is category 1 or category 2 persecution under subsection (g), identify the responsible entities within such countries, and prepare and submit the annual report described in section 6.

(4) Maintain the lists of persecution facilitating products, and the responsible entities within countries determined to be engaged in persecution described in paragraph (3), revising the lists in accordance with section 6(c) as additional information becomes available. These lists shall be published in the Federal Register.

(5) In consultation with the Secretary of State, make policy recommendations to the President regarding the policies of the United States Government toward governments which are determined to be engaged in religious persecution.

(6) Report directly to the President and the Secretary of State, and coordinate with the appropriate officials of the Department of State, the Department of Justice, the Department of Commerce, and the Department of the Treasury, to ensure that the provisions of this Act are fully and effectively implemented.

(f) ADMINISTRATIVE MATTERS.—

(1) PERSONNEL.—The Director may appoint such personnel as may be necessary to carry out the functions of the Office.

(2) SERVICES OF OTHER AGENCIES.—The Director may use the personnel, services, and facilities of any other department or agency, on a reimbursable basis, in carrying out the functions of the Office.

(g) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, in time for inclusion in the annual report described in subsections (a) and (b) of section 6, shall determine with respect to each country described in section 4 whether there is category 1 or category 2 persecution, and shall include in each such determination the communities against which such persecution is directed. Any determination in any interim report described in subsection (c) of section 6 that there is category 1 or category 2 persecution in a country shall be made by the Secretary of State.

**SEC. 6. REPORTS TO CONGRESS.**

(a) ANNUAL REPORTS.—Not later than April 30 of each year, the Director shall submit to the Committees on Foreign Relations, the Judiciary, Appropriations, and Banking, Housing, and Urban Affairs of the Senate and to the Committees on International Relations, the Judiciary, Appropriations, and Banking and Financial Services of the House of Representatives a report described in subsection (b).

(b) CONTENTS OF ANNUAL REPORT.—The annual report of the Director shall include the following:

(1) DETERMINATION OF RELIGIOUS PERSECUTION.—A copy of the determinations of the Secretary of State pursuant to subsection (g) of section 5.

(2) IDENTIFICATION OF PERSECUTION FACILITATING PRODUCTS.—With respect to each country in which the Secretary of State has determined that there is either category 1 or category 2 persecution, the Director, in consultation with the Secretary of Commerce, shall identify and list the items on the list established under section 6(n) of the Export Administration Act of 1979 that are directly and substantially used or intended for use in carrying out acts of religious persecution in such country.

(3) IDENTIFICATION OF RESPONSIBLE ENTITIES.—With respect to each country in which the Secretary of State has determined that there is category 1 persecution, the Director shall identify and list the responsible entities within that country that are engaged in such persecution. Such entities shall be defined as narrowly as possible.

(4) OTHER REPORTS.—The Director shall include the reports submitted to the Director by the Attorney General under section 9 and by the Secretary of State under section 10.

(c) INTERIM REPORTS.—The Director may submit interim reports to the Congress containing such matters as the Director considers necessary, including revisions to the lists issued under paragraphs (2) and (3) of subsection (b). The Director shall submit an interim report in the case of a determination by the Secretary of State under section 5(g), other than in an annual report of the Director, that category 1 or category 2 persecution exists, or in the case of a determination by the Secretary of State under section 11(a) that neither category 1 or category 2 persecution exists.

(d) PERSECUTION IN REGIONS OF A COUNTRY.—In determining whether category 1 or category 2 persecution exists in a country, the Secretary of State shall include such persecution that is limited to one or more regions within the country, and shall indicate such regions in the reports described in this section.

**SEC. 7. SANCTIONS.**

(a) PROHIBITION ON EXPORTS RELATING TO RELIGIOUS PERSECUTION.—

(1) ACTIONS BY RESPONSIBLE DEPARTMENTS AND AGENCIES.—With respect to any country in which—

(A) the Secretary of State finds the occurrence of category 1 persecution, the Director shall so notify the relevant United States departments and agencies, and such departments and agencies shall—

(i) prohibit all exports to the responsible entities identified in the lists issued under subsections (b)(3) and (c) of section 6; and

(ii) prohibit the export to such country of the persecution facilitating products identified in the lists issued under subsections (b)(2) and (c) of section 6; or

(B) the Secretary of State finds the occurrence of category 2 persecution, the Director shall so notify the relevant United States departments and agencies, and such departments and agencies shall prohibit the export to such country of the persecution facilitating products identified in the lists issued under subsections (b)(2) and (c) of section 6.

(2) PROHIBITIONS ON U.S. PERSONS.—(A) With respect to any country in which the Secretary of State finds the occurrence of category 1 persecution, no United States person may—

(i) export any item to the responsible entities identified in the lists issued under subsections (b)(3) and (c) of section 6; and

(ii) export to that country any persecution facilitating products identified in the lists issued under subsections (b)(2) and (c) of section 6.

(B) With respect to any country in which the Secretary of State finds the occurrence of category 2 persecution, no United States person may export to that country any persecution facilitating products identified in the lists issued under subsections (b)(2) and (c) of section 6.

(3) PENALTIES.—Any person who knowingly violates the provisions of paragraph (2) shall be subject to the penalties set forth in subsections (a) and (b)(1) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16 (a) and (b)(1)) for violations under that Act.

(4) EFFECTIVE DATE OF PROHIBITIONS.—The prohibitions on exports under paragraphs (1) and (2) shall take effect with respect to a country 90 days after the date on which—

(A) the country is identified in a report of the Director under section 6 as a country in which category 1 or category 2 persecution exists,

(B) responsible entities are identified in that country in a list issued under subsection (b)(3) or (c) of section 6, or

(C) persecution facilitating products are identified in a list issued under subsection (b)(2) or (c) of section 6,

as the case may be.

(b) UNITED STATES ASSISTANCE.—

(1) CATEGORY 1 PERSECUTION.—No United States assistance may be provided to the government of any country which the Secretary of State determines is engaged in category 1 persecution, effective 90 days after the date on which the Director submits the report in which the determination is included.

(2) CATEGORY 2 PERSECUTION.—No United States assistance may be provided to the government of any country in which the Secretary of State determines that there is category 2 persecution, effective 1 year after the date on which the Director submits the report in which the determination is included, if the Secretary of State, in the next annual report of the Director under section 6, determines that the country is engaged in category 1 persecution or that category 2 persecution exists in that country.

(c) MULTILATERAL ASSISTANCE.—

(1) CATEGORY 1 PERSECUTION.—With respect to any country which the Secretary of State determines is engaged in category 1 persecution, the President shall instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and use his or her best efforts to deny, any loan or other utilization of the funds of their respective institutions to that country (other than for humanitarian assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit on the government of that country), effective 90 days after the Director submits the report in which the determination is included.

(2) CATEGORY 2 PERSECUTION.—With respect to any country in which the Secretary of State determines there is category 2 persecution, the President shall instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and use his or her best efforts to deny, any loan or other utilization of the funds of their respective institutions to that country (other than for humanitarian assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit on the government of that country), effective 1 year after the date on which the Director submits the report in which the determination is included, if the Secretary of State, in the next annual report of the Director under section 6, determines that the country is engaged in category 1 persecution or that category 2 persecution exists in that country.

(3) REPORTS TO CONGRESS.—If a country described in paragraph (1) or (2) is granted a loan or other utilization of funds notwithstanding the objection of the United States under this subsection, the Secretary of the Treasury shall report to the Congress on the efforts made to deny loans or other utilization of funds to that country, and shall include in the report specific and explicit recommendations designed to ensure that such loans or other utilization of funds are denied to that country in the future.

(4) DEFINITION.—As used in this subsection, the term ''multilateral development bank'' means any of the multilateral development banks as defined in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)).

(d) RELATIONSHIP TO OTHER PROVISIONS.—The effective dates of the sanctions provided in this section are subject to sections 8 and 11.

(e) DULY AUTHORIZED INTELLIGENCE ACTIVITIES.—The prohibitions and restrictions of this section shall not apply to the conduct of duly authorized intelligence activities of the United States Government.

(f) EFFECT ON EXISTING CONTRACTS.—The imposition of sanctions under this section shall not affect any contract that is entered into by the Overseas Private Investment Corporation before the sanctions are imposed, is in force on the date on which the sanctions are imposed, and is enforceable in a court of law on such date.

(g) EFFECT OF WAIVERS.—Any sanction under this section shall not take effect during the period after the President has notified the Congress of a waiver of that sanction under section 8 and before the waiver has taken effect under that section.

**SEC. 8. WAIVER OF SANCTIONS.**

(a) WAIVER AUTHORITY.—Subject to subsection (b), the President may waive the imposition of any sanction against a country under section 7 for periods of not more than 12 months each, if the President, for each waiver—

(1) determines—

(A) that the national security interests of the United States justify such a waiver; or

(B) that such a waiver will substantially promote the purposes of this Act as set forth in section 2; and

(2) provides to the Committees on Foreign Relations, Finance, the Judiciary, and Appropriations of the Senate and to the Committees on International Relations, the Judiciary, and Appropriations of the House of Representatives a written notification of the President's intention to waive any such sanction.

The notification shall contain an explanation of the reasons why the President considers the waiver to be necessary, the type and amount of goods, services, or assistance to be provided pursuant to the waiver, and the period of time during which such a waiver will be effective. When the President considers it appropriate, the explanation under the preceding sentence, or any part of the explanation, may be submitted in classified form.

(b) ADDITIONAL INFORMATION.—In the case of a waiver under subsection (a)(1)(B), the notification shall contain a detailed statement of the facts particular to the country subject to the waiver which justifies the

President's determination, and of the alternative measures the President intends to implement in order to achieve the objectives of this Act.

(c) TAKING EFFECT OF WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), a waiver under subsection (a) shall take effect 45 days after its submission to the Congress, or on the day after the 15th legislative day after such submission, whichever is later.

(2) IN EMERGENCY CONDITIONS.—The President may waive the imposition of sanctions against a country under subsection (b) or (c) of section 7 to take effect immediately if the President, in the written notification of intention to waive the sanctions, certifies that emergency conditions exist that make an immediate waiver necessary.

(d) SENSE OF CONGRESS.—It is the sense of Congress that in order to achieve the objectives of this Act, the waiver authority provided in this section should be used only in extraordinary circumstances.

**SEC. 9. MODIFICATION OF IMMIGRATION POLICY.**

(a) INADMISSIBILITY OF CERTAIN PARTICIPANTS IN RELIGIOUS PERSECUTION.—

(1) IN GENERAL.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(F) PARTICIPANTS IN RELIGIOUS PERSECUTION.—Any alien who carried out or directed the carrying out of category 1 persecution (as defined in section 3 of the Freedom from Religious Persecution Act of 1998) or category 2 persecution (as so defined) is inadmissible.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to persecution occurring before, on, or after the date of the enactment of this Act.

(b) REFUGEES.—

(1) GUIDELINES FOR ADDRESSING BIAS AFFECTING REFUGEES.—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall jointly promulgate and implement guidelines for identifying and addressing improper biases, affecting the treatment of persons who may be eligible for admission into the United States as a refugee based upon a claim of persecution or a well-founded fear of persecution on account of religion, on the part of—

(A) immigration officers adjudicating applications for admission as a refugee submitted by such persons and interpreters assisting immigration officers in adjudicating such applications; and

(B) individuals and entities assisting in the identification of such persons and the preparation of such applications.

(2) ADMISSION PRIORITY.—For purposes of section 207(a)(3) of the Immigration and Nationality Act, an individual who is a member of a persecuted community, and is determined by the Attorney General to be a refugee within the meaning of section 101(a)(42)(A) of the Immigration and Nationality Act, shall be considered a refugee of special humanitarian concern to the United States. In carrying out such section 207(a)(3), applicants for refugee status who are members of a persecuted community shall be given priority status equal to that given to applicants who are members of other specific groups of special concern to the United States. This paragraph shall be construed only to require that members of a persecuted community be accorded equal consideration in determining admissions under section 207(a) of such Act, and shall not be construed to require that any particular individual or group be admitted under that section.

(3) NO EFFECT ON OTHERS' RIGHTS.—Nothing in this section, or any amendment made by this section, shall be construed to deny any applicant for asylum or refugee status (including any applicant who is not a member of a persecuted community but whose claim is based on race, religion, nationality, membership in a particular social group, or political opinion) any right, privilege, protection, or eligibility otherwise provided by law.

(4) NO DISPLACEMENT OF OTHER REFUGEES.—Refugees admitted to the United States as a result of the procedures set forth in this section shall not displace other refugees in need of resettlement who would otherwise have been admitted in accordance with existing law and procedures.

(5) PERIOD FOR PUBLIC COMMENT AND REVIEW.—Section 207(d) of the Immigration and Nationality Act is amended by adding at the end the following:

''(4)(A) Notwithstanding any other provision of law, prior to each annual determination regarding refugee admissions under this subsection, there shall be a period of public review and comment, particularly by appropriate nongovernmental organizations, churches, and other religious communities and organizations, and the general public.

''(B) Nothing in this paragraph may be construed to apply subchapter II of chapter 5 of title 5, United States Code, to the period of review and comment referred to in subparagraph (A).''.

(c) ASYLEES.—

(1) GUIDELINES FOR ADDRESSING BIAS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall develop and implement guidelines for identifying and addressing improper biases, affecting the treatment of persons who may be eligible for asylum in the United States, based upon a claim of persecution or a well-founded fear of persecution on account of religion, on the part of immigration officers carrying out functions under section 208 or 235 of the Immigration and Nationality Act and interpreters assisting immigration officers in carrying out such functions.

(2) STUDIES OF EFFECT OF EXPEDITED REMOVAL PROVISIONS ON ASYLUM CLAIMS.—

(A) STUDIES.—

(i) PARTICIPATION BY UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.—The Attorney General shall invite the United Nations High Commissioner for Refugees to conduct a study, alone or in cooperation with the Comptroller General of the United States (as determined in the discretion of the United Nations High Commissioner for Refugees), to determine whether immigration officers described in clause (ii) are engaging in any of the conduct described in such clause.

(ii) DUTIES OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study, alone or, upon request by the United Nations High Commissioner for Refugees, in cooperation with the United Nations High Commissioner for Refugees, to determine whether immigration officers performing duties under section 235(b) of the Immigration and Nationality Act with respect to aliens who may be eligible to be granted asylum are engaging in any of the following conduct:

(I) Improperly encouraging such aliens to withdraw their applications for admission.

(II) Incorrectly failing to refer such aliens for an interview by an asylum officer for a determination of whether they have a credible fear of persecution (within the meaning of section 235(b)(1)(B)(v) of such Act).

(III) Incorrectly removing such aliens to a country where they may be persecuted.

(IV) Detaining such aliens improperly or in inappropriate conditions.

(B) REPORTS.—

(i) PARTICIPATION BY UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.—The United Nations High Commissioner for Refugees may submit to the committees described in clause (ii) a report containing the results of a study conducted under subparagraph (A)(i) or, if the United Nations High Commissioner for Refugees elected to participate in the study conducted under subparagraph (A)(ii), may submit with the Comptroller General of the United States a report under clause (ii).

(ii) DUTIES OF COMPTROLLER GENERAL.—Not later than September 30, 1999, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing the results of the study conducted under subparagraph (A)(ii). If the United Nations High Commissioner for Refugees requests to participate with the Comptroller General in the preparation and submission of the report, the Comptroller General shall grant the request.

(C) ACCESS TO PROCEEDINGS.—

(i) IN GENERAL.—Except as provided in clause (ii), to facilitate the studies and reports, the Attorney General shall permit the United Nations High Commissioner for Refugees and the Comptroller General of the United States to have unrestricted access to all stages of all proceedings conducted under section 235(b).

(ii) EXCEPTIONS.—Clause (i) shall not apply in cases in which the alien objects to such access, or the Attorney General determines that the security of a particular proceeding would be threatened by such access, so long as any restrictions on the United Nations High Commissioner for Refugees' access under this subparagraph do not contravene international law.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1999 to carry out this paragraph not to exceed $1,000,000 to the Attorney General (for a United States contribution to the Office of the United Nations High Commission for Refugees for the activities of the United Nations High Commissioner for Refugees under this paragraph) and not to exceed $1,000,000 to the Comptroller General of the United States.

(d) TRAINING.—

(1) TRAINING ON RELIGIOUS PERSECUTION.—The Attorney General shall provide training regarding religious persecution to all immigration officers and immigration judges adjudicating applications for admission as a refugee or asylum applications, including—

(A) country-specific instruction on the practices and beliefs of religious groups, and on the methods of governmental and nongovernmental persecution employed on account of religious practices and beliefs; and

(B) other relevant information contained in the most recent annual report submitted by the Director to the Congress under section 6.

(2) INSTRUCTION BY NONGOVERNMENTAL EXPERTS.—It is the sense of the Congress that the Attorney General, in carrying out paragraph (1)(A), should include in the training under the paragraph, where practicable, instruction by nongovernmental experts on religious persecution.

(3) TRAINING FOR IMMIGRATION OFFICERS ADJUDICATING REFUGEE APPLICATIONS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended by adding at the end the following:

''(f) The Attorney General shall provide training in country conditions, refugee law, and interview techniques, comparable to that provided to full-time adjudicators of applications under section 208, to all immigration officers adjudicating applications for admission as a refugee under this section.''.

(e) REPORTING.—Not later than March 30 of each year, the Attorney General shall provide to the Director, for inclusion in the Director's annual report under section 6(b)(4), a report containing the following:

(1) With respect to the year that is the subject of the report, the number of applicants for asylum or refugee status whose applications were based, in whole or in part, on religious persecution.

(2) In the case of such applications, the number that were proposed to be denied, and the number that were finally denied.

(3) In the case of such applications, the number that were granted.

(4) A description of other developments with respect to the adjudication of applications for asylum or refugee status that were based, in whole or in part, on religious persecution.

(5) A description of the training conducted for immigration officers and immigration judges under subsection (d)(1), including a list of speakers and materials used in such training and the number of immigration officers and immigration judges who received such training.

(6) A description of the development and implementation of anti-bias guidelines under subsections (b)(1) and (c)(1).

**SEC. 10. STATE DEPARTMENT HUMAN RIGHTS REPORTS.**

(a) ANNUAL HUMAN RIGHTS REPORT.—In preparing the annual reports of the State Department on human rights under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)), the Secretary of State shall, in the section on religious freedom—

(1) consider the facts and circumstances of the violation of the right to freedom of religion presented by independent human rights groups and nongovernmental organizations;

(2) report on the extent of the violations of the right to freedom of religion, specifically including whether the violations arise from governmental or nongovernmental sources, and whether the violations are encouraged by the government or whether the government fails to exercise satisfactory efforts to control such violations;

(3) report on whether freedom of religion violations occur on a nationwide, regional, or local level; and

(4) identify whether the violations are focused on an entire religion or on certain denominations or sects.

(b) TRAINING.—The Secretary of State shall—

(1) institute programs to provide training for chiefs of mission as well as Department of State officials having reporting responsibilities regarding the freedom of religion, which shall include training on—

(A) the fundamental components of the right to freedom of religion, the variation in beliefs of religious groups, and the governmental and nongovernmental methods used in the violation of the right to freedom of religion; and

(B) the identification of independent human rights groups and nongovernmental organizations with expertise in the matters described in subparagraph (A); and

(2) submit to the Director, not later than January 1 of each year, a report describing all training provided to Department of State officials with respect to religious persecution during the preceding 1-year period, including a list of instructors and materials used in such training and the number and rank of individuals who received such training.

**SEC. 11. TERMINATION OF SANCTIONS.**

(a) TERMINATION.—The sanctions described in section 7 shall cease to apply with respect to a sanctioned country 45 days, or the day after the 15th legislative day, whichever is later, after the Director, in an annual report described in section 6(b), does not include a determination by the Secretary of State that the sanctioned country is among those in which category 1 or category 2 persecution continues to exist, or in an interim report under section 6(c), includes a determination by the Secretary of State that neither category 1 nor category 2 persecution exists in such country.

(b) WITHDRAWAL OF FINDING.—Any determination of the Secretary of State under section 5(g) may be withdrawn before taking effect if the Secretary makes a written determination, on the basis of a preponderance of the evidence, that the country substantially eliminated any category 1 or category 2 persecution that existed in that country. The Director shall submit to the Congress each determination under this subsection.

**SEC. 12. SANCTIONS AGAINST SUDAN.**

(a) EXTENSION OF SANCTIONS UNDER EXISTING LAW.—Any sanction imposed on Sudan because of a determination that the government of that country has provided support for acts of international terrorism, including—

(1) export controls imposed pursuant to the Export Administration Act of 1979;

(2) prohibitions on transfers of munitions under section 40 of the Arms Export Control Act;

(3) the prohibition on assistance under section 620A of the Foreign Assistance Act of 1961;

(4) section 2327(b) of title 10, United States Code;

(5) section 6 of the Bretton Woods Agreements Act Amendments, 1978 (22 U.S.C. 286e–11); and

(6) section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (as contained in Public Law 105–118);

shall continue in effect after the enactment of this Act until the Secretary of State determines that Sudan has substantially eliminated religious persecution in that country, or the determination that the government of that country has provided support for acts of international terrorism is no longer in effect, whichever occurs later.

(b) ADDITIONAL SANCTIONS ON SUDAN.—Effective 90 days after the date of the enactment of this Act, the following sanctions (to the extent not covered under subsection (a)) shall apply with respect to Sudan:

(1) PROHIBITION ON FINANCIAL TRANSACTIONS WITH GOVERNMENT OF SUDAN.—

(A) OFFENSE.—Any United States person who knowingly engages in any financial transaction, including any loan or other extension of credit, directly or indirectly, with the Government of Sudan shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(B) DEFINITIONS.—As used in this paragraph:

(i) FINANCIAL TRANSACTION.—The term ''financial transaction'' has the meaning given that term in section 1956(c)(4) of title 18, United States Code.

(ii) UNITED STATES PERSON.—The term ''United States person'' means—

(I) any United States citizen or national;

(II) any alien lawfully admitted into the United States for permanent residence;

(III) any juridical person organized under the laws of the United States; and

(IV) any person in the United States.

(2) PROHIBITIONS ON UNITED STATES EXPORTS TO SUDAN.—

(A) PROHIBITION ON COMPUTER EXPORTS.—No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use of the Government of Sudan.

(B) REGULATIONS OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce may prescribe such regulations as may be necessary to carry out subparagraph (A).

(C) PENALTIES.—Any person who violates this paragraph shall be subject to the penalties provided in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) for violations under that Act.

(3) PROHIBITION ON NEW INVESTMENT IN SUDAN.—

(A) PROHIBITION.—No United States person may, directly or through another person, make any new investment in Sudan that is not prohibited by paragraph (1).

(B) REGULATIONS.—The Secretary of Commerce may prescribe such regulations as may be necessary to carry out subparagraph (A).

(C) PENALTIES.—Any person who violates this paragraph shall be subject to the penalties provided in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) for violations under that Act.

(4) AVIATION RIGHTS.—

(A) AIR TRANSPORTATION RIGHTS.—The Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned or controlled, directly or indirectly, by the Government of Sudan or operating pursuant to a contract with the Government of Sudan from engaging in air transportation with respect to the United States, except that such aircraft shall be allowed to land in the event of an emergency for which the safety of an aircraft's crew or passengers is threatened.

(B) TAKEOFFS AND LANDINGS.—The Secretary of Transportation shall prohibit the takeoff and landing in Sudan of any aircraft by an air carrier owned, directly or indirectly, or controlled by a United States person, except that such aircraft shall be allowed to land in the event of an emergency for which the safety of an aircraft's crew or passengers is threatened, or for humanitarian purposes.

(C) TERMINATION OF AIR SERVICE AGREEMENTS.—To carry out subparagraphs (A) and (B), the Secretary of State shall terminate any agreement between the Government of Sudan and the Government of the United States relating to air services between their respective territories.

(D) DEFINITIONS.—For purposes of this paragraph, the terms ''aircraft'', ''air transportation'', and ''foreign air carrier'' have the meanings given those terms in section 40102 of title 49, United States Code.

(5) PROHIBITION ON PROMOTION OF UNITED STATES TOURISM.—None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in Sudan.

(6) GOVERNMENT OF SUDAN BANK ACCOUNTS.—

(A) PROHIBITION.—A United States depository institution may not accept, receive, or hold a deposit account from the Government of Sudan, except for such accounts which may be authorized by the President for diplomatic or consular purposes.

(B) ANNUAL REPORTS.—The Secretary of the Treasury shall submit annual reports to the Congress on the nature and extent of assets held in the United States by the Government of Sudan.

(C) DEFINITION.—For purposes of this paragraph, the term ''depository institution'' has the meaning given that term in section 19(b)(1) of the Act of December 23, 1913 (12 U.S.C. 461(b)(1)).

(7) PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SUDAN.—

(A) PROHIBITION.—No department, agency, or any other entity of the United States Government may enter into a contract for the

procurement of goods or services from parastatal organizations of Sudan, except for items necessary for diplomatic or consular purposes.

(B) DEFINITION.—As used in this paragraph, the term ''parastatal organization of Sudan'' means a corporation, partnership, or entity owned, controlled, or subsidized by the Government of Sudan.

(8) PROHIBITION ON UNITED STATES APPROPRIATIONS FOR USE AS INVESTMENTS IN OR TRADE SUBSIDIES FOR SUDAN.—None of the funds appropriated or otherwise made available by any provision of law may be available for any new investment in, or any subsidy for trade with, Sudan, including funding for trade missions in Sudan and for participation in exhibitions and trade fairs in Sudan.

(9) PROHIBITION ON COOPERATION WITH ARMED FORCES OF SUDAN.—No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of Sudan, except for activities which are reasonably necessary to facilitate the collection of necessary intelligence. Each such activity shall be considered as significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(10) PROHIBITION ON COOPERATION WITH INTELLIGENCE SERVICES OF SUDAN.—

(A) SANCTION.—No agency or entity of the United States involved in intelligence activities may engage in any form of cooperation, direct or indirect, with the Government of Sudan, except for activities which are reasonably designed to facilitate the collection of necessary intelligence.

(B) POLICY.—It is the policy of the United States that no agency or entity of the United States involved in intelligence activities may provide any intelligence information to the Government of Sudan which pertains to any internal group within Sudan. Any change in such policy or any provision of intelligence information contrary to this policy shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

The sanctions described in this subsection shall apply until the Secretary of State determines that Sudan has substantially eliminated religious persecution in that country.

(c) MULTILATERAL EFFORTS TO END RELIGIOUS PERSECUTION IN SUDAN.—

(1) EFFORTS TO OBTAIN MULTILATERAL MEASURES AGAINST SUDAN.—It is the policy of the United States to seek an international agreement with the other industrialized democracies to bring about an end to religious persecution by the Government of Sudan. The net economic effect of such international agreement should be measurably greater than the net economic effect of the other measures imposed by this section.

(2) COMMENCEMENT OF NEGOTIATIONS TO INITIATE MULTILATERAL SANCTIONS AGAINST SUDAN.—It is the sense of the Congress that the President or, at his direction, the Secretary of State should convene an international conference of the industrialized democracies in order to reach an international agreement to bring about an end to religious persecution in Sudan. The international conference should begin promptly and should be concluded not later than 180 days after the date of the enactment of this Act.

(3) PRESIDENTIAL REPORT.—Not less than 210 days after the date of the enactment of this Act, the President shall submit to the Congress a report containing—

(A) a description of efforts by the United States to negotiate multilateral measures to bring about an end to religious persecution in Sudan; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about an end to religious persecution in Sudan, including an assessment of the stringency with which such measures are enforced by those countries.

(4) CONFORMITY OF UNITED STATES MEASURES TO INTERNATIONAL AGREEMENT.—If the President successfully concludes an international agreement described in paragraph (2), the President may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of this section to conform with such agreement.

(5) PROCEDURES FOR AGREEMENT TO ENTER INTO FORCE.—Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if—

(A) the President, not less than 30 days before the day on which the President enters into such agreement, notifies the House of Representatives and the Senate of the President's intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document containing a copy of the final text of such agreement, together with—

(i) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law; and

(ii) a statement of the President's reasons regarding—

(I) how the agreement serves the interest of United States foreign policy; and

(II) why the proposed administrative action is required or appropriate to carry out the agreement; and

(C) a joint resolution approving such agreement has been enacted.

(6) UNITED NATIONS SECURITY COUNCIL IMPOSITION OF SAME MEASURES AGAINST SUDAN.—It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures against Sudan of the same type as are imposed by this section.

(d) ADDITIONAL MEASURES AND REPORTS; RECOMMENDATIONS OF THE PRESIDENT.—

(1) UNITED STATES POLICY TO END RELIGIOUS PERSECUTION.—It shall be the policy of the United States to impose additional measures against the Government of Sudan if its policy of religious persecution has not ended on or before December 25, 1998.

(2) REPORT TO CONGRESS.—The Director shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on or before February 1, 1999, and every 12 months thereafter, a report containing a determination by the Secretary of State of whether the policy of religious persecution by the Government of Sudan has ended.

(3) RECOMMENDATION FOR IMPOSITION OF ADDITIONAL MEASURES.—If the Secretary of State determines that the policy of religious persecution by the Government of Sudan has not ended, the President shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on or before March 1, 1999, and every 12 months thereafter, a report setting forth such recommendations for such additional measures and actions against the Government of Sudan as will end that government's policy of religious persecution.

(e) DEFINITIONS.—As used in this section:

(1) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' includes any agency or instrumentality of the Government of Sudan.

(2) NEW INVESTMENT IN SUDAN.—The term ''new investment in Sudan''—

(A) means—

(i) a commitment or contribution of funds or other assets, or

(ii) a loan or other extension of credit,

that is made on or after the effective date of this subsection; and

(B) does not include—

(i) the reinvestment of profits generated by a controlled Sudanese entity into that same controlled Sudanese entity, or the investment of such profits in a Sudanese entity;

(ii) contributions of money or other assets where such contributions are necessary to enable a controlled Sudanese entity to operate in an economically sound manner, without expanding its operations; or

(iii) the ownership or control of a share or interest in a Sudanese entity or a controlled Sudanese entity or a debt or equity security issued by the Government of Sudan or a Sudanese entity before the date of the enactment of this Act, or the transfer or acquisition of such a share or interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a Sudanese entity, a controlled Sudanese entity, or the Government of Sudan.

(3) CONTROLLED SUDANESE ENTITY.—The term ''controlled Sudanese entity'' means—

(A) a corporation, partnership, or other business association or entity organized in Sudan and owned or controlled, directly or indirectly, by a United States person; or

(B) a branch, office, agency, or sole proprietorship in Sudan of a United States person.

(4) SUDANESE ENTITY.—The term ''Sudanese entity'' means—

(A) a corporation, partnership, or other business association or entity organized in Sudan; or

(B) a branch, office, agency, or sole proprietorship in Sudan of a person that resides or is organized outside Sudan.

(5) SUDAN.—The term ''Sudan'' means any area controlled by the Government of Sudan or by any entity allied with the Government of Sudan, and does not include any area in which effective control is exercised by an entity engaged in active resistance to the Government of Sudan.

(f) WAIVER AUTHORITY.—The President may waive the imposition of any sanction against Sudan under paragraph (2) or (8) of subsection (b) of this section for periods of not more than 12 months each, if the President, for each waiver—

(1) determines that the national security interests of the United States justify such a waiver; and

(2) provides to the Committees on Foreign Relations, Finance, the Judiciary, and Appropriations of the Senate and to the Committees on International Relations, the Judiciary, and Appropriations of the House of Representatives a written notification of the President's intention to waive any such sanction.

The notification shall contain an explanation of the reasons why the President considers the waiver to be necessary, the type and amount of goods, services, or assistance to be provided pursuant to the waiver, and the period of time during which such a waiver will be effective. When the President considers it appropriate, the explanation under

the preceding sentence, or any part of the explanation, may be submitted in classified form.

(g) DULY AUTHORIZED INTELLIGENCE ACTIVITIES.—The prohibitions and restrictions contained in paragraphs (1), (2), (3), and (7) of subsection (b) shall not apply to the conduct of duly authorized intelligence activities of the United States Government.

**SEC. 13. EFFECTIVE DATE.**

(a) IN GENERAL.—Subject to subsections (b) and (c), this Act and the amendments made by this Act shall take effect 120 days after the date of the enactment of this Act.

(b) APPOINTMENT OF DIRECTOR.—The Director shall be appointed not later than 60 days after the date of the enactment of this Act.

(c) REGULATIONS.—Each Federal department or agency responsible for carrying out any of the sanctions under section 7 shall issue all necessary regulations to carry out such sanctions within 120 days after the date of the enactment of this Act.

The CHAIRMAN. No amendment to that amendment in the nature of a substitute is in order unless printed in part 2 of that report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered 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 a division of the question.

It is now in order to consider Amendment No. 1 printed in part 2 of House Report 105–534.

AMENDMENT NO. 1 OFFERED BY MR. BRADY

Mr. BRADY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BRADY:

Page 14, line 9, strike ''and''.

Page 14, line 10, insert '', and transmit a copy of the report to the Commission on International Religious Persecution established under section 14'' before the period.

Page 24, line 2 insert '', the Trade and Development Agency, or the Export Import Bank of the United States'' after ''Corporation''.

Insert the following after section 12 and redesignate the succeeding section accordingly:

**SEC. 13. PROMOTION OF RELIGIOUS FREEDOM.**

(a) ESTABLISHMENT OF A RELIGIOUS FREEDOM INTERNET SITE.—In order to facilitate access by nongovernmental organizations (NGOs) and by the public around the world to international documents on the protection of religious freedom, the Director shall establish and maintain an Internet site containing major international documents relating to religious freedom, each annual report submitted under section 6, and any other documentation or references to other sites as deemed appropriate or relevant by the Director.

(b) TRAINING FOR FOREIGN SERVICE OFFICERS.—Chapter 7 of title I of the Foreign Service Act of 1980 is amended by adding at the end the following new section:

**''SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.**

''The Secretary of State and the Director of the Office of Religious Persecution Monitoring established under section 5 of the Freedom From Religious Persecution Act of 1998, acting jointly, shall establish as part of the standard training for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such instruction shall include—

''(1) standards for proficiency in the knowledge of international documents and United States policy in human rights, and shall be mandatory for all members of the Service having reporting responsibilities relating to human rights, and for chiefs of mission; and

''(2) instruction on the international right to freedom of religion, the nature, activities, and beliefs of different religions, and the various aspects and manifestations of religious persecution.''.

(c) HIGH-LEVEL CONTACTS WITH NGOS.—United States chiefs of mission shall seek out and contact religious nongovernmental organizations to provide high-level meetings with religious nongovernmental organizations where appropriate and beneficial. United States chiefs of mission and Foreign Service officers abroad shall seek to meet with imprisoned religious leaders where appropriate and beneficial.

(d) PROGRAMS AND ALLOCATIONS OF FUNDS BY UNITED STATES MISSIONS ABROAD.—It is the sense of the Congress that—

(1) United States diplomatic missions in countries the governments of which engage in or tolerate religious persecution should develop, as part of annual program planning, a strategy to promote the respect of the internationally recognized right to freedom of religion; and

(2) in allocating or recommending the allocation of funds or the recommendation of candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to assist in the promotion of the right to religious freedom.

(e) EQUAL ACCESS TO UNITED STATES MISSIONS ABROAD FOR CONDUCTING RELIGIOUS ACTIVITIES.—

(1) IN GENERAL.—Subject to this subsection, the Secretary of State shall permit, on terms no less favorable than that accorded other nongovernmental activities, access to the premises of any United States diplomatic mission or consular post by any United States citizen seeking to conduct an activity for religious purposes.

(2) TIMING AND LOCATION.—The Secretary of State shall make reasonable accommodations with respect to the timing and location of such access in light of—

(A) the number of United States citizens requesting the access (including any particular religious concerns regarding the time of day, date, or physical setting for services);

(B) conflicts with official activities and other nonofficial United States citizen requests;

(C) the availability of openly conducted, organized religious services outside the premises of the mission or post; and

(D) necessary security precautions.

(3) DISCRETIONARY ACCESS FOR FOREIGN NATIONALS.—The Secretary of State may permit access to the premises of a United States diplomatic mission or consular post to foreign nationals for the purpose of attending or participating in religious activities conducted pursuant to this Act.

(f) PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS PERSECUTION CONCERNS.—

(1) SENSE OF CONGRESS.—To encourage involvement with religious persecution concerns at every possible opportunity and by all appropriate representatives of the United States Government, it is the sense of the Congress that officials of the executive branch of the United States Government should promote increased advocacy on such issues during meetings between executive branch and congressional leaders and foreign dignitaries.

(2) RELIGIOUS PERSECUTION PRISONER LISTS AND ISSUE BRIEFS.—The Secretary of State, in consultation with United States chiefs of mission abroad, regional experts, the Director, and nongovernmental human rights and religious groups, shall prepare and maintain issue briefs on religious freedom, on a country-by-country basis, consisting of lists of persons believed to be imprisoned for their religious faith, together with brief evaluations and critiques of policies of the respective country restricting religious freedom. The Secretary of State shall exercise appropriate discretion regarding the safety and security concerns of prisoners in considering the inclusion of their names on the lists.

(3) AVAILABILITY OF INFORMATION.—The Secretary of State shall provide these religious freedom issue briefs to executive branch and congressional officials and delegations in anticipation of bilateral contacts with foreign leaders, both in the United States and abroad.

(g) ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.—

(1) FINDINGS.—The Congress makes the following findings:

(A) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there is not sufficient cultural and social understanding of international norms of religious freedom.

(B) Accordingly, in its foreign assistance already being disbursed, the United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom.

(2) ALLOCATION OF FUNDS FOR INCREASED PROMOTION OF RELIGIOUS FREEDOMS.—Section 116(e) of the Foreign Assistance Act of 1961 is amended by inserting ''and the right to free religious belief and practice'' after ''adherence to civil and political rights''.

(h) INTERNATIONAL BROADCASTING.—

(1) Section 302(1) of the United States International Broadcasting Act of 1994 is amended by inserting ''and of conscience (including freedom of religion)'' after ''freedom of opinion and expression''.

(2) Section 303(a) of the United States International Broadcasting Act of 1994 is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by adding at the end the following:

''(8) promote respect for human rights, including freedom of religion.''.

(i) INTERNATIONAL EXCHANGES.—Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 is amended—

(1) by striking ''and'' after paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting ''; and''; and

(3) by adding at the end the following:

''(12) promoting respect for and guarantees of religious freedom abroad by interchanges and visits between the United States and other nations of religious leaders, scholars, and religious and legal experts in the field of religious freedom.''.

(j) FOREIGN SERVICE AWARDS.—

(1) PERFORMANCE PAY.—Section 405(d) of the Foreign Service Act of 1980 is amended by inserting after the first sentence the following: ''Such service in the promotion of internationally recognized human rights, including the right to religious freedom, shall serve as a basis for granting awards under this section.''.

(2) FOREIGN SERVICE AWARDS.—Section 614 of the Foreign Service Act of 1980 is amended

by adding at the end the following new sentence: ''Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to religious freedom, shall serve as a basis for granting awards under this section.''.

**SEC. 14. COMMISSION ON INTERNATIONAL RELIGIOUS PERSECUTION.**

(a) ESTABLISHMENT AND COMPOSITION.—

(1) GENERALLY.—There is established the United States Commission on International Religious Persecution (hereinafter referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) APPOINTMENT.—The Commission shall be composed of—

(i) the Director; and

(ii) 4 other members, who shall be appointed as follows:

(I) 2 Senators, 1 of whom shall be appointed by the President pro tempore of the Senate upon the recommendations of the Majority Leader, and 1 of whom shall be appointed by the Minority Leader.

(III) 2 Members of the House of Representatives, 1 of whom shall be appointed by the Speaker of the House of Representatives upon the recommendations of the Majority Leader, and 1 of whom shall be appointed by the Minority Leader.

(B) CHAIR.—The Commission shall elect one of its members as chair.

(C) TIME OF APPOINTMENT.—The appointments required by subparagraph (A) shall be made not later than 120 days after the date of enactment of this Act.

(3) TERMS.—The term of office of each member of the Commission shall be 2 years, except that an individual may not serve more than 2 terms.

(4) QUORUM.—Three members of the Commission constitute a quorum of the Commission.

(5) MEETINGS.—Not more than 15 days after the issuance of an annual report under section 6, the Commission shall convene.

(6) ADMINISTRATIVE SUPPORT.—The Director shall provide to the Commission such staff and administrative services of the Office as may be necessary for the Commission to perform its functions. The Secretary of State shall assist the Director and the Commission by detailing staff resources as needed and as appropriate.

(7) COMPENSATION.—

(A) TRAVEL EXPENSES.—Members of the Commission shall receive no pay for services performed as such a member, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) NO COMPENSATION FOR GOVERNMENT EMPLOYEES.—Any member of the Commission who is an officer or employee of the United States shall receive no additional compensation for services performed as a member of the Commission.

(b) DUTIES OF THE COMMISSION.—

(1) In general.—The Commission shall have as its primary responsibility the consideration of the facts and circumstances of category 1 or category 2 persecution presented in each annual report issued under section 6 and the consideration of United States Government policies to promote religious freedom and prevent religious persecution, and to make appropriate policy recommendations to the President, the Secretary of State, and the Congress.

(2) POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO VIOLATIONS.—The Commission, in evaluating United States Government policies, shall consider and recommend policy options to further enhance the effectiveness of sanctions related to religious persecution and human rights.

(3) POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO PROGRESS.—The Commission shall make and provide an assessment of—

(A) the progress of sanctions imposed under section 7 on a country or responsible entity toward achieving termination of religious persecution, as well as the potential deterrence of religious persecution as a result of this Act in countries on which sanctions have not been imposed under this Act;

(B) diplomatic and other steps the United States has taken or should take to further accomplish the intended objectives of the sanctions, including the promotion of multilateral adoption of comparable measures;

(C) comparable measures undertaken by other countries;

(D) additional policy options to promote the objectives of this Act and an assessment of their potential effectiveness;

(E) any obligations of the United States under international treaties or trade agreements with which sanctions imposed under section 7 have conflicted or proposed policy options under paragraph (2) may conflict;

(F) any retaliation resulting from sanctions imposed under section 7 and the likelihood that a proposed policy option under paragraph (2) will lead to retaliation against United States interests, including agricultural interests; and

(G) the estimated impact from sanctions imposed under section 7 and proposed policy options under paragraph (2) on United States foreign policy, national security, economic, and humanitarian interests, including benefit or harm to United States businesses, agriculture, and consumers, the competitiveness of United States businesses, and the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(4) EFFECTS ON RELIGIOUS COMMUNITIES AND INDIVIDUALS.—Together with specific policy recommendations provided under paragraphs (2) and (3), the Commission shall also indicate its evaluation of the potential effects of such policies, if implemented, on the religious communities and individuals whose rights are found to be violated in the country in question.

(5) MONITORING.—The Commission shall, on an ongoing basis, monitor facts and circumstances of religious persecution, in consultation with independent human rights groups and nongovernmental organizations, including churches and other religious communities, and make such recommendations as may be necessary to the appropriate agencies and officials of the United States Government.

(c) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than March 1 of each year, the Commission shall submit a report to the President and the Congress setting forth its recommendations for changes in United States policy based on its evaluations under subsection (b).

(2) CLASSIFIED FORM OF REPORT.—The report may be submitted in classified form, together with a public summary of recommendations.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member.

(d) TERMINATION.—The Commission shall terminate 8 years after the initial appointment of its members.

The CHAIRMAN. Pursuant to House Resolution 430, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BRADY).

Mr. BRADY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, America has never run from taking a stand on injustice in this world. It is not in our history, it is not in our heart. I know that the right to freedom of religion is under assault, renewed assault, throughout the world. Religious believers in many countries face severe forms of persecution, torture, beatings, rape, slavery and death for their peaceful beliefs.

Mr. Chairman, it is important that we take a stand, not simply denounce, but take a stand. So I appreciate the author of this bill, the gentleman from Virginia (Mr. WOLF), and the leadership of the gentleman from New Jersey (Mr. SMITH), in bringing this dialogue and bill to the floor.

The goal of my amendment is simple, to strengthen the impact of the act, to provide more tools to fight religious persecution, to enhance the accountability and heighten a year-round profile in the fight against religious persecution.

Specifically, this amendment provides more tools, among them establishment of a religious freedom Internet site, expanded international broadcasting, publication of religious prisoner lists, training for foreign service officers and equal access to U.S. missions abroad.

The amendment also expands contract sanctity and establishes a five member U.S. Commission on International Religious Persecution, four Members of Congress and the new director, to promote accountability, to evaluate the progress, to tell us how we are doing and what we can do to do it better, to report on efforts to secure multilateral cooperation, to put more pressure on these sanctioned countries and entities, to identify how America is being retaliated against, to assess the impact on American jobs and interests, and make recommendations to Congress on how we can further effectively act to end religious persecution around this globe.

Mr. Chairman, I yield one minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. BRADY). While the gentleman from Texas may be one of the most junior members of our Committee on International Relations, he is one of the most significant, and a key participant in our committee's deliberations on this bill and many other policy initiatives. The gentleman has offered many helpful suggestions along the way, and has demonstrated over and over again his commitment to the struggle against religious persecution, and I deeply, deeply, respect him.

The amendment offered by the gentleman from Texas (Mr. BRADY) today makes further positive contribution to

the bill, and enhances the bill, as he pointed out, in a variety of ways.

I commend the gentleman from Texas (Mr. BRADY) for his work on behalf of this legislation and his very constructive amendment, and I do urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I stand in opposition at this time to the amendment, but I wish to commend the gentleman from Texas (Mr. BRADY) for attempting to improve this bill. I know that Mr. BRADY has worked diligently, and I compliment him on his efforts.

The gentleman's amendment contains a number of useful provisions. I do not think these provisions have been as carefully examined as we would like, and, in my view, they do not work well within the context of H.R. 2431. So while at this time I withdraw any of those reservations and will not oppose the efforts of the gentleman, I did at least want to register the reservation, in the hopes that we will continue in the effort to improve this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. BRADY. Mr. Chairman, I yield two minutes to the gentleman from Florida (Mr. BILIRAKIS.)

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

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I support the amendment of the gentleman from Texas (Mr. BRADY.) I would like to commend the gentleman from Virginia (Mr. WOLF) for his important work crafting this important bill to protect fundamental human rights.

I support this bill because it sends a clear message that the United States supports freedom of religion and human rights worldwide. The bill also contains language I offered to stop the religious persecution of Orthodox Christians in Turkey. The Ecumenical Patriarchate in Istanbul, Turkey, is the spiritual center for nearly 300 million Orthodox Christians worldwide, including 5 million in the United States. It has repeatedly been the target of attacks which have resulted in the deaths of its personnel.

The latest act of violence against the Patriarchate came in December 1997, just months after Congress awarded the Congressional Gold Medal to Patriarch Bartholomew. When he accepted the Congressional Gold Medal last year, the Patriarch emphasized that the Orthodox Church: ''May be opposed, but opposes no one; may be persecuted, but does not persecute; is fettered, but chains no one; is derived of her freedom, but does not trample on the freedom of others.''

It is incumbent upon us as leaders of the greatest democratic republic in the world, a Nation founded on the free exercise of religion, to ensure that the Patriarchate is free to carry out its non-political religious mission.

My language urges the United States to use its influence with the Turkish government to protect the Patriarch, the Patriarchate personnel, and all Orthodox faithful residing in Turkey. It also requires the administration to reported to Congress annually on the status of its efforts to achieve these goals.

H.R. 2431 states: ''Governments have a primary responsibility to promote, encourage and protect respect for the fundamental and internationally recognized right to freedom of religion.''

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in part 2 of House Report 105–534.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HASTINGS of Florida:

Page 15, line 4, insert the following after line 4:

(7) In consultation with the Secretary of State, make policy recommendations to the President that would make a priority of promoting and developing legal protections and cultural respect for religious freedom, including by—

(A) ensuring that funds made available for development assistance are used, among other things, to encourage and promote increased adherence to the right to free religious belief and practice;

(B) ensuring that United States international broadcasting is designed to promote respect for human rights, including freedom of religion, among other broadcasting goals; and

(C) ensuring that United States cultural and educational exchanges promote, among other goals, respect for and guarantees of religious freedom abroad, including through interchanges and visits between the United States and other countries of religious leaders, scholars, and religious and legal experts in the field of religious freedom.

(8) Assist the Secretary of State in establishing a program of granting awards to members of the Foreign Service who have provided distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to religious freedom.

The CHAIRMAN. Pursuant to House Resolution 430, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose the bill in committee for a number of reasons, none of which have been addressed by the legislative process up to this point.

One of my key concerns is that this bill takes a negative approach to trying to solve a very, very complex issue. That is why I offer this amendment, which would institute positive incentives to promote religious freedom.

The amendment would authorize the director to weigh in on policy decisions that promote and develop legal protections and cultural respect for religious freedom in several United States programs. This does not mean increasing program costs. It does, however, mean that the current programs attempt to do something to alleviate religious persecution.

The Secretary of State's Advisory Committee on Religious Freedom Abroad has recommended that the Secretary promote a greater awareness of religious freedom in United States development programs in the broadcast of Radio Asia and the other radio services throughout the world, and in our culture and educational exchanges. The amendment follows through on these very productive suggestions.

The amendment would also reinforce United States Embassies' promotion of religious freedom by rewarding diplomats who have made valuable contributions to international human rights efforts, including the right to religious freedom. I hope and expect this amendment to get unanimous support from my colleagues.

Mr. Chairman, while I seek to improve the bill, I must continue to point to two of the very serious concerns with the heart of the bill. First, this bill, in my view, will not help those who suffer from religious persecution, and risks harm to the very communities it seeks to protect. Religious minorities in countries likely to be targeted under this bill fear that they will be blamed and they will suffer for the imposition of U.S. sanctions on their countries.

This was the concern raised by Dr. Youssef Boutros-Ghali, a Coptic Christian and Egypt's Minister of Economy, and by Reverend Joseph Pattiasina, the General Secretary of the Communion of Churches in Indonesia, who said the bill will jeopardize the relationship between the Christians and Islam.

Second, the mandatory automatic sanctions, although that has been modified in many respects, restricts the President's ability to manage the full range of United States national interests, including securing peace and security, economic prosperity, and even protection of other human rights.

A determination of religious persecution against any country would automatically trigger a fixed set of assistance and trade sanctions. No other U.S. interest could be considered in a decision of whether or not to impose such sanctions. This bill forces the United States to use a single, inflexible preemptory unilateral weapon, sanctions,

to address issues of immense complexity and scope.

Many countries would be exposed to sanctions under this bill, including Egypt, Saudi Arabia, Indonesia, Pakistan and India. As pointed out by the gentleman from Indiana (Mr. HAMILTON), we have several national security interests in these countries, heightened only more by the events in the world today, the Middle East peace process, secure oil supplies, nonproliferation, and peace and stability in Asia. These countries buy American products. Sanctions mandated by this bill can and will surely harm some of these interests.

While H.R. 24312 is well-intentioned, it is harmful to American national interests and counterproductive to our shared goal of ending religious persecution. My amendment strengthens this bill, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in favor of the amendment, but I ask unanimous consent to claim the time, since nobody seems to be opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to commend the distinguished member of our Committee on International Relations for his amendment. I strongly urge its adoption.

The amendment of the gentleman from Florida (Mr. HASTINGS) expands the responsibilities of the director of the new Office of Religious Persecution Monitoring in several ways. The net effect would be to give the director a role in advising the President and the Secretary of State on additional steps that the United States can take to advance religious freedom around the world, including in such areas as international broadcasting and international exchanges in personnel incentives for State Department employees.

Just to respond, and not to get back to general debate, but the gentleman from Florida raised a couple of issues against the bill. I do hope Members will realize that there is a very generous waiver provision, I think perhaps it is too generous, but it does provide for national security concerns. Also under the provisions of the bill, the sanctions can be waived if the President believes that it would substantially promote the purposes of this act.

It is about time we took religious freedom seriously. This legislation does so.

The gentleman from Indiana (Mr. HAMILTON) earlier in the debate talked about the beheadings going on in Saudi Arabia. Usually they occur when somebody converts from being a Muslim to Christianity.

That is serious stuff. If we are going to look askance and act indifferent or raise our voice with nothing behind it, those beheadings will continue. But we must say very clearly and unambiguously that beheading people is something out of bounds and is truly egregious behavior, and certainly it is violative of all of the UN conventions, including the Declaration on Intolerance on Religion.

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And so the stories need to conform, as do others, to these internationally recognized norms, and beheadings certainly are totally out of bounds, as is any other form of torture.

Mr. Chairman, I hope Members will support the bill, and again, I think this is a good amendment and I support it.

Mr. HASTINGS of Florida. Mr. Chairman, at this time I would like to thank my good friend and distinguished colleague, the gentleman from New Jersey (Mr. SMITH).

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 3, not voting 14, as follows:

[Roll No. 154]

AYES—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
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
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
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
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—3

Chenoweth Johnson (WI) Paul

NOT VOTING—14

Bateman Hefner Souder
Cannon Lewis (CA) Torres
Fowler Quinn Traficant
Gonzalez Riggs Weldon (PA)
Harman Skaggs

□ 1351

Mr. GOODLATTE changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part 2 of House Report 105–534.

AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 Amendment No. 3 printed in House Report 105–534 offered by Mr. CAMPBELL:

In section (12)(f), in the matter preceding paragraph (1), strike ''paragraph (2) or (8) of subsection (b) of''.

The CHAIRMAN. Pursuant to House Resolution 430, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment makes the national security waiver complete. As the bill left the Committee on International Relations regarding Sudan, because of a jurisdictional dispute between the Committee on Ways and Means and Committee on International Relations, the waiver authority given to the President did not extend to all of the sanctions in the Sudan provision of the bill. With my amendment, it would do so.

Mr. Chairman, I will take an additional moment to say that if this amendment is adopted, and I am assured by my good friends that it shall be, I will then be very proud to support this bill. I am proud to stand with the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH), with the chairman of our committee, with many Members on the other side of the aisle, as well.

I suggest that with this amendment there is really no concern sufficient to oppose this bill from the point of view of the President's conduct with foreign affairs, because with this amendment every aspect of the bill that imposes a sanction can, in appropriate circumstances, be waived.

I also would note the kindness, the consideration that I have received from the authors of this bill through a very long process of drafting it, so that the sanctions which deal with the definition of an agency of a foreign nation are defined as narrowly as practicable, and so that the items regarding the barriers to export of those items that could facilitate persecution are defined to be only those which are specific, and I read, ''directly and substantially used or intended for use in carrying out acts of religious persecution in such country.''

With these understandings, the bill, it seems to me, remains a powerful statement against religious persecution, and yet does not interfere with the appropriate role of the President of the United States in foreign policy.

Mr. Chairman, my understanding is, if my amendment is accepted, all sanctions provided for in section 12, referred to in section 2, may be waived.

Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Virginia (Mr. WOLF), the author of the bill, so that he might perhaps speak to whether my understanding is correct. I am not seeking a colloquy, I am seeking merely to yield 1 minute.

Mr. WOLF. Mr. Chairman, that is correct. I thank the gentleman very, very much.

Mr. CAMPBELL. I am proud to stand with the gentleman from Virginia (Mr. WOLF).

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the distinguished chairman of our committee.

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding. I am pleased to rise in support of the amendment offered by the distinguished member of our Committee on International Relations, the gentleman from California (Mr. CAMPBELL).

Mr. Chairman, this amendment restores to the bill a feature first suggested to us by the gentleman from California (Mr. CAMPBELL) that we had intended to adopt during markup during our committee, but were unable to adopt because of limitations on our committee's jurisdiction.

The gentleman from California rightly points out that if the President is to have authority to waive sanctions imposed on Sudan pursuant to the bill, he should have authority to waive all of those sanctions, and not just some of them. That is the purpose of the amendment. We welcome the improvement to our bill.

We thank the gentleman from California (Mr. CAMPBELL) for the close attention he has paid to our bill while we were considering it within our committee. I am grateful for his many positive contributions.

I urge my colleagues to adopt the Campbell amendment.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, we have worked very constructively with the gentleman from California on this amendment, as well as on the bill itself. It has been through a very long and arduous process, two full hearings in the full committee last September, a whole series of hearings in my subcommittee on religious persecution, and then the drafting and redrafting. The gentleman from California (Mr. CAMPBELL) has been very vital for that. We thank him for that. We appreciate his support for the full bill in final passage.

The CHAIRMAN. Does the gentleman from Indiana (Mr. HAMILTON) claim the time in opposition?

Mr. HAMILTON. I am not opposed to the amendment, Mr. Chairman.

I ask unanimous consent to control the time, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say, while I do not support the bill, I do think this amendment improves the bill and it would be my intention to support it and vote for it.

Mr. Chairman, I yield to the distinguished gentlewoman from Texas, Ms. JACKSON-LEE.

□ 1400

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member, the gentleman from Indiana (Mr. HAMILTON), very much for his overall leadership throughout the years on so many important international issues. I also thank the gentleman from Virginia (Mr. WOLF) and the Committee on International Relations.

I rise to support the Campbell amendment, as well to support this legislation. In particular, I think it is extremely important to note that the President has already issued a broad range of waivers and sanctions against Sudan, and I think that this particular legislation that the gentleman from California (Mr. CAMPBELL) has gives the President greater flexibility but as well recognizes that we have responsibility to uphold the needs of the people in Sudan. So I do appreciate this amendment.

Mr. Chairman, I know how committed the gentleman from Virginia (Mr. WOLF) has been to these issues. That is why I join him, along with my good friend, the gentleman from Florida (Mr. HASTINGS) who has been very studious on these questions. I think when we begin to educate the American people about persecution, as we have seen and heard and as it has been expressed, abduction and enslavement, killing and imprisonment, forced mass relocation, rape, crucifixion or other forms of torture, then we recognize that the legislation is extremely important.

While many of my constituents have raised those concerns because they are

aware of it, there are others likewise who bring to the table questions of whether or not we should be involved and engaged in unilateral sanctions.

I would simply say that I am looking forward to looking at both sides of the issue and have considered certainly the legislation of the Crane-Hamilton bill. But I think this issue is so very important to us as Americans. It is such an abiding issue for me, religious freedom, the lack of religious persecution, that it begs to be answered.

So I rise to be able to lend my support for the leadership of the gentleman from Virginia (Mr. WOLF) and to add to the supporters, to acknowledge the International Campaign of Tibet, His Holiness, the Dalai Lama, the U.S. Catholic Conference, the Religious Action Center for Reformed Judaism, the Salvation Army, the Anti-defamation League, a noted Chinese dissident, John Cardinal O'Connor, Archbishop of New York, and Jeff Fiedler, President of the Food and Allied Service Trades.

I think we are being begged for a response. We would be certainly remiss. More than that, it would be tragic not to stand up for religious freedom around this world. We must stand up for those to be allowed to express their beliefs. I thank the leadership, the gentleman from Virginia (Mr. WOLF) for this legislation.

Mr. Chairman, I rise today in support of H.R. 2431, the Freedom from Religious Persecution Act of 1998. Essentially, this bill is an effort to protect one of the most sacred rights that human beings can enjoy, the right to seek out and worship the divine as they may deem fit. All over the world, nations, sovereign powers and totalitarian groups are restricting the religious freedom of others. From Christians to Jews to Muslims to Bahai's, religious persecution, as we stand on the brink of the next millennium, is a widespread as ever. So, in response to the crisis, this bill establishes a new office in the State Department to monitor religious persecution overseas called the Office of Religious Persecution Monitoring, directs U.S. sanctions against countries and individuals determined to have engaged in religious persecution and provides asylum for religious refugees as determined by a series of guidelines mandated by the bill.

As our history teaches us, many of the founders of this great nation crossed the imposing gulf of the Atlantic Ocean in order to preserve the sanctity of their personal religious choices. Without reservation, they flatly refused to let others dictate for them who they could worship and how that worship should be conducted. Instead of bowing to the suppression of their beliefs, these brave pioneers of a new and enlightened sense of public governance, chose to protect their freedom above all. Well over two centuries later, this same struggle is being fought again by literally millions of people around the globe who simply refuse to betray their most sacred beliefs about God.

In Sudan, in particular, this struggle has taken on genocidically proportions. Some reports estimate that well over one million people have been killed by the Sudanese government, both Christians and Muslims, fighting to preserve their most fundamental religious beliefs. In China, millions of ''house church'' Christians are forced to worship in absolute secrecy in order to prevent the government from interfering in the practice of their worship. In Tibet, Buddhists have been brutalized, their religious leaders jailed, and their most holy of worship places completely desecrated. In Iran, practicing Bahai's have been met with a rash of sudden executions. And most recently, we have learned about the violent terrorism against Christians in both Pakistan and Egypt, while the government of these nations have simply stood back and watched. So now that we know what is happening around us, what are we going to do about these on-going travesties of justice?

For me, the answer is as simple as this, we must take a stand on these important issues of principle. This bill, in my opinion, is a workable solution to these growing threats to religious freedom surging abroad. First of all, the bill does not exclude any religious groups from its protections. Whether you are Christian, Jew, Muslim, Hindu or something else, if you are persecuted because of your religious beliefs, this bill and its provisions will protect you. Furthermore, this bill is in no way mutually exclusive to any protections that may exist in current law for any other persecuted group. If you are persecuted for race, national origin, political affiliation or some other defining characteristic of personhood, existing federal law still addresses these concerns. Religion, I believe, because of the many on-going tragedies of persecution, terrorism and violence that I listed above, definitely deserves some form of special consideration and treatment. Thus, the necessity of creating a new federal sub-agency to be responsible for this volatile issue.

The newly created Office of Religious Persecution Monitoring in the State Department will be headed by a Director appointed by the President and confirmed by the Senate. This director should be recognized as an expert in the area of religious persecution and is barred specifically by the language of the bill, from holding any other federal position while serving in this capacity. More importantly though, this office is empowered by the bill to make findings of fact on any potential violations as discovered by the State Department and submit these findings to the Secretary (of State) and President with recommendations for action. This bill, in sum, is a powerful statement to nations of the world, that we will not countenance the rampant disregard of our fellow man's unalienable rights.

As for the bill's remaining provisions, in regard to the sanctions against aid given to countries that violate the religious freedom of their citizens; we should not, we must not, and we can not sit back and enrich governments that either conduct or condone the persecution of citizens on the basis of their religious beliefs. In all of our policy decisions, we need to show our displeasure with this kind of heinous conduct. And finally, the creation of a structured asylum program for religious refugees is a noble objective; an objective some believe is long overdue.

As people all around the world are celebrating the fiftieth anniversary of the Universal Declaration of Human Rights in their own special way, let's do so in ours. Let's support H.R. 2431, and help to ensure the protection of a freedom for others, that we in this nation often take for granted. The freedom to practice and express one's religious beliefs without interference or persecution. Vote for H.R. 2431.

Mr. HAMILTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

The question is on the amendment in the nature of a substitute, as modified, as amended.

The amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes, pursuant to House Resolution 430, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SMITH of New Jersey. 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 375, nays 41,

answered ''present'' 1, not voting 15, as follows:

[Roll No. 155]

YEAS—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Ford
Fossella
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)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
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
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
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—41

Blumenauer
Bonilla
Brown (CA)
Chenoweth
Clay
Conyers
Crane
Crapo
DeGette
Dicks
Dingell
Dooley
English
Fazio
Gibbons
Hamilton
Hastings (FL)
Hilliard
Houghton
Jefferson
Johnson (CT)
Kolbe
Matsui
McDermott
Mink
Moran (VA)
Oberstar
Paul
Pickett
Pombo
Rangel
Sabo
Salmon
Sanford
Smith, Adam
Snyder
Stokes
Stump
Tauscher
Waters
Watt (NC)

ANSWERED ''PRESENT''—1

Bonior

NOT VOTING—15

Bateman
Dickey
Fowler
Gonzalez
Harman
Hefner
Lewis (CA)
Mollohan
Obey
Quinn
Riggs
Sanders
Skaggs
Torres
Traficant

□ 1426

Mr. CONYERS, Mr. JEFFERSON, Mrs. MINK of Hawaii, and Mr. CLAY changed their vote from ''yea'' to ''nay.''

Mr. MINGE changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SANDERS. Mr. Speaker, I inadvertently missed rollcall vote 155, the Freedom From Religious Persecution Act, H.R. 2431. I am glad it passed. If I had been present, I would have voted yes.

## GENERAL LEAVE

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2431, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3760

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3760.

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

There was no objection.

## ELECTION OF MEMBER TO COMMITTEE ON SMALL BUSINESS

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 434) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 434

*Resolved*, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Small Business, the following Member:

DONNA CHRISTIAN GREEN of the Virgin Islands.

The resolution was ageed to.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, what the schedule for today and the remainder of the week and for the following week will be.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that we have concluded legislative business for the week. The House will next meet on Monday, May 18, at 12 noon for a pro forma session. There will be no legislative business and no votes on that day.

On Tuesday, May 19, the House will meet at 10:30 a.m. for morning hour and at 12 noon for legislative business.

On Tuesday we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices.

We also hope to consider H.R. 512, the new Wildlife Refuge Authorization Act, under an open rule, and begin general debate on H.R. 3616, the National Defense Authorization Act for fiscal year 1999. Time permitting, we will complete consideration of H.R. 3534, the Private Sector Mandates Act.

Members should note that we do not expect any recorded votes before 5 p.m. on Tuesday, May 19.

On Wednesday, May 20, and Thursday, May 21, the House will meet at 10

a.m., and on Friday, May 22, the House will meet at 9 a.m. to consider the following legislation:

Continued consideration of H.R. 3616, the National Defense Authorization Act for the fiscal year 1999;

H.R. 3150, the Bankruptcy Reform Act of 1998; and

H.R. 2183, the Bipartisan Campaign Integrity Act of 1997.

□ 1430

We also hope to have a number of conference reports ready for next week, including H.R. 2400, The Building Efficient Surface Transportation and Equity Act conference report; and H.R. 2646, The Education Savings Act for public and private schools conference report.

Mr. Speaker, we hope to conclude legislative business for the week on Friday, May 22. The House will be in recess for the Memorial Day district work period until Tuesday, June 2.

The House will reconvene on Wednesday, June 3, at 10:30 a.m. However, votes will be postponed until after 5:00 p.m. on Wednesday, June 3, the resumption of our work after the recess.

I thank the gentleman for yielding me the time.

Mr. BONIOR. Mr. Speaker, reclaiming my time, can the distinguished majority leader assure the House that we will vote on the final passage of campaign finance reform before the recess, as promised?

Mr. ARMEY. If the gentleman will continue to yield, I want to, of course, thank the gentleman for his inquiry.

Next week is, of course, a week where we have a great deal of work that is pending before the Nation and very important work. There is no doubt we will get to campaign finance reform. And this is, of course, a very big, broad-based debate, focused on honest and fair elections; and we intend to have that full debate and there will be full consideration.

So I have no way of assuring the gentleman of our ability to complete that work, given the fact that we have just, I think, until the end of today to file substitutes. So my anticipation is there will be a large number of voices that will want to be heard.

Mr. BAESLER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Kentucky.

Mr. BAESLER. Mr. Speaker, if I could ask a question of the distinguished majority leader.

Since we are the blue dog with the sponsor of the discharge petition, we are concerned, very clearly, that the whole matter be discussed next week. And I just heard the comments of the gentleman to the gentleman from Michigan (Mr. BONIOR).

So does the majority leader think that we are going to be able discuss the substance or just the rule next week?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. If the gentleman is still talking about the consideration of honest and fair elections, certainly, I have no doubt, we will get beyond the rule and into the bill.

I simply cannot give my colleague any assurance about how far we will get relative to the amount of work to be done. But certainly the gentleman is correct; we will be discussing the legislation itself.

Mr. BONIOR. Can I ask my friend from Texas how much time does he anticipate that he may be setting aside for the campaign finance reform bill, the honest election bill that he referred to?

Mr. ARMEY. If the gentleman would further yield, I appreciate his interest. But we have sought full participation by everyone who has been working on this subject to give them an opportunity to present their recommendations and consider that. We will know more, of course, after the filing of all the substitutes before the committee. But we intend to give it as much time as it will take.

Mr. BONIOR. Mr. Speaker, I yield to my friend, the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank my colleague the distinguished minority whip for yielding. I wonder if I might ask a question, under his reservation, of the majority leader.

As the majority leader I think knows, there are bipartisan interests in activities of official business on Friday of next week, and I am wondering is it possible for the majority leader to give us a 2 o'clock or a 3 o'clock certain adjournment time, or, at least, would he be willing to entertain a request from this gentleman that we adjourn as early as possible on Friday?

Mr. ARMEY. I thank the gentleman. I do understand the importance of the work that my colleague is discussing here. And it is a Friday before a district work period.

We will undoubtedly find ourselves having to stay late on Wednesday night, perhaps Thursday night. And it is our intention to be able to conclude by 2 o'clock so that people can begin their district work period in a manner that would be consistent with the plans they have made.

Mr. BEREUTER. If the gentleman would continue to yield, I just wanted to thank the majority leader for that indication. I think it would be helpful in our planning and it is of bipartisan importance.

Mr. BONIOR. Finally, Mr. Speaker, I yield to my friend, the gentleman from Texas (Mr. STENHOLM) for an inquiry.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding.

I would like to inquire of the majority leader if the leadership has ascertained as yet the nature of the rule under which we will consider campaign finance reform?

As my colleague is I am sure aware, the discharge petition that many of us felt would have given a very free and open debate of the issue includes some mode of operation that we feel is very, very important to the consideration of these competing ideas. The so-called freshman bill and the Shays-Meehan bill, we believe very strongly, should be considered in what we call the Queen of the Hill, in which the one that gets the most votes becomes the base bill; and then the open rule that I believe everyone has promised for amendment would then occur thereafter.

Could my colleague shed some light as to whether or not the leadership might be sympathetic to basically having the rule that was about to be discharged be the rule under which we will conduct the free and open debate?

Mr. ARMEY. As I said before, the substitutes are still being filed. But I believe the kind of rule the gentleman from Texas outlined, and again, I do not of course have the authority to speak on behalf of the Committee on Rules, but I would anticipate that if the gentleman is requesting the kind of rule outlined, anticipating that, that he should have good expectations that he will be pleased with the rule, from the discussions that I have heard.

Mr. BONIOR. I thank my colleague from Texas.

## ADJOURNMENT TO MONDAY, MAY 18, 1998

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

## HOUR OF MEETING ON TUESDAY, MAY 19, 1998

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 18, 1998, it adjourn to meet at 10:30 a.m. on Tuesday, May 19, for morning hour debates.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, May 18, 1998, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

## 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

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

Mr. LAMPSON. Mr. Speaker, I would like to take this opportunity to extend my warmest congratulations and best wishes to the State of Israel and to her people on the occasion of the 50th anniversary of the founding of the modern State of Israel.

In 1948, Israel arose from the ashes of the Holocaust. On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel. Over these last 50 years, the American people have formed a profound friendship with the people of Israel, and these bonds of friendship and cooperation have been significant for both our countries, and we give thanks for the miracle of her survival; for the history of Israel and the Jewish people is the story of redemption and freedom of all oppressed peoples everywhere.

So, to the people of Israel, I wish them a peaceful, prosperous, and successful future.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

(Mr. NEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## TRIBUTE TO MARJORY STONEMAN DOUGLAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I would like to take a moment to pay tribute to a remarkable Floridian who spent literally a century doing good on this Earth before passing away today.

Restoration of the Florida Everglades, one of the largest functioning ecosystems in the world, is a massive undertaking, and success will depend upon a united effort between the Federal Government, the State of Florida, and all local, regional, and tribal interests.

While the job of restoring the Everglades ecosystem is by no means complete, much has already been accomplished in the 50 years since President Truman designated the Everglades as a national park.

These accomplishments, Mr. Speaker, are in no small part due to the efforts of Marjory Stoneman Douglas. And for that reason, I was saddened to hear the news of her death this morning at the age of 108 years old.

While there are many different points of view about how to best clean up the Everglades, we all agree that it does in fact need to be restored. This was not always the case, though, in Florida. In fact, during campaigns in the 1930s, people would run for office and say, ''If you will elect me governor of this State, I will drain that swamp and create growth and development opportunities.'' But it was through the efforts of Mrs. Douglas that Floridians began to view the Everglades as a national treasure that needs to be preserved rather than a simple swamp that needed to be transformed.

I read today from the Washington Post. ''Environmentalist Marjory Stoneman Douglas, the fiesty, tireless grande dame of the Florida Everglades who led the fight to preserve her river of grass, died today. She was 108.''

Let me give a few quotes from people who worked with her closely on the preservation of one of our most significant national treasures. ''For many, Mrs. Douglas was more than an environmentalist. Joe Podgor, executive director of the 5,000-member Friends of the Everglades, which she helped found, once called her 'the giant on whose shoulders we all stand.' Clay Henderson, president of the Florida Audubon Society, said her campaign was 'certainly the turning point for the Everglades.' ''

He also stated, ''The good thing is that she lived long enough to see the restoration of the Everglades rise to the top of the national agenda. And so we've come too far now to be able to turn back.''

''She was considered the authority on the delicate ecosystem, which is home to plants and animals found nowhere else.

''In 1947, she helped lead the successful push to have nearly 1.6 million acres designated as the Everglades National Park. That same year, she published her book, 'The Everglades: River of Grass,' the first attempt to put the history of the Everglades into one volume.''

□ 1445

Until then, the Everglades was considered a wasteland to be conquered and used for farming, and State policies encouraging drainage and development. The book's title referred to the fact that the Everglades is really a wide river of shallow water flowing slowly southward across a low grassy plain.

The book combines scientific findings and traditional lore and reads nothing like a textbook. I give you a quote: ''The clear burning light of the sun pours day long into the saw grass and is lost there, soaked up, never given back,'' she wrote. ''Only the water flashes in glints. The grass yields nothing.''

Long past an age when most people slow down, she continued to speak out on behalf of the imperiled south Florida region damaged by rapid development.

Among other honors, a special conservation award named for her, an act of the legislature in her name, and several Marjory Stoneman Douglas parks and schools. The high-rise gold glass building in Tallahassee that houses the State Department of Natural Resources is named for her. In 1993, when she was 103 years old, President Clinton awarded her the Presidential Medal of Freedom.

Even when others insisted the battle over the Everglades was lost, Mrs. Douglas refused to give up. She said, ''It is not too late, or we would not be working. We simply cannot let everything be destroyed. We cannot do that, not if we want water. We have got to take care of what we have,'' Mrs. Douglas said in her 1990 interview. She led us in a valiant fight to preserve the Everglades.

I am proud of the work. Speaker GINGRICH, Senator Dole, and others have helped, and Senator CONNIE MACK, in helping us achieve the largest Federal effort ever to preserve and protect the Everglades.

I was able to offer a $300 million effort on behalf of our colleagues and all Floridians to preserve our most vital natural resource in Florida, which is water, and our Everglades National Park, which is a treasure for generations to come.

But it is obviously today more the work of Marjory Stoneman Douglas that has brought us here today, both to honor her life, celebrate her presence, eulogize a tribute to her, the preservation of something so vitally important to over 14 million Floridians and actually the entire United States, the preservation, the lifeblood of Florida, the Everglades National Park.

## ISSUES AFFECTING HAWAII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I have in my hand the Asian American and Pacific Islander Journal of Health here from the autumn issue in 1993. It addresses the health status of Kanaka Maoli, the indigenous Hawaiians. It is written by my good friend Dr. Richard Kekuni Blaisdell.

In the process of reviewing this, Mr. Speaker, you will find that the purpose is to summarize the current health status of the Kanaka Maoli, the indigenous Hawaiian people, with historical background, the underlying factors responsible for the indigenous Hawaiian health plight and recommendations.

The principal findings, Mr. Speaker, are that the indigenous Hawaiians continue to have the worst health and socioeconomic indicators of the various ethnic groups who call their home Hawaii: cardiovascular disorders, cancer, diabetes, obstructive lung diseases, maternal and infant ill health, alcohol problems, obesity, major life-style risk factors, societal factors such as depopulation, foreign transmigration, colonial exploitation, cultural conflict and racism.

Since 1990, Mr. Speaker, as a result of our native Hawaiian health programs funded here in the Congress and under our auspices, native Hawaiian communities have established five island-wide native Hawaiian health care systems to improve availability, accessibility, and acceptability of health services to all of the indigenous Hawaiian people, to provide them with resources.

The health status is a grim one, Mr. Speaker, and I have to bring to your attention and to the rest of my colleagues the important matters which we have been addressing by congressional action and are now compromised.

The House Committee on the Budget yesterday released a proposed budget for the Federal Government for the coming year. Mr. Speaker, I am saddened, not just outraged, but saddened by the effort contained in that proposal to eliminate funding for the native Hawaiian health care programs. Why the leadership of the Committee on the Budget and the leadership, Mr. Speaker, in the majority Republican Conference, has chosen to attack native Hawaiian health courtrooms is beyond me.

The program addresses the documented needs of Hawaii's native citizens in a culturally relevant context. Of all of the races of people in the islands of Hawaii, the native Hawaiian people have had the most difficult times in health and social indicators. Why it is a position of the Republican majority to attack native Hawaiians is beyond my grasp at this time, Mr. Speaker.

They are hurting people in the lowest socioeconomic status with the highest overall mortality rate, the highest cancer mortality rate, the highest accident rate, the highest years of productive life lost to chronic disease, the highest infant mortality rate. I could go on with this, Mr. Speaker. It is a litany that we are trying to overcome.

These grim statistics can be attributed to the imposition of foreign cultures and practices upon the native Hawaiian people. Only since the 1988 introduction of the native Hawaiian health program have we begun to turn these statistics around. We need the budget for it, and we have achieved a balanced Federal budget in the process. I voted consistently to achieve that goal.

Mr. Speaker, I will end my remarks now, but will put forward the statistics as well as the background on the proposal to end these programs for native Hawaiians by the majority. I hope, Mr. Speaker, by the time we finish our budget proposal that we will be able to reverse this proposal.

## DISTRACTIONS AND OBSTRUCTIONS IN CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House this afternoon after the proceedings that took place today. I am really concerned about the process of the House of Representatives and its investigative ability.

Today we saw an attempt to besmirch the reputation and interfere with the congressional investigation of campaign financing abuses in the 1996 election. Personally, I am quite disturbed by what we saw take place. I think it backfired on the other side of the aisle, and I think that they were surprised that some of their colleagues from the other side of the aisle joined with this side in voting down this unprecedented interference in the congressional investigative process.

The issue is not the Chairman of the House Committee on Government Reform and Oversight; the issue is, in fact, the delay, the diversion, the distraction, and the very obstruction of the congressional investigation process. I am really concerned about what again has taken place. We saw action on the floor today.

This is a situation that is very serious. For the first time in the history of our Federal elections process, we have seen an attempt to influence congressional and presidential elections by foreign money, foreign resources in our campaign process. Now we see an attempt to close down that investigation.

I have served on the Committee on Government Reform and Oversight and its predecessor since I came to Congress in 1993. That is one of the most important committees and responsibilities in this Congress.

It was founded and established by our Founding Fathers for a purpose, because they did not trust the appropriators, they did not trust the legislators, the authorizers; they wanted a third check and balance on the conduct and operation of our governmental system.

That is where the Committee on Government Reform and Oversight got its very roots and bearing. That is the difference between our system of governments and other democratic system of governments is that check and balance.

To close down that investigation, to divert the attention on the chairman is a misuse of power and responsibility in this House of Representatives, and I take great offense to it.

We have seen, again, unprecedented amounts of money, and our committee has been investigating. It may be too bad that it comes to the door of the White House, but it should be disclosed. It should be investigated. It cannot be shut down.

When the other side says that they will close down the proceedings of the House as far as investigation, when the Department of Justice says we agree that we will grant immunity and allow you to grant immunity for cooperation of these witnesses, and they try to divert attention from that and block us from investigating, they have shut down this process. It is an affront to every Member of Congress. It should be an affront to every citizen. It should be affront to the media that they are trying to divert, to stall, and obstruct this process. The process will go forward.

I happen to be the only Member of the House that serves on both the Committee on Government Reform and Oversight and also on the Committee on House Oversight. It will come to one of those committees, or it will come to the floor. This matter will be thoroughly investigated as the Founding Fathers intended and as our congressional process and constitutional process require.

We have seen, now, the influx of Indonesian money, Chinese money, Thai money, Venezuelan money, Russian money, and convicted drug dealers' money into this process. In this process, the American people want to know the answers. Is this affecting our policy if our ports are given away? If we have

imported Chinese weapons into this country, killing Americans, who is responsible? If we have a major Chinese cigarette manufacturer influencing our policy and contributing to our campaigns and influencing our elections? Let it all hang out.

I am personally offended by what they have tried to do here today to our Chairman who has on every occasion acted in an honorable fashion. I think a disruption of this process is a shame on this House of Representatives.

## ANNOUNCEMENT OF RULES COMMITTEE MEETING

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

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is scheduled to meet in 3 minutes today to consider a rule providing general debate only for H.R. 3616, the Defense Authorization Bill for Fiscal Year 1999.

We will meet at 3 o'clock next Tuesday to make in order other amendments to that legislation. The rule that we will put out today will be for general debate only.

Mr. Speaker, additionally, unfortunately, the minority leadership has decided to personally attack Members of the majority side this morning on the House floor. Also, there has been a decision by the minority to oppose on two occasions immunity for four witnesses which the Department of Justice approved before a House investigative committee.

Due to these unfortunate circumstances which the minority has brought to the House floor, the Committee on Rules will add to its afternoon agenda the following measures: H.Res. 432, expressing the sense of the House of Representatives concerning the President's assertion of executive privilege; and H.Res. 433, by myself, calling upon the President of the United States to urge full cooperation by his former political appointees and friends and their associates with congressional investigations.

Mr. Speaker, these measures will be considered on the House floor next week under an appropriate rule. Since the Democratic leadership has regrettably decided to embroil the floor in this kind of partisan and personal attacks, the House will consider resolutions next week which will bring some perspective to the current discussion of ethics in Washington, D.C.

□ 1500

## TOBACCO FARMING IN AMERICA

The SPEAKER pro tempore (Mr. MCKEON). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, there has been much discussion about tobacco settlements. If Congress is serious about passing tobacco settlement legislation this session, we need to act in a measured and collaborative way.

Let me say, though, that I do not smoke and I do not encourage others to smoke, and indeed, I support the efforts to discourage our teenagers from smoking. However, the decision to smoke is one best left to mature adults, and even then, after careful consideration. Children should not smoke, nor should they be enticed to smoke, and therefore, a public policy discouraging them from smoking and having enforcement to make sure that tobacco companies do not entice them is indeed appropriate.

With regard to the pending tobacco settlement, no matter how you feel about tobacco, one must view it for what it is; it is a legal commodity, grown by many American farmers.

These North Carolina farmers, our tobacco farmers, want the same thing as other Americans: a good quality of life overall for them and their families, for their children to have a good education, for them to have sufficient resources with which to provide their families with food, shelter and other amenities of life, saving for their retirement, a secure environment in which to live and to work, and most importantly, hope for the future.

These farmers, our tobacco farmers, care about their children as well as about other children in their community, instilling in them the values of honesty, hard work and a sense of community.

Mr. Speaker, like other American farmers, like those in your home State, these North Carolina farmers prepare their land, till it carefully, plant their crops, tend their fields, harvest their yields and market their products, much like commodities such as corn and wheat.

Tobacco is one of the main reasons that many small farmers are still able to stay in business, because no other crop yields as much income per acre. Most of these farmers are unable to find an alternative crop, although several of them are seeking them. To find an alternative crop with a comparative income indeed has eluded many. It would take almost eight times more acres of cotton, 15 times more acres of corn, 20 times more acres of soybeans, and 30 times more acres of wheat to equal the income from a single acre of tobacco.

The money earned by farmers and those employed in tobacco-related businesses flows into their communities, spreading these profits around. It has been estimated that the agricultural dollar turns over an average of 10 times in the farming local community. Do the math: $7.7 billion, which is estimated as the income to our State, equals $77 billion. $77 billion flows from those citizens who sell the seeds, fertilizers, pesticides, farm machines, groceries, clothing, as well as other important goods and services.

These monies make life possible, bearable, and sometimes even determine the quality of life in rural communities. That revenue also streams into the county, State and Federal tax coffers, supporting education and health care.

The total income impact is also felt in terms of jobs. Over 108,650 North Carolinians are tobacco farmers or are employed in tobacco-related jobs. Therefore, it is absolutely critical, as we continue the process from which a settlement will emerge, and it should go forward, that those who are in the House as well as those in the Senate should permit these hard-working farmers to continue to earn an honest living doing what they do best, farming, and sometimes, growing tobacco.

The public policy to restrain young people from smoking is an appropriate one. Equally as important, as we seek this public policy, we should not have a public policy that brings great devastation on large numbers of unintended victims; and I submit to you, the rural communities and farmers are unintended victims.

Mr. Speaker, these small farmers are essential to the continuation of agriculture in North Carolina and the vitality of our rural areas.

## ORIGINAL COSPONSORSHIP OF H.R. 3868, THE BIPARTISAN NO TOBACCO FOR KIDS ACT OF 1998

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, Mr. BILBRAY, is recognized five minutes.

Mr. BILBRAY. Mr. Speaker, I rise today to express my strong support for H.R. 3868, the Bipartisan No Tobacco for Kids Act of 1998. This legislation, which was authored by my colleagues, Representatives JAMES HANSEN and MARTY MEEHAN, is aimed exclusively at preventing kids from smoking and reducing the adverse health effects of tobacco on children.

According to the Centers for Disease Control (CDC), 3,000 kids each day become regular cigarette smokers. In light of recent statistics that shows youth smoking on the rise, I believe it is imperative that we act assertively here in Congress to crack down on youth smoking and access to tobacco.

Before I came to Washington, D.C., I served on the San Diego County Board of Supervisors and was responsible for passing one of the most stringent anti-smoking ordinances in the country. Because of my prior commitment to and involvement with this issue at the local level, and the startling statistics that show youth smoking on the rise, I am only too glad to support H.R. 3868 as an original cosponsor. H.R. 3868 is the only anti-tobacco bill in Congress (including the Senate) which has received the endorsement of former Surgeon General C. Everett Koop and former Food and Drug Administration (FDA) Commissioner David Kessler. In fact, Koop and Kessler stated that other bills in both the House and Senate do not go far enough to reduce and prevent youth smoking.

This legislation establishes strong financial disincentives for tobacco companies that do

not reduce tobacco consumption by minors by specified target dates. It has the stated goal of reducing tobacco use by children by 80 percent over the next ten years. This provision allows each tobacco manufacturer to determine the manner in which it will reach this mandatory goal. Federal requirements will apply only if the manufacturers are unable to achieve the reduction goals on their own.

H.R. 3868 includes an increase of $1.50 per cigarette pack, which will provide a financial disincentive for youth tobacco consumption. In addition, H.R. 3868 codifies the FDA provision from last summer's tobacco settlement that provides the FDA authority to regulate nicotine as a drug or a drug delivery device. This provision of the bill also contains added restrictions on advertising and marketing to youth.

H.R. 3868 contains a provision to prohibit smoking in public buildings and facilities, and it authorizes funding for essential federal tobacco education and prevention programs. In addition, the majority of the revenue generated from this legislation will be used to pay down the federal debt. While H.R. 3868 does not provide any special liability protections for the tobacco industry, it does offer to settle pending state tobacco lawsuits, such as the one recently settled in Minnesota.

I believe that this legislation will help to create an adequate ''firewall'' to protect public health and discourage and prevent youth tobacco smoking and possession. I feel very strongly that we should not tolerate youth smoking in our society with a ''wink and a nod.'' We should treat teenage smoking as harshly as we would teenage drinking. As the father of two young children, I have a personal stake in passing this important legislation and helping to ensure that our kids do not develop this deadly habit. Statistics by the American Journal of Public Health show that minors illegally purchase 256 million packs of cigarettes each year. Our findings show that only 20 states have laws prohibiting tobacco possession by minors. We need to encourage states and localities to adopt and comply with strong anti-possession laws. The need for minor possession laws is illustrated by a CDC finding that 62 percent of minors who smoke say they buy their own cigarettes. In fact, I would support legislative efforts to require states to outlaw tobacco possession by minors as a condition of receiving federal funds.

Mr. Speaker, my father died of lung cancer at the age of 53 due to his smoking habit. All three of my brothers smoke. There is little I can do to change that; however, I can do something to prevent my five children from starting to smoke. H.R. 3868 accomplishes these goals. Congress cannot afford to sit idly by and do nothing while thousands of children pick up their first cigarette every day and begin this deadly habit.

I commend Representatives HANSEN and MEEHAN for initiating this legislation, and I urge my colleagues to cosponsor H.R. 3868, and build upon the bipartisan coalition of Members committed to preventing and reducing youth smoking.

## THE CONSERVATION ACTION TEAM BUDGET FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise today to talk about a new budget that has been introduced out here. There has been a lot of discussion recently about the House budget, or the John Kasich budget as it is sometimes known in the House Committee on the Budget.

I am a member of that committee and I think JOHN KASICH has done a tremendous job putting together a budget. But some of us don't think we have done quite enough in terms of reeling in government spending and getting this whole thing under control out here, so that the American people can keep more of their own money, so that Social Security can again be safe, and again we can start paying down the Federal debt.

So I rise today to talk about an alternative budget called the CATs budget, or Conservation Action Team budget, that promotes a lot of visions that are different.

Washington is truly an amazing place when you start talking about budgets and numbers and things, because everything gets twisted immediately. It amazes me to listen to people talk about how they are cutting spending in Washington, D.C.

I brought with me a chart today to show what happens in these different budget proposals that are being talked about out here. This black line on this chart shows inflationary increases in government spending. So if we allowed Washington or government spending to increase at the rate of inflation, that is what this black line on this chart represents.

The President made a budget proposal, and it is very clear from this that it allows government spending to go up much faster than the rate of inflation. That is growing government.

The United States Senate recently passed a budget, and again you can see that the Senate budget grows government, it allows government spending to increase faster than the rate of inflation.

The American people have a right to know that on the other side of the aisle they are going to call this a spending cut because, you see, since the Senate budget did not spend as much as the President's proposal, they are going to call this distance from here to here a ''cut,'' even though the inflationary increase in government spending is down here at this black line and the Senate proposal increases spending much faster than the rate of inflation.

Some of us out here thought that government spending should not increase faster than the family budget or faster than the rate of inflation, so we put together our own budget. Our budget allows government spending to increase not quite at the rate of inflation, just a little bit slower than the rate of inflation.

For all of my colleagues out there and all the viewers out there that believe that government spending should not be going up at all, let me just agree with you. If I got to do this all by myself, this green line would be down here, and we would not allow government spending to increase at all.

So let me start by making it clear that this budget that we are talking about, the CATs budget, the Conservation Action Team budget, allows government spending to increase, but at a rate just slower than the rate of inflation.

So when people talk about this Conservation Action Team's budget and draconian cuts, we all ought to understand that what the CATs budget actually does is hold the rate of growth of government to approximately the rate of inflation. So when you talk about cuts in spending, there are no cuts in spending.

Spending in the first year of the CATs budget, the most conservative budget out here, spending in the first year will be approximately $1,720 billion. That is a lot of money. In the second year it is going to be $1,749 billion. I am not going to read all the numbers. But the point is the spending, even in the Conservation Action Team's budget, increases each and every year. So when the American people hear about draconian budget cuts in Washington, they ought to understand the fallacy of that discussion.

The reality is the most conservative budget proposed out here, that is the least government spending, allows government spending to increase at approximately the rate of inflation. The Senate proposal, well, that lets government spending go up much faster than the rate of inflation, and the President's proposal, of course, that increases government spending even more yet.

So I start with this discussion about the CATs budget. It is the only budget out here that holds the growth rate of Washington spending or government under the rate of inflation.

There are some other very unique things about the CATs budget I would like to talk about. There has been much discussion, and I am going to spend part of this hour today talking in more depth about Social Security.

There has been much discussion about the problem with Social Security. The President of the United States, Mr. Speaker, Saturday right in that chair, and he put his fist on the table and said, Social Security first; Social Security must be protected for our senior citizens. Well, I brought a chart along to show which budget really protects Social Security for our senior citizens.

The President's proposal has a very limited amount of money set aside to protect and preserve Social Security. The Senate did slightly better than the President, setting some money aside to preserve and protect Social Security. The CATs budget sets more money aside to protect Social Security than any other proposal out here.

The CATs budget holds the increase in government spending to the rate of inflation, and it puts more money aside for Social Security than any of the other proposals. Again, the President's proposal puts this much money aside for Social Security, the Senate puts this much, and the CATs budget, the Conservation Action Team's budget, puts more money aside for preserving Social Security than any of the other proposals out here.

The next important feature of the CATs budget that sets it apart from all the rest of the budgets. We recognize that the tax burden on American citizens is too high. Since the CATs budget spends less money, it allows spending to grow only at the rate of inflation, instead of faster than the rate of inflation, that allows us to decrease taxes on the American workers.

Today the American workers are paying $37 out of every $100 they earn in taxes. A generation ago that number was $25. I would like someone to help me understand why it is that the government needs $37 out of every $100 that American workers earn to run government at various levels, State, local, Federal, property taxes and so on.

So the CATs budget looks at this and says the tax burden on American workers is too high. We want to bring down that tax burden on American workers.

The President's budget proposes very minimal tax reductions. As matter of fact, some out here would say it is zero.

The Senate also proposed very minimal tax reductions on American workers. The CATs budget, the Conservation Action Team, provides $150 billion of tax relief to American workers.

Now, this should be kept in perspective. We are going to spend over 9,000 billions of dollars. So when we talk about returning or allowing the American people to keep an extra $150 billion of their own, we should understand that is 150 out of over 9,000 billions of dollars. It is just a tiny little bit of what is being taken from the American people in taxes already.

So the next important feature then that sets the CATs budget aside from any other proposal out here right now is the tax relief provided to the American people is significantly larger than the President's proposal, a lot larger than the Senate proposal; it is the most tax relief being proposed out here in Washington, D.C., today. It holds government spending increases to the rate of inflation, no draconian cuts, sets more money aside for Social Security, and provides more tax relief to the American people than any other proposal on the Hill.

I have a chart with a lot of numbers on it, but rather than talk about all of those numbers, I thought I would point out a couple of the key numbers.

The tax relief number is $150 billion being proposed in the CATs proposal. Defense is another important area, and I have to tell you this proposal is different than any other proposal here in Washington as it relates to defense.

You need to understand Washington language to understand this defense discussion. In Washington, when the President proposes cutting defense, that is, we are spending $260 billion this year, and he proposes taking that number down to $250 next year, and then Congress comes back and actually spends 260, so they spent 260 last year, they are spending 260 this year, but the President proposed cutting that spending to 250, that is called in Washington a $10 billion increase.

Let me walk through that one more time slowly, because it is confusing.

If we spent 260 last year and we spend 260 billion again this year, the exact same amount, but the President proposed spending 250 instead of 260, that 260 is called a $10 billion increase in defense spending.

Okay. This has been going on for quite some time, and there are some problems, quite frankly, in the defense budget. There are $75 hammers that people have heard about. Frankly, there is some waste there. The people who bought the $75 hammers ought to be fired, but that is not a reason to destroy our ability to defend ourselves as a Nation.

□ 1515

That is the wrong solution to the problems. Our budget allows defensive spending or spending for the Defense Department to increase at the rate of inflation. Let me say that once more very slowly. Like the rest of the CATs budget, defense spending increases at the rate of inflation.

Now, what is going to happen in this is over the next few weeks there will be a lot of people in Washington D.C. saying they are spending lots more money on defense. Well, for the last number of years, a lot of years, defense spending has been frozen. In fact, we spent less money on defense last year than my first year in office back in 1995.

I think it is time we look around the world and we see what is going on. India had nuclear tests. We understand Pakistan may have nuclear tests this weekend. China has been given the technology to launch an intercontinental missile at the United States and get it to reach the United States. It is time we as a Nation wake up to the fact that we ought to have a missile defense system prepared to defend our country.

It is time we wake up to the fact that our defense budget has been cut far enough. And we are not suggesting dramatic increases in defense spending, we are simply saying we have gone far enough with these cuts in defense, let us now level this thing off and allow defense spending to increase at the rate of inflation.

I point that out in our CATs budget, because it is the only budget on the Hill, the only proposal in Washington D.C. that allows inflationary increases in defense spending. Every other proposal out here either freezes it at last year's level or decreases defense spending significantly. I think we have reached a point in our defense spending where we need to wake up and realize that this is a dangerous world we live in and we need to maintain our ability to defend ourselves in this country.

I want to just go on from there and talk a little bit more about the Social Security situation.

The Social Security situation, remember, the CATs budget puts more money aside for Social Security than any other proposal on the Hill. I want to talk through Social Security in detail so that the viewers understand this debate that is going on here about Social Security, because in this community, what they talk about here and what they say and what it actually means out in the real world are generally two very different things. So let me go through Social Security.

The Social Security system this year is going to collect about $480 billion in taxes, out of workers' paychecks. They are bringing $480 billion into this city from Social Security taxes. We are paying out to our senior citizens in benefits, we are paying out in benefits about $382 billion. Now, if we are collecting $480 billion and paying $382 out in benefits, that leaves a $98 billion surplus in Social Security.

So let me be very clear about this. The Social Security system today collects more money than what it pays back out to our senior citizens in benefits. The reason they are doing that is because the baby boom generation, people in my age, and as I look around the people here in the House with me today, people in our age group are rapidly racing toward retirement, and there are lots of us. They are collecting more money than they are paying back out in benefits, and their surplus is supposed to be set aside so when us baby boom generation people, lots of us, reach retirement and there is too much money going out and not enough money coming in, at that point they are supposed to go to the savings account. They are supposed to take this $98 billion that is supposedly put in a savings account, get the money out of the savings account, and be able to make good on Social Security to tomorrow's seniors.

The year that these two numbers turn around is about 2012. So in about 2012, if we had this chart up here, the amount of money coming in compared to the amount of money going out, the amount of money coming in would be less than the amount of money going out, and that is the year that they have to go to that savings account to get the money.

It is important to understand what Washington is doing with that $98 billion. It comes as no great surprise when I am in town hall meetings with my constituents and we talk about this. I always ask them the question: Washington got $98 billion more in Social Security than what they paid out

in benefits; what do you suppose they did with the money? And everybody says, they spent it. That is exactly right.

Washington has taken that $98 billion, they put it into, think of the second circle as a big government checkbook much like your own checkbook in your own home. They take that extra money, put it in the big government checkbook, they then spend all of the money out of that government checkbook and at the end of the year there is nothing left in that government checkbook, so they simply write an IOU. It is simply like you are going to have a savings account, but rather than actually writing a check, you simply write an IOU to the account at the end of the year. Remember, folks, at the year 2012, we need the money out of that savings account. We need those IOUs in the year 2012.

Now, we have reached this point out here where we are running these ''surpluses.'' It is important the American people understand what this surplus actually is. In all fairness, before I go into this, we should point out that this is the same definition that has been used since 1969. That ''surplus'' is in this circle right over here. That ''surplus'' is after we put the $98 billion in the big government checkbook, if they spent all of the money out of the big government checkbook and there was no money left at the end of the year, they would call that a balanced budget, even though they have not written a check down here to the Social Security Trust Fund. So when we talk about surpluses, what it means is with that $98 billion in the big government checkbook, when they are looking at the book at the end of the year, without writing the check to the Social Security Trust Fund that there is some money somehow left in this checkbook.

Well, the bottom line on this thing, folks, is that the surplus is real, as defined in Washington terms, but most people in most places across America would say we better write a check down here to the pension fund or Social Security fund before we really call our checkbook balanced.

For that reason, in our office we wrote a bill called the Social Security Preservation Act. It is H.R. 857. We have about 90 cosponsors, some Democrats, some Republicans, currently in the House of Representatives. The Social Security Preservation Act is pretty straightforward. It simply takes the $98 billion extra that has been collected for Social Security and puts it right down here in the Social Security Trust Fund. It is not exactly Einstein kind of stuff, it is just the money coming in from Social Security actually goes into the Social Security Trust Fund. The way we do that is instead of putting IOUs in there, we put negotiable Treasury bonds, the same kind that any citizen in America can walk down to their local bank and get.

So the Social Security Preservation Act would require that we put real dollars into the Social Security Trust Fund so that Social Security is safe and secure for today's seniors.

I see some young people here in the gallery with us today, and my colleagues are concerned about the people in those age groups as well. My colleagues are concerned that even if we put all of this money into the trust fund that is supposed to be there, we still have a problem that in the year 2029, all of those surpluses in Social Security would be used up. So even if we put all of the money into the trust fund that we are supposed to, that solves the problem from 2012 to 2029, but we still have that longer term problem out there past the year 2029 that needs to be dealt with.

The first thing we need to do as a Nation when we look at these surpluses is we first have to enact a bill, the Social Security Preservation Act, that will put the money that is coming in from Social Security into the Social Security Trust Fund. We will then be looking at true surpluses as opposed to Washington-defined surpluses. Again, I do not think we should take anything away from the accomplishments of the last 3 years, because before this, it has been 30 years since we even got this far in terms of balancing the budget.

We are now ready to go on to that next step, and put the Social Security money into the Social Security Trust Fund and get to a point where Social Security is once again solvent, at least from 2012 to 2018.

I would like to go on with another part of the CATs budget and just talk a little bit more about what the CATs budget does. Again, I would reemphasize as it relates to Social Security, as it relates to Social Security, it puts more money into the Social Security Trust Fund in real dollars, not IOUs. It puts more money into the Social Security Trust Fund than any other proposal out here in Washington, D.C.

I would like to talk about another part of this budget that I think is very significant and very important, and that is as it relates to education. In the CATs budget, we make the requirement that 95 cents out of every dollar that is spent on education actually reaches the classroom to help kids.

Now, that may sound like common sense, but that is not what happens today. Today, Washington makes a decision to reach into the pockets of the American people and collect tax dollars under the mistaken idea that it is going to spend it on education. So Washington reaches into the pockets of the American people and brings the money to Washington. They then spend 40 cents on every dollar on bureaucracy. Washington then attaches strings to it and sends 60 cents back to the classroom under the requirements of whatever Washington deems appropriate. That is not good.

What we would like to see instead is we would like to see that money back in the pockets of the local parents, the local communities, and we would like to see the parents and the schools and the teachers and the communities making decisions on how to best spend that money. The benefit here, the real benefit, is that instead of 60 cents getting to the classroom to help our kids, 95 cents of every dollar gets to them. It effectively wipes out the huge bureaucracy that is eating up the money that is supposed to be going to help our kids in education.

I personally think it is disgraceful that America has let our kids slip to 21st in the world. I think when we start thinking ahead to future years, if we want a goal for the next generation, it should be that we should restore our kids to be the best educated kids in the entire world. I do not want to get them back in the top 10 or even the top 5. Our goal needs to be to get our kids to be the best educated kids in the whole world. We have been going about that all wrong.

What we have been doing so far is we have been saying, if we just expand Washington control, Washington can fix it; honest, trust us, Washington can fix education. Folks, we have slid down to 21st. Washington cannot fix education. Parents need to get actively involved in the choice of where their kids go to school, what they are taught in those schools, and how it is taught, because when we get parents back into the picture of education, we have a lot of side benefits, the most important of which is that our kids will rapidly move back to the top in terms of being the best educated kids in the world. I believe the most important thing we can do is reempower our parents to be actively involved in the education process of our kids.

I would like to just talk briefly about those side benefits, because I think when we look at goals for a generation, I think it is real important that those benefits get mentioned. When parents get more involved with their kids, an interesting thing happens. We looked at 12,000 teenagers, 12,000, a huge number, and of course, if we look at 12,000 teenagers, some are going to have crime problems, drug problems, teen pregnancy, teen smoking, and some are not going to have any of those problems.

What they did is they started looking at the ones with crime problems versus the ones that have not been involved with crime, and then they looked at the ones with drug problems and the ones without, and then they looked at teen pregnancies and where there is not teen pregnancies, and teen smoking and where there is not teen smoking; and they started looking at the characteristics in these homes where there were no teen pregnancies or teen smoking, teenage crimes or teenage drug use, and something became very obvious very quickly. The single most important characteristic of the homes where they did not have problems with these things versus the homes where they did, the single most important characteristic was the involvement of

the parent with that child's, with that teenager's life. The greater the involvement of the parent, the less the likeliness of crime, drugs, teen smoking, teen pregnancies, a whole list of social problems.

So when we start looking at this education situation, if we can reempower our parents to be actively involved in what the kids are taught, where it is taught and how it is taught, that extra involvement in these teenagers' lives is going to have a tremendous side benefit, helping us solve crime problems, drug problems, teen pregnancies, teen smoking, a whole realm of social issues.

I do not want to be considered naive in this. I do not want to believe that just because we reempower our parents, there is not going to be any more crime in America. There are certainly other things that we must do. But I do believe that an important first step is improving education back to number one in the world and empowering the parents to be the number one influence in these kids' lives.

It leads us right back to the CATs budget. When we think about parents being forced to pay $37 out of every $100 they earn instead of $26 like it was a generation ago, what is happening in America is parents are being forced to take second and third jobs, and when they take second and third jobs, it is exactly the opposite result of what we want. To earn that extra $12 that government is collecting in taxes, that second job and third job, that means that the parents' time to spend with their kids is cut back dramatically.

So when we come back to that CATs budget and we think about relieving some of the tax burden on American workers, it is not going to automatically mean that the parents are going to go spend more time with the kids, but what it is going to mean is that instead of being forced to take the second job, at least they will have the opportunity to make the decision to spend that extra time with their kids, and that is what is going to lead us to solutions to so many of our problems in this great Nation that we live in.

I want to finish very briefly with a very brief discussion about how we got to where we are, because there has been a lot of discussion in this country, and of course all the Democrats say it was President Clinton and all the Republicans say, well, of course it was the Republican House and the Republican Senate that did it. I thought that rather than have that discussion, I thought we should just lay out some statistical facts and let the people draw their own conclusions.

□ 1530

When I came here in 1995, it was 2 years after that tax increase. A lot of people are saying that 1993 tax increase is what has brought us this strong economy.

I would like to bring just a few of the facts here. When I came here in 1995, 2 years after the tax increase, this red line shows where the deficit was headed the year I came here. Remember, this includes using the Social Security money, as we talked about before. This yellow line shows where we were 1 year later, 1 year after the House changed control. The green line shows what we hope to do. That was our promise to the American people. The blue line, now at balance, shows what actually happened.

So when we talk about tax increasess versus controlling Washington spending, when we talk about the 1993 group raising taxes, that did not get the job done. When we talk about 1995 controlling spending, that led to the strong economy and got the job done.

There are some other very interesting statistics. To me, Americans understand that raising taxes is not the right way to solve our problems. This chart shows the interest rate fluctuation starting in 1993, when taxes were raised, and I would point out that from 1993 virtually right straight through to 1995, interest rates climbed. So in the face of higher taxes, the interest rates immediately went up.

That makes sense, because when they take more tax money out here to Washington, that means there is less money available in the private sector; less money available in the private sector led to this higher interest rates. When there was a change out here in Washington and the Republicans took over in 1995, the interest rates started dropping.

The reason was because we started getting a handle on controlling the growth of Washington spending. Remember, keep this in the context of what we have been talking about today. Instead of spending growing at twice the rate of inflation, spending is now going up at the rate of inflation; no draconian cuts, inflationary increases in spending. Instead of twice as fast as the rate of inflation, what happened immediately is the interest rates started falling.

It is interesting to look at this point where they reached their low level. That was January, 1996. To refresh the memory of anybody who does not remember what happened in January of 1996, that is when we folded. The American people starting doubting that we would keep our commitment to actually balance the budget. The interest rates responded immediately with a spike.

They then thought we were serious again, and Members can see that as we have now reached the balanced budget out here in March of 1998, the far side of the chart, it is very, very clear what has happened with the interest rates. By getting to a balanced budget, we have seen the interest rates come down from a high here to where they were today, almost a twofold percentage point drop.

But it is not only the interest rates. An amazing thing happens when I am in town hall meetings nowadays. I ask how many people own stocks, bonds, mutual funds, et cetera. Almost every hand in the room goes up.

When the tax increase took place in 1993, the stock market basically did not respond. There is virtually no change in that stock market from there right straight through to 1995. But in 1995 when the American people got to understand that we were serious about stopping this growth of Washington spending, and understand the growth of Washington spending, when you control that by spending less, by only allowing it to increase at the rate of inflation, that means there is more money left in the private sector; more money in the private sector, lower interest rates; capital available for growth and development, expansion, to buy houses, buy cars, then that is job opportunities. That means more people working, and of course, more taxes being paid in, which makes it all easier to do.

The stock market responded very quickly then. Basically since that 1995 takeover and since we got spending, got our arms around spending here, and just controlled it to a point where it is only going up at the rate of inflation, the stock market has also taken off in a corresponding way. I think the statistical facts, looking at this, make it pretty clear what has been going on.

I see my colleague, the gentleman from Minnesota (Mr. GUTKNECHT) has joined me. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota (Mr. GUTKNECHT).

## CUTTING THE GROWTH OF WASHINGTON SPENDING

Mr. SPEAKER pro tempore (Mr. MCKEON). Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for the balance of the time of the gentleman from Wisconsin (Mr. NEUMANN).

Mr. GUTKNECHT. Mr. Speaker, as the gentleman from Wisconsin (Mr. NEUMANN) runs out the door, I want to say a special congratulations and thanks to my colleague.

I remember a couple of years ago when we first started having some joint town hall meetings. I represent Minnesota, he represents Wisconsin. When we first started talking about actually balancing the budget, and more importantly, even paying down some of the $5.4 trillion worth of debt that we have run up, that this Congress in the past, at least, has run up on our kids, a lot of people thought we were both crazy. We said that we believed we could balance the budget not just in 7 years, that it could actually be done in much less time.

As a matter of fact, the gentleman from Wisconsin (Mr. NEUMANN) came over to my district last year, we had a couple of joint appearances, and then we both predicted that there was a very good chance we would not only balance the budget this year, but there

is a very good chance we would have a surplus this year.

How has that happened, I know many of our colleagues and folks ask who have been watching this discussion here in this special order this afternoon. It is important, sometimes, to go back to where we were. The charts the gentleman from Wisconsin (Mr. NEUMANN) was showing a few minutes ago showed what was happening for the last 30 years.

I had my staff do a little analysis. For the last 30 years, prior to the 1994 elections, for every dollar Washington took in it spent an average of $1.22. That was the pattern for every year. They could raise taxes, sometimes they would cut taxes, but the problem was spending.

In fact, a farmer in my district perhaps put it better than anybody else when we were talking one afternoon out on his farm. He said to me, the problem is not that we do not send enough money in to Washington. The problem is that Washington spends it faster than we can send it in. He was exactly right. That is what had been happening for the last 30 years.

For the first time in 1995, with the leadership of the gentleman from Ohio (Mr. JOHN KASICH) and the Committee on the Budget, they came out with a plan to dramatically change the way Washington does business. In the process, we have eliminated 300 different programs here at the Federal level; some of them big ones that people have heard of, like the Interstate Commerce Commission, and many small ones. But the point is, we began to change the whole tenor, the whole debate, the whole discussion, and the whole principles that were at stake here in Washington began to change.

In the process, we have reduced the rate of growth in Federal spending. Now, some people said we were making draconian cuts, that kids would lose their school lunches, all of these terrible things would happen to our senior citizens.

Most of that was hyperbole and is not true, but it is true that this Congress has dramatically reduced the rate of growth in Federal spending. As a matter of fact, we have cut the rate of growth in Federal spending almost in half.

When we combine that with a much stronger than expected economy, and I must say, again, that my colleague, the gentleman from Wisconsin, as a former entrepreneur and businessperson himself, understood that if there were some signals going out both to Wall Street and to Main Street, that for the first time in 30 years Congress was serious about reducing that $1.22 of spending for every dollar it takes in; that that message would be translated into the lower interest rates that folks on Wall Street and folks on Main Street would understand, that for the first time Congress was serious about controlling Federal spending. The net has been that the economy has been much stronger than even some of the most optimistic prognosticators told us a few years ago.

So when we combine a much stronger economy with real restraint in Federal spending, what we see today for the first time since I was in high school is not only a budget that is going to be in balance, but more important than that, a budget which will probably produce a significant surplus, we believe somewhere in the area of $80 billion this year, and also has a very good chance of producing surpluses in the $80 to $100 billion range every year for a number of years to come.

That is where we were back throughout the sixties, the seventies, the eighties. For every dollar that Washington took in, it spent $1.21. Now that number is actually 99 cents. For every dollar Washington will take in this year, we will spend 99 cents.

We still have a lot of problems. One of them is Social Security. I know the gentleman from Wisconsin (Mr. NEUMANN) has talked a lot about this. I am not certain if he got a chance to talk about it earlier. We do have a significant problem with Social Security. It really is generational.

I think we need to talk about generational fairness, when we talk about Social Security. Most of us have parents, and I am fortunate that both my parents are still living. They are both on Medicare, both on Social Security. Obviously, the last thing we want to do is pull the rug out from under them.

I happen to represent the baby boomers. I was born in 1951. We once had a demographer tell us there were more babies born in 1951 than any other year. We are the peak of the baby boomers. I understand the consequences to the Social Security trust fund when the baby boomers begin to retire in about the year 2010.

I also have three children, and I want to make certain that we do not do things with our generation that would make it impossible for the next generation to enjoy anywhere near the standard of living that we have enjoyed. So we really have three separate generations we have to deal with with Social Security.

When we talk about Social Security, and one of the things as it relates to the budget, currently we are taking in about $100 billion a year more than we are spending on Social Security. We should have a trust fund, there is a trust fund, but what happens is the money comes into the trust fund and then is loaned back to the Federal Government. In the process, it disguises the size of the debt. That started back in about 1964.

Some of us would argue that it was a mistake to go to the unified budget and use the surpluses in Social Security to make the budget deficit look smaller. But that is the way it is, that is the way it has been. I think at some point in the future, hopefully in the near future, we will begin to change that entire budget process so we have an honest and fair budget accounting.

So even though we will show a surplus this year technically, we will still be borrowing about $100 billion this year from the Social Security trust fund. We have to solve that and at least be aware of that.

I want to say a special congratulations to the gentleman from Ohio (Mr. JOHN KASICH). No one has fought harder in this Congress over the last 5 or 6 years to balance the Federal budget to get control of the Federal spending that that farmer talked about than the gentleman from Ohio (Mr. KASICH).

I also want to congratulate him, because as a member of the Committee on the Budget, we have been working long and hard over the last several months trying to come up with a budget plan, number one, which will advance the values that I think most Americans have and want. That is, they want us to pay down some of that national debt, they want to save Social Security, they would like to shrink the size of the Federal Government to allow for additional tax relief.

That is exactly what the gentleman from Ohio (Mr. KASICH) and the Republican members of the Committee on the Budget have been working on, and within the next week or 10 days we are going to be unveiling that plan, hopefully have it here on the House floor. Essentially what the gentleman from Ohio (Mr. KASICH) and the Committee on the Budget are talking about is restricting the rate of growth in Federal spending over the next 5 years to the inflation rate.

I know when that budget hits the floor there are going to be people who are going to say, oh, my goodness, you cannot restrict the rate of growth in Federal spending to the inflation rate. But ultimately they are going to have to ask themselves this question. They are going to have to choose between family budgets and the Federal budget; why is it more important that the Federal budget grow at greater than the inflation rate when many family budgets are not?

If we can do that, if we can exercise even that fiscal discipline to find an additional $100 billion, this does require some cuts in terms of what people had expected to spend in some of these programs. But generally speaking, as I say, we are going to allow Federal spending to grow at approximately the rate of inflation over the next 5 years.

In doing so, we will generate significant surpluses in our opinion, and more important, we will make room for significant tax relief. The tax I want to talk about that we hope that we will include in the final budget resolution, at least as a recommendation to our colleagues here in the House, will be for the marriage penalty tax.

I believe my numbers are correct. There are approximately 12 million American families who pay a tax penalty for the privilege or the right or

the blessing, if you will, of being married.

I like to tell the story that in less than a month my wife and I will celebrate our 26th wedding anniversary. I steal this story from Senator PHIL GRAMM over in the Senate side, one of our colleagues over there, who says he has been married a long time. He believes his wife still loves him, but says, I wish the IRS would stop tempting my wife to leave me.

It is almost unconscionable, and frankly, I think it is almost immoral that the Federal Government charges married couples a higher tax rate, so that approximately 12 million American families pay a tax penalty of almost $2,000 per family for being married. We ought to encourage stronger marriages, not discourage them.

Here in Washington one of my favorite expressions, and altogether too often it is true, is that no good deed goes unpunished. In other words, if you work, you get punished; if you save, you get punished; if you create jobs, you get punished. That is the kind of thinking that really has occupied Washington for too long. What we are saying is that it is time to reverse some of those perverse incentives. Clearly the marriage penalty tax is one of those.

Our estimates are that to get rid of the marriage penalty tax, it would take about $100 billion over the next 5 years, which, coincidentally, if we limit the growth in Federal spending to the inflation rate over the next 5 years, frees up enough money to make that tax penalty go away.

□ 1545

I think that is a good idea. I think that is an idea that once the American people have a chance to evaluate that, to understand it, I think they will agree that it is time to end the marriage penalty tax and, if we can make the Federal Government go on just a slight diet over the next five years and, to put this in context, over the next five years it is estimated that the Federal Government will spend about $9 trillion, that is with a ''T'' now, $9 trillion, that is how much we are expected to spend under the budget agreement that we set with the President last August 5.

What the Committee on the Budget is going to ask all Members of Congress to do is to tighten the Federal budget by $100 billion. To put that in some kind of a context that perhaps we can understand better, let us assume the Federal Government has a belt that is 9 feet around, in other words, the waste, the girth of the Federal budget is 9 feet or $9 trillion. What we are going to ask our colleagues to do is find a way to pull that belt in one inch. We are going to pull that belt in one notch.

If we can do that, we can eliminate the marriage penalty tax, we can create greater surpluses to make Social Security more solvent. We can begin to pay down the debt and ultimately, by sticking to a very simple formula of limiting the growth of the Federal budget to approximately the inflation rate, we can provide additional funds for tax relief. We can make Social Security solvent. But here is the best news of all, we can pay off the national debt. We can pay off the national debt in approximately 21 years. That may seem simple and it may seem almost too hard to believe, but we have run the numbers and they are accurate.

Now, I talked earlier about the generational fairness and being fair to our senior citizens. Certainly we do not want to pull the rug out from under them as it relates to Medicare or Social Security. We also understand what the baby boom generation is going to mean in terms of its retirement, what is going to happen when we begin to draw on those Medicare benefits. What we really want to do, though, is preserve the American dream for future generations. I cannot think of anything better to leave our kids than a debt free future.

I think if the American people have a chance to think about this, I think they are going to agree that the time has come to dream big dreams. There was an architect from Chicago who said, make no small plans. The American people have always made big plans. We are a people of big dreams.

In fact, Winston Churchill once observed, when he was talking about the American people, he said, you did not cross the oceans, fjord the streams, traverse the streams and deal with the droughts and pestilence because you were made of sugar candy. The American people are a tough people. They believe in big dreams. They believe in paying down the debt.

Out where I come from in farm country, it is almost the American dream to pay off the mortgage and leave our kids the farm. It is unfortunate, if you stop and think about it, what we have been doing here in the United States, particularly here in Washington over the last 30 or 40 years. They literally have been selling off the farm and leaving our kids the mortgage. That is worse than just bad politics. It is worse than just bad economics. It is fundamentally immoral.

So what we are saying is, if Washington can find a way, if we in Congress can take that 9-foot-long belt and if we can pull it in just one notch, one inch, we cannot only balance the budget, we can actually begin to pay down the national debt, and we can make room for tax relief for working families. We can make it easier so that they can take care of their kids and their families by eliminating the marriage penalty tax. That is a big dream. That is a big goal. But Americans love big dreams and big goals, and I think that this Congress is up to that task.

I think we can get it done. It is going to take the help of the American people. I think we have to help. We have to explain it to the American people so that they understand these are not draconian cuts we are going to be talking about. We are actually talking about limiting the growth in Federal spending over the next five years to the expected inflation rate. It can be done. In fact, if you compare what we are talking about to what has happened in corporate America over the last 5 years, these are very modest decisions that we are making today. And the budget proposal that we will bring to the floor of the House here in the next week or 10 days is incredibly modest and some might even say timid. But if you begin to make the right decisions, as we did 3 years ago, in terms of balancing the budget, limiting the growth in Federal spending, eliminating 300 different programs, taking other programs and figuring out ways to make them run more efficiently, ultimately there are big dividends for the American people and ultimately for the next generation of Americans.

I want to congratulate the gentleman from Wisconsin (Mr. NEUMANN) and the gentleman from Ohio (Mr. KASICH), members of the Committee on the Budget. We have come a long way. We have made tremendous progress in terms of balancing the budget, reforming welfare, saving Medicare. We still have a lot to do. We have got to make Social Security not only solvent for our parents and for the baby boomers, but we need to create an entirely new retirement system for the younger generation.

Among those options that we are looking at, and I think deserve very serious consideration, is the notion of personalized retirement accounts. Perhaps we can use some of those budget surpluses to make every American stakeholders in a brighter future and in their own retirement system using personalized retirement accounts. For example, if we have a $50 billion surplus and we divide it up among approximately 100 million taxpayers, we could put $500 in everybody's personalized retirement account. That is every American who pays taxes. And they could also contribute to that for themselves. Ultimately this becomes a profit sharing plan for the surplus. It encourages all Americans to take an active role in their government, to make certain that we do not have wasteful spending and that we keep control of Federal spending so that ultimately we have larger and larger surpluses, which then, portions of which could be distributed back to the American people through these personalized retirement accounts.

It is an idea whose time is coming, and we are going to have some interesting debate and discussion on that. I think ultimately a growing consensus will agree that that is one way that you can save the next generation in terms of their own retirement. So, as I say, we have made enormous progress. I am very pleased with the work we have done. I think if you consider where we were few years ago, it is

amazing to look now at the American people and say, yes, we have a balanced budget, at least using the accounting terms that we have had since 1964.

There is much more to be done though. We have to save Social Security. We have to further strengthen Medicare. We have to create personalized retirement accounts for young people, and we have to create a system and almost an ethic here in Washington that makes it sure that we do not have deficits anymore, that we are always working trying to figure out ways to guarantee that we have surpluses. That will guarantee lower interest rates so that more Americans can afford homes and cars. It ensures a stronger economy so that more people who perhaps were on welfare, who were on those welfare rolls can move on to payrolls. That is really the goal, and so we can all have a brighter future and a better future for the next generation of Americans.

I want to thank the gentleman from Wisconsin (Mr. NEUMANN) for yielding me the time. I see my friend from South Dakota (Mr. THUNE) has joined us.

I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. I thank my good friend from Minnesota for yielding to me.

I appreciate the discussion that has been held on the floor this afternoon between he and our colleague, the gentleman from Wisconsin (Mr. NEUMANN) who has been a leader and at the forefront of addressing the Federal spending, the proclivity in this town to continue to spend more than we take in, has been very bold, I think, in the efforts that he has made to try and bring that spending under control and coming up with some solutions that in a very deliberate and systematic way address the long-term problems facing our country with respect to government spending and, in fact, most recently has begun discussion of this budget year, what we might do to slow the growth rate of Federal spending, rather than seeing it grow as it does and under the President's budget at twice the rate of inflation and even under the Senate-passed budget at 1½ times the rate of inflation, to getting it back to the rate of inflation.

If we can get to where we are controlling government spending in that fashion, I think we will see over time the revenue situation improve to where we not only can address the ongoing needs of government but furthermore address the long-term challenges that face our country, one of which is reestablishing the trust fund, the Social Security trust fund, which is going to provide for our retirement needs in the future and doing it in a way, again, that not only secures and ensures that those who are currently receiving benefits continue to receive benefits but also for future generations, that we do something to address the fact that the program, unless we make some changes and unless we do something to make sure the trust fund is in fact secure, that the dollars are not going to be there to pay out.

Finally, to give back to the American people a little bit more of what they earn. I think that the budget that the gentleman from Wisconsin has been working on, and you and others, starts moving us in that direction. I wanted to credit you with the work that is under way to address, again, the long-term problem in this country; that is, that Washington has a tendency, if there are any dollars around, they are going to get spent. We want to make sure that the American people are getting a good return on their taxes.

Furthermore, as we look down the road at what we can do to deliver tax relief and to give people in this country a little bit more, allow them to keep more of what they earn and make their budgets bigger and the Federal budget smaller, some systematic approaches toward tax relief and reform, ultimately, which I think should be our long-term goal, but at this point in time looking at how we best deliver tax relief to people in this country.

I know that there are a number of alternatives out there, one of which is eliminating the marriage penalty which I support because it is a very punitive thing directed at people who get married in this country. It is something that I think we all agree that we ought not penalize through the tax code as a matter of practice people for getting married. It is something we want to encourage, not only to get married but to stay married. I think that is something we all support.

There is another piece of legislation that I would like to mention, which I know is part of the cap proposal which is out there right now, that addresses this whole notion of allowing more people to pay at the lower 15 percent tax rate level as opposed to the higher 28 percent level. And this, if we can somehow raise the threshold at which the 28 percent rate kicks in, we will have more and more people paying more of their income or having more of their income covered at the lower 15 percent rate, therefore, paying less in taxes and having an incentive to go out and to do better and to improve their lot in life and to earn more, because we are not going to be taking 28 cents out of every dollar they earn. We are only going to be taking 15 cents, doing that in a way that delivers tax relief in a very broad based way so that anybody in this country, irrespective of their status, married or single or with children, that we get away from the Washington knows best way of directing tax relief to specific groups and targeting and, again, bring tax relief in a broad-based way that says to the American taxpayer, if you pay taxes, you deserve tax relief.

I think that ought to be one of the principles that we incorporate and one of the values that we try to advance as this debate over budgets begins in this budget year.

Mr. GUTKNECHT. I appreciate the gentleman. And the whole issue of taxes, I know this sometimes drives some of our more liberal colleagues into orbit when you talk about tax relief, allowing people to keep more of their own money. Sometimes we have to look at that from an historical perspective as well.

Back when I was growing up, my parents were able to raise 3 boys on one paycheck. The reason they could do that is the average family sent only about 4 percent of their gross income to the Federal Government in the form of taxes. Today the average family, when you put total taxes, now we are talking State, Federal and local taxes, altogether, the average family spends over 38 percent of their gross income on taxes.

I think most Americans are shocked when they learn that the average family spends more on taxes than they do on food, clothing and shelter combined. And that is why so many parents, now both parents have to work and, frankly, that has caused some social problems.

Mr. Neumann also has an excellent presentation when he talks about you can almost predict which kids are going to get involved in drugs, which kids are going to get involved in smoking cigarettes. It has something to do with having at least one parent home when they come home from school.

There are lots of things that could be solved if we could give parents more time to spend with their kids. If we can eliminate the marriage penalty tax, you take that 12 million American families that pay a penalty for being married, and this is why it is so unfair, if those people were living together without the benefit of marriage, they could file separately and save themselves thousands of dollars, $100 billion in taxes over the next five years. There is something just almost insidiously wrong with that. I think we have an opportunity in this budget plan to right that wrong.

I certainly support lowering the death tax. I would like to see lowering, if not eliminating capital gains. There are lots of areas where I think this Congress can effect tax relief. But there is one that I think stands out like none other, and that is this marriage penalty tax which, coincidentally, if you limit the growth in Federal spending to exactly the inflation rate for the next five years, you free up enough in terms of additional savings of Federal spending, less than projected, to afford to pay for this tax relief which I think families deserve and I think is the right thing to do.

Mr. THUNE. Mr. Speaker, I think it strikes at the very heart, much of the fabric of our Nation. There are certain things that we want to reinforce, families staying together and being able to spend more time with their children.

A lot of the social problems that we encounter in American today are the result of the fact that we have policies,

even economic policies, even tax policies that are counterproductive to allowing parents and families to spend more time together. If you have more of that cohesive time together, you would not have some of the social problems that we are encountering, kids who fail to have the time that they need to have with their parents get involved in other activities and probably with people that should not be associated with. So these things are related.

When you talk about reinforcing the values that have helped build this country and make it great, I think, again, as a matter of policy, when you start dealing in the area of taxes and economic policy and the things that the Congress is able to do, it ought to be with an eye toward what can we do to further enhance those institutions that have strengthened and built this country. And certainly the family is one of those.

As you noted earlier, the fact that the tax burden on this country consistently continues to climb and to rise and people are shocked when they find out how much they are paying. Many of them do not realize it because in a very subtle way it comes out through the payroll tax, and it comes out through the payroll deduction and, therefore, unlike some taxes which you pay and you know exactly what you are paying in terms of taxes, there are a lot of sort of hidden taxes, I think, today.

□ 1600

So when people find out that they are spending, which the gentleman said, on average, for a family of 4 is 38 percent of their income just to pay the cost of government in this country, that is a staggering statistic when we consider the fact that when we started out some 30 or 40 years ago, as the gentleman also mentioned, it was 2 to 4 percent, roughly in that range.

And that is a trend which I think we have a responsibility as a Congress to try to reverse so that we get to a point in a peacetime economy, in an economy that continues to grow, we ought not to ask more of the American taxpayer.

I think much of what is being discussed today in terms of Federal programs are an expansion and a bigger role, which calls for more tax dollars from the American taxpayer to fund those programs, rather than looking at what we can do to address some of the problems, real problems that real people in this country have across the country in the area of child care, education and health care.

But if we allow them to keep more of what they earn, they have control. They are in a position of authority, they are in a position in which they can make decisions as they pertain to their family's particular situation and needs and how best to meet those needs.

I think it is a clear contrast in terms of the philosophy that is out there, the liberal philosophy, which says, let us build government programs and allow government to deliver the services and solve these problems and meet these needs. Or, rather, do we allow the American people, again as a matter in their day-to-day lives, allow them to keep more of what they earn and continually roll back the cost of government so their family budget is bigger and, therefore, they are better able and in a position to make decisions about the choices that are out there and the needs that they have.

I think, again, that is a clear contrast. It is a very clear separation in terms of the direction that we take the country between the point of view that we are going to bring to the table and that that the liberals do.

So as we continue down this road and track and look at ways in which we can better use the resources, be more efficient, modernize government in a way that increase employees' take-home pay for people in this country, in this budget debate, these are the things that will be underlying it. We will be talking a lot about numbers, and the numbers are on the surface, but when we get right down to it, the underlying values are what we want to reinforce in this discussion and the decisions that are made through the budget process.

So again I want to credit the gentleman from Minnesota (Mr. GUTKNECHT), my friend, and the gentleman from Wisconsin (Mr. NEUMANN), and I see the gentleman from Indiana (Mr. MCINTOSH) joining us in the well here, for the work that is ongoing in terms of how we can continue to slow the growth of government spending and to recognize the fact that we have serious problems out there, retirement issues that have to be addressed, Social Security, Medicare, and getting the cost of government under control and allowing people in this country to keep more of what they earn.

Those are the goals, I think, the principles and the values that we share and which I hope in this debate are reinforced and become a part of the final product.

Mr. GUTKNECHT. As the gentleman says, this is about values. And if my colleagues believe in faith, family, work, thrift, and personal responsibility, the budget we are putting forward, where we are going to spend $9 trillion over the next 5 years, all we are going to ask the government to do is tighten its belt one notch.

I think there is nobody who believes that in a 9-foot belt we cannot find 1 inch of fat that can be reduced in the Federal Government. And if we do that, we allow families to keep more so they can spend more, they can spend more time with their kids and they can build a better future not only for themselves but for their country, because they will spend that money a whole lot smarter than we will.

I want to thank and welcome the gentleman from Indiana (Mr. MCINTOSH) and yield to him at this time.

MICROSOFT ANTITRUST CASE

Mr. MCINTOSH. Mr. Speaker, I want first to thank the gentleman from Minnesota (Mr. GUTKNECHT) and say that I wholeheartedly endorse the budget the Conservative Action Team has brought to the House and appreciate the gentleman's work today to bring out that information.

I would like to speak, if I may, on a different topic for a few minutes. I want to applaud the fact that today Microsoft Corporation and the Justice Department reached a temporary cease-fire in the legal dispute about whether they can proceed to issue Windows 98 so that American consumers can have the latest in software technology for our home computers.

But I am troubled by what is going on in this case, and I wish to share my concerns with my colleagues today and with the American people, because I sense that our Justice Department is misusing the antitrust laws simply because they see a corporation in America that has produced a product that is very successful, very much valued by the American consumer and, frankly, poised to take us into the next century with a lead in that technology.

There is a proper role for antitrust laws in our economic marketplace, but they are to be used when there is a barrier to entry that allows a corporation to have an unfair competitive advantage in monopolizing a marketplace. When we talk to economists about the computer industry, and particularly about software, we do not see that type of barrier to entry. In fact, as Mr. Gates testified to the Senate, if he does not produce the best-operating software, one of his competitors who is very capable will produce a better software and immediately have the opportunity to take over that leading market share.

This is an area where technology is changing every day. Back 20 years ago, IBM was the leading computer manufacturer and had a dominant position. But they failed to see the advances that were happening in the software industry and lost that dominant position to Microsoft. How did this happen? It happened because the government stood back and allowed ingenuity and innovation to take its course in America.

And that is what we need to do today, make sure that no one is prevented from coming to the marketplace and offering a product, but not holding back those who have succeeded when they invest the fruits of those successes in developing new products which are available for the American public.

I will remind my colleagues, the product that Microsoft is accused of having used monopoly power for now costs the American consumer one-tenth of what it did but 5 years ago. So I would urge our Justice Department to be cautious in misapplying the antitrust laws so that we do not stifle innovation, but allow all American consumers to take advantage of lower prices,

better technology and an increase in power to use the personal computer.

## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. DOOLITTLE) is recognized for 60 minutes.

Mr. DOOLITTLE. Mr. Speaker, we constantly hear these days from reformers who support a bigger Federal Government that campaigns cost too much and that government must step in and further regulate campaign spending. But I ask my colleagues, is spending on political advertising really out of control?

Consider this: Tonight Americans will watch the final episode of Seinfeld and a 30-second ad purchased tonight during that final episode will cost $1.5 million for 30 seconds. By contrast, the cost of a typical congressional race is about $0.5 million or one-third the 30-second ad tonight on Seinfeld.

By restricting a candidate's ability to spend campaign dollars, we will restrict his ability to speak to potential voters through television, radio, mail and personal appearances. This is the very type of speech the Founders sought to protect through the first amendment to the United States Constitution.

When we support spending limits, we must feel that there is too much speech in political campaigns and that candidates communicate too much with voters. How is it that spending a few billion dollars exercising our most precious rights as Americans is deemed to be excessive while the tens of billions of dollars spent on disposable consumer products is not? Free political discourse and plenty of it is infinitely more valuable to the protection of our liberties than any beer or car commercial can ever be.

In 1996, spending on all campaigns, Federal and State, totaled just $4 billion, yet Americans spend roughly five times that much, or $20 billion per year, on laundry and dry cleaning. In comparison, total advertising in a year, that year, 1996, was around $150 billion versus the $4 billion spent on campaigns at all levels of government.

Total campaign spending viewed another way, per eligible voter, averages just $3.89, really the cost, approximately, of a McDonald's value meal. Is that amount too much? Even at a much higher price, liberty would be a much better value.

Total campaign spending as a percentage of the gross domestic product is not increasing, as is stated by some and implied by others, but rather it has remained fairly constant since 1980, fluctuating between .04 percent and .06 percent of the gross domestic product.

Voters have minds of their own. They are not helpless to make their own decisions in the face of political advertising. Money spent on advertising does not buy votes, it enhances a candidate's ability to communicate his message to voters.

I urge my colleagues to oppose any measure that would ration our constitutional rights, and I would remind people that the first amendment is quite clear on this subject. It states: Congress shall make no law, shall make no law, abridging the freedom of speech.

Next week the House of Representatives will engage in a historic debate about campaign reform and what needs to be done to address the problems that confront us. Before we can embark upon a course of reform, we had better have a clear understanding of what those problems are. Once we know what they are, we should then consider how to address them.

I would submit that the problem of campaign reform is much like the case of the sick patient who has been diagnosed and treated by the same physician for a long period of time. If the diagnosis is wrong, then the treatment prescribed is not going to help the patient. In this case, we see that the patient is ill and the same doctor is treating him and the same prescription is being offered, only more of it. And the more that is given, the sicker the patient gets.

We hear a great deal of talk today about the evils of soft money. Most Americans, I would venture, really have no idea even what soft money is. We hear the terms ''hard money'' in contrast to ''soft money.'' We hear discussions of issue advocacy or we will hear the term ''independent expenditure.'' I would just observe that these were terms that really came into being the first time the Dr. Regulator made his prescription for the patient when, in 1974, the Democrats ran through a partisan law that took partisan advantage and skewed the whole Federal law in favor of their party and against Republicans.

Now, after this law was passed, we began to understand a new term, the term of ''PAC.'' I remember 2 or 3 years ago when our big government reformers were trying to outlaw PACs, or political action committees; it is funny that we do not hear much about that anymore. PACs have not changed, it is just that now all the focus is on something else, soft money. But let me just remind all my colleagues that basically the terms of ''PACs'' and ''soft money'' came into being as a result of the present Federal law, rammed through Congress by liberal Democrats taking advantage of the reaction against the Republicans and Richard Nixon. And they put that law through, and ever since we have seen the ill effects of that law.

□ 1615

And now when the body politic is deemed to be even sicker, Dr. Regulator is back again with the same old prescription; more regulation. The answer is always the same; more regulation.

Now, what is the question? It is very interesting how over the years this has never changed. We always have to have a new law, a new regulation proposed to fix something. In this case, they are trying to fix our campaign system. Let me suggest that the cause of the patient's illness is the regulation itself. That is the cause. If we wanted to deal with the underlying problem and heal that patient, remove the regulation.

Now, there is a truly radical idea; remove the regulation, do not have more of it, as virtually everyone on the other side proposes and some of our own Republicans are proposing. Reconsider what is causing the sickness. Get a proper diagnosis. Then we will be able to proceed.

I would submit that the various ideas being advanced by the left and by some of us here on our side of the aisle are flat-out wrong and they will not solve the problem. I believe them to be highly undesirable, unconstitutional. But even setting aside those two things, actually they are quite unworkable. If regulation worked, we would not have the mess that we have today in our Federal campaign system; we would not have a presidential system that takes our taxpayer dollars and spends it on candidates that we oppose as taxpayers. That system needs to be repealed. That system is hurting us. That is denying the parties their most vibrant candidate.

Think for a minute to the 1996 campaign and what happened on the Republican side and think ahead to what is likely to happen this time around. The candidate who was nominated, the candidate who is going to be nominated is the one who has the highest name ID amongst the voters no matter what his ideas or record happens to be. There is very little information available to the voter about this person, and there will continue to be little information because we have such strict spending limits set in law that it is not possible for the candidates at the presidential level to communicate their ideas.

We saw that fully played out in the Republican side of it. Senator Dole, by the time he was able to win enough delegate votes to cinch up the nomination, was unable to continue spending between that point and the Republican Convention in midsummer because of the Federal campaign law. How on Earth can this be good policy? How can this be consistent with the precious first amendment, which says so clearly that Congress shall make no law abridging the freedom of speech?

Let me just observe, before this disastrous 1974 law rammed through Congress, bipartisan liberal Democrats twisting the law to their own advantage, the law that we live under today, our campaigns were relatively unregulated and it worked relatively well. It was not perfect, but we will never achieve perfection as long as mortal human beings are upon the face of the Earth governing themselves. So let us not look for perfection; let us look for

the best that we can get and something that works.

I would submit, Mr. Speaker, that the system we have today is worse than what we had. We have tried to correct abuses and created far worse problems. The problems we have today are violations of the first amendment. We do not have free speech in this country anymore when it comes to campaigning.

I find in my district voters are hungry for reliable information about the candidates. They want to hear directly from the candidate and it is getting harder and harder to do that. People should be offended that under the present law an individual can, or, rather, a political action committee can contribute five times what an individual can contribute to a candidate's campaign. Why is that just or right or fair that there is a 5–1 advantage?

After all, the first amendment says Congress shall make no law abridging the freedom of speech. So how did it get abridged? By a statute enacted into law by the Congress and the President.

Well, this was tested in the famous Buckley v. Valeo case, and almost all of that tremendous law passed in 1994 was thrown out, except for just a couple of parts, the parts that remain with us today and that still negatively afflict the campaign system and really the body politic. And the Supreme Court did uphold the right by Congress to place limits on what amounts could be contributed to campaigns, limits that skewed it in favor of PACs and against individuals.

However, as time has gone on, the value of these limits has been eroded; whereas at the time, an amount that could be contributed to an individual was $1,000 or by an individual to a candidate was $1,000 and by a PAC to a candidate was $5,000. And while those limits are in effect right now under present law, which has never been changed, let me just observe we will have extraordinarily high inflation in the intervening years. So that today, the $1,000 and the $5,000 have been reduced by two-thirds.

Now, earlier I told my colleagues that the cost of a Seinfeld ad for 30 seconds was $1½ million. Those are today's prices in 1998. But we still live by a campaign law that was written in 1974, when the equivalent 30-second add was dramatically less. The fact of the matter is, political advertising of all kinds has gone up with inflation and probably above inflation, and yet campaigns are still restricted to the old limits that are the present limits.

Mr. Speaker, the gentleman from New York (Mr. SOLOMON) understands these issues very well and has been valiant in fighting to protect our First Amendment rights. And we hope and pray that others will be similarly valiant in the upcoming debate and series of votes that will be commencing next week.

Let me just observe that ''hard money,'' the term that we apply to that, is contributed from individuals or PACs or parties to the campaign of the candidates. Those are hard dollars, strictly regulated by Federal law, very unfair, very burdensome, very biased Federal law that was passed over 20 years ago.

As I indicated before, the inflation has been dramatic, it has eroded the real purchasing value of the limitation by two-thirds, and we live with that today. As the cost of advertising has shot up over the years, campaign spending has followed the course of least resistance.

It so happens that it is possible to engage in a form of spending using soft money. Soft money is money that is not covered by the Federal law and it is money that cannot go directly to campaigns but it must be used for voter registration, get-out-the-vote effort, voter identification, those kinds of things. That is soft money.

That was felt to be very desirable at one point by our elected officials. And in fact, after the 1976 campaign Ford v. Carter, both parties felt that we should strengthen the ability of parties and we should strengthen it by allowing them to make greater use of the so-called ''soft money,'' that in order to have healthy, vibrant political parties, they needed to be able to engage in this kind of campaign spending.

In fact, since that time, the U.S. Supreme Court has repeatedly held that we cannot proscribe spending by political parties in the soft money area. In fact, very recently in the Supreme Court case involving the Republican Party of Colorado, they explicitly held that this was clearly protected by the first amendment to the United States Constitution.

I remain amazed, despite these clear pronouncements of the Court time and time again, Buckley v. Valeo has been cited by the Court over 100 times in subsequent opinions. That was rendered in 1976. So, for 22 years, this case has been repeatedly cited and yet we are constantly finding bills introduced that fly right in the face of the U.S. Constitution as interpreted by the Supreme Court.

In fact, there is now a special project made up of law professors all over the country, I understand, to figure out ways to bring court challenges to get Buckley v. Valeo overturned. Because as long as that court opinion stands, none of these laws being proposed that abridge our first amendment rights is ever going to be able to stand the court test.

To commend a colleague who is a liberal Democrat, and with whom I disagree completely on this issue because I will commend him for his honesty, the gentleman from Missouri (Mr. GEPHARDT) recognizes that to do what he and the Democrats want to do cannot be done by statute; it can only be done by amending the Constitution of the United States. And indeed, that is what he has proposed to do, actually amend the Constitution, modify the first amendment, and basically make it possible so that Congress can legitimately abridge a citizen's first amendment rights and do so to accomplish the greater good of campaign reform, greater good in his mind, not in my mind and, I would submit, not in the minds of most Americans. But at least there is honesty in attempting to go about it the right way; because we cannot do the things that many of my colleagues seek to do and be consistent with our great U.S. Constitution until and unless we deregulate this campaign system and follow the Constitution, which clearly says that Congress is supposed to stay out of it.

And by the way, of all the types of speech, guess what the most vital, most important form of speech was in the minds of the framers? It was not the ability to go out and advertise automobiles or beer or something like that. It was political discourse, the very thing the British Government tried to abridge when it was in power. We tried to prevent that from ever happening again by having the first amendment to the United States Constitution, which I think is unique amongst the nations of the world. Our adherence to that is better than any other country. We have a very, very clear standard.

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The government should not be able to regulate in this area. The government must not regulate in this area, and, indeed, the government cannot effectively regulate in this area. Because as long as we have any shred of a Constitution left, you are going to have the ability of individuals acting independently or of groups acting independently to contribute whatever amount of money they would like to political campaigns.

You see, today we are seeing increasingly the ability of the average person to run be depreciated. Look how with increasing frequency, individuals of personal wealth are running for these offices. Why? Because there is a great exception to the Federal campaign law, one the drafters of it did not wish to allow, but one the Supreme Court carved, and they carved it legitimately and correctly; that is, you have the unlimited right to spend whatever you wish on your campaign.

So an individual that is going to spend his own millions can do so for as much as he would like or she would like. Yet, that same individual who may have $1 billion can only give $1,000 to some other candidate, to a candidate of average means, to someone who works for a living and who supports his or her family, but who believes that he or she can make a difference in our public affairs.

But this person is not a millionaire or a billionaire. This person, therefore, cannot contribute his own personal wealth, because he does not have personal wealth. All he or she can do is go out and live by the limits imposed by

Federal law and get these contributions in the amounts that I told you, $1,000 or $5,000.

In case anybody is wondering, you know, you hear these reports that Members of Congress have these fundraisers, and representatives of PACs come and tender the check. I will check my own campaign reports recently but, over time, I think I only have, out of about the half million dollars or so that I, as one representative, am able to raise in campaign dollars over a 2-year period, I will bet you I do not have more than two or at most three political action committees donate the maximum $5,000 contribution. It just is not that common.

The only reason I share that with you is to indicate that when you have to raise, as a challenger, by the way, you see, I am an incumbent now; if I really wanted to feather my own nest as an incumbent, I would climb on board and vote tomorrow for McCain-Feingold or Shays-Meehan, because I will make it infinitely more difficult for someone to try and challenge me. It will be infinitely more difficult as an incumbent and it will be infinitely more difficult for any challenger to be able to successfully challenge an incumbent.

Why? Because the incumbent has the advantages of office. Let us start with name identification in the mind of the voter. That is number one. Most people have heard of me in the Fourth Congressional District of California, because I am an incumbent and have run before.

By virtue of that fact, it is much easier for me to go out and hold a fundraiser and have a number of individuals come in and contribute to me in relatively small amounts, because I am known, than it is for a challenger who is virtually unknown to go out and hold a fund-raiser.

Almost no one will show up, figuratively speaking, because nobody knows the individual. They have never even heard of his name. So why would they show up at some event? Why would they write a check to him? They do not really know him. So name ID and incumbency are tremendous advantages.

Most studies show that the challenger has to outspend the incumbent in order to win the seat. You will make it infinitely more difficult for that challenger in order to prevail if you go with the big government types of campaign reform that impose further limits and further restrictions and get the heavy hand of government even further into the process.

Sometimes when I see what happens to groups that legitimately participate and have the FEC decide to go after them or some congressional committee decide to hold a hearing, when you look at the months of negative publicity involved, when you look at the hundreds of thousands of dollars in attorney's fees that have to be spent in order for these individuals or groups to defend themselves in the exercise of their legitimate constitutional rights, I mean, I ask myself, I think why on Earth would anybody ever put themselves through this?

The effect of all of this Federal regulation is to chill free speech. It is to make people think twice before they participate in the process. That is basically its effect. I believe, frankly, its intended effect is to drive people out in a way, and it is just better off not to get involved.

I would submit, Mr. Speaker, that that is the wrong way to go in our body politic. Free speech is precious. People should be able to engage in free speech without the fear of the government coming down on them. People should be encouraged to run for office, not discouraged.

It is very discouraging to a person of average means who may have good ideas, great ideas, who seeks to run a campaign, and find that he has got to raise that half million dollars by holding numerous fund-raisers, and being on the phone and raising money all the time, whereas, his wealthy opponent simply writes himself a check. He is on the air and in the mail and can sit back and let all the professionals do it. It is just not right.

This Republic was founded upon the idea that all men are created equal. Obviously by men, they meant men and women, but obviously not equal in result, but equal in the opportunity to work and to fight for the things that we believe in.

That opportunity is constrained today by the heavy hand of government. It is going it be made worse by the big government reformers who want to come in and sell you on some snake oil formula to give away your first amendment rights in exchange for the nirvana of campaign reform.

Mr. Speaker, I for one intend to be vigorously involved in this debate and to stand up for our fundamental freedoms. This is really the right to self-governance of the American people. It is not just politicians fighting amongst themselves over how much advantage they can get. I know that it seems that way to our American people.

I hope through these debates they will realize it is really their rights that we are protecting, their rights to freedom of speech, their rights to participate in the political process, their rights to dictate to their government, rather than to have their government controlling them and dictating to them.

After all, let us not forget the words of George Washington: Government does not reason. It is not eloquence. It is force. Like fire, it is a dangerous servant and a troublesome master.

Jefferson referred to it as a necessary evil. But let us remember that it is not a positive good as President Clinton and company would have you think, and therefore the more of it, the better. If some government is good, more is better. That is completely contrary to the founders who said that it is a necessary evil, that it could be a fearful master and a troublesome servant.

These are concepts, I think, that are almost lost today upon our students in the school, and their concepts we are going to have to revive here in the halls of freedom, in the halls of the United States Congress.

Mr. Speaker, I have appreciated the opportunity to engage in this special order, to get out some of my thoughts about what we need to do relative to the topic of campaign reform. Let me just close by, I guess, citing an ancient but well-founded concept, the hypocritic oath to physicians, which is first do no harm.

Mr. Speaker, it is my sincere hope and prayer that as we embark next week upon this important topic of the Constitution, first amendment rights and campaign reform, that we will, indeed, do no harm.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SOLOMON (during the special order of Mr. DOOLITTLE) from the Committee on Rules, submitted a privileged report (Rept. No. 105–535) on the resolution (H. Res. 435) providing for consideration of the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 432, SENSE OF HOUSE CONCERNING PRESIDENT'S ASSERTION OF EXECUTIVE PRIVILEGE, AND OF H. RES. 433, CALLING UPON PRESIDENT TO URGE FULL COOPERATION BY FORMER POLITICAL APPOINTEES AND FRIENDS AND THEIR ASSOCIATES WITH CONGRESSIONAL INVESTIGATIONS

Mr. SOLOMON (during the special order of Mr. DOOLITTLE) from the Committee on Rules, submitted a privileged report (Rept. No. 105–536) on the resolution (H. Res. 436) providing for consideration of the resolution (H. Res. 432) expressing the sense of the House of Representatives concerning the President's assertions of executive privilege, and for consideration of the resolution (H. Res. 433) calling upon the President of the United States to urge full cooperation by his former political appointees and friend and their associates with congressional investigations, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of attending her daughter's graduation.

Mr. QUINN (at the request of Mr. ARMEY) for today on account of family reasons.

## 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. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. NEY, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. FOLEY, 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. SKELTON) and to include extraneous matter:)

Mr. KIND.

Ms. FURSE.

Mr. MENENDEZ.

Mr. HOYER.

Ms. RIVERS.

Mr. BAESLER.

Mr. PASCRELL.

Mr. ROEMER.

Mr. UNDERWOOD.

Mr. ORTIZ.

Mr. DINGELL.

Mr. LEVIN.

(The following Members (at the request of Mr. FOLEY) and to include extraneous matter:)

Mr. COLLINS.

Mr. LEWIS of California.

Mr. WATT of North Carolina.

Mr. ADERHOLT.

Mr. BURTON of Indiana.

Mr. THOMAS.

Mr. QUINN.

Mr. PORTMAN.

Mrs. ROUKEMA.

Mr. SHUSTER.

Mr. LIVINGSTON.

Mr. RADANOVICH.

Mr. DAVIS of Virginia.

(The following Members (at the request of Mr. DOOLITTLE) and to include extraneous matter:)

Mr. FOX of Pennsylvania.

Mr. GALLEGLY.

Mr. BLUMENAUER.

Ms. DUNN.

Mr. BOB SCHAFFER of Colorado.

Mr. SMITH of Texas.

Mr. LATOURETTE.

Mrs. CUBIN.

Mr. UPTON.

Mr. DELAY.

Mr. LANTOS.

Mr. BARRETT of Wisconsin.

Mrs. LOWEY.

Mr. GUTIERREZ.

Mr. SKEEN.

Mr. MARTINEZ.

Mrs. MYRICK.

Mr. NUSSLE.

Mr. HILLIARD.

Mr. FRELINGHUYSEN.

## ADJOURNMENT

Mr. DOOLITTLE. Mr. Speaker, I move that the House do now adjourn.

(The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, May 18, 1998, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9154. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Simplification of Deposit Insurance Rules (RIN: 3064–AB73) received May 12,1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9155. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Georgia [GA–37–9811a; FRL–6003–8] received May 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9156. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 11–98 which constitutes a Request for Final Authority for a Supplement Four to the Memorandum of Understanding among the Governments of France, Germany, Italy, United Kingdom and the United States for the Medium Multiple Launch Rocket System (MLRS), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9157. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC–67–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9158. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC–68–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9159. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Greece (Transmittal No. DTC–45–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9160. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Singapore (Transmittal No. DTC–65–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9161. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Singapore (Transmittal No. DTC–64–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9162. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC–55–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9163. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Turkey (Transmittal No. DTC–52–98), pursuant to 22 U.S.C 2776(d); to the Committee on International Relations.

9164. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9165. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Reduction In Force And Mandatory Exceptions (RIN: 3206–AH64) received May 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9166. A letter from the Secretary of Education, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

9167. A letter from the Acting Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation entitled the ''International Anti-Bribery Act of 1998''; jointly to the Committees on the Judiciary, Commerce, and International Relations.

## 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. SOLOMON: Committee on Rules. House Resolution 435. Resolution providing for consideration of the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes (Rept. 105–535). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 436. Resolution providing for consideration of the resolution (H. Res.

432) expressing the sense of the House of Representatives concerning the President's assertions of executive privilege, and for consideration of the resolution (H. Res. 433) calling upon the President of the United States to urge full cooperation by his former political appointees and friends and their associates with congressional investigations (Rept. 105–536). Referred to the House Calendar.

## 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. WATTS of Oklahoma (for himself, Mr. DAVIS of Illinois, Mr. TALENT, Mr. DAVIS of Virginia, Mr. MCINTOSH, Mr. KNOLLENBERG, Mr. DEAL of Georgia, Mr. PITTS, Mr. ENSIGN, Ms. GRANGER, Mr. RIGGS, Mr. SESSIONS, Mr. THORNBERRY, Mr. GINGRICH, Mr. SENSENBRENNER, Mr. WAMP, Mr. DELAY, Mr. LARGENT, Mr. BONILLA, Ms. FURSE, Mrs. MYRICK, Mr. COBURN, Mr. CHABOT, Mrs. EMERSON, Mr. BURTON of Indiana, Mr. PETERSON of Pennsylvania, Mr. NORWOOD, Mr. GRAHAM, Mr. LEWIS of Kentucky, Mr. DOOLITTLE, Mr. RYUN, Mrs. NORTHUP, Mr. FROST, Mr. TOWNS, Mr. KING of New York, Mr. ENGLISH of Pennsylvania, Mr. SOUDER, Mr. WATKINS, Mrs. KELLY, Mr. BOEHNER, Mr. DOOLEY of California, Mr. ARMEY, Mr. HINOJOSA, Mr. DREIER, Mr. CALVERT, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, and Commerce, 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. SHUSTER (for himself, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI) (all by request):

H.R. 3866. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BAESLER:

H.R. 3867. A bill to provide long-term economic assistance to tobacco farmers and workers and to communities dependent on tobacco production using funds contributed by tobacco product manufacturers and importers; to the Committee on Agriculture, and in addition to the Committees on Education and the Workforce, Ways and Means, and the Judiciary, 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. HANSEN (for himself, Mr. BILBRAY, Mr. DOGGETT, Mr. COOK, Mr. FAZIO of California, Mr. CANNON, Mr. PALLONE, Mr. FOX of Pennsylvania, Ms. DEGETTE, Mr. GILMAN, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. ABERCROMBIE, Mrs. ROUKEMA, Mrs. TAUSCHER, Mr. MCKEON, Mr. BLAGOJEVICH, Mr. HORN, Mr. BROWN of California, Mr. CAMPBELL, Mr. BONIOR, Mr. FORD, Mr. KENNEDY of Rhode Island, Mr. OBERSTAR, Mr. KENNEDY of Massachusetts, Mr. SCHUMER, Mr. OLVER, Mr. LAFALCE, Ms. NORTON, Mr. VISCLOSKY, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. MATSUI, Mr. LAMPSON, Mr. DELAHUNT, Mr. MCHALE, Mr. YATES, Mr. POMEROY, Mr. BARRETT of Wisconsin, Mr. MARKEY, Ms. FURSE, Mr. BLUMENAUER, Mr. MINGE, Mr. VENTO, Mr. NADLER, Mr. STARK, Ms. PELOSI, Mr. MCGOVERN, Mr. SHERMAN, Ms. DELAURO, Mr. HINCHEY, Ms. ESHOO, Mr. GEPHARDT, Mr. FARR of California, Ms. LOFGREN, Ms. WOOLSEY, Mr. CARDIN, Ms. STABENOW, Mr. LEVIN, Ms. SLAUGHTER, Mr. MILLER of California, Mr. JOHNSON of Wisconsin, Mr. LIPINSKI, Mr. FROST, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. LANTOS, Mr. WEYGAND, Mr. MENENDEZ, Mr. FILNER, Ms. MILLENDER-MCDONALD, Mr. GUTIERREZ, Mr. BORSKI, Mrs. LOWEY, Mr. CUMMINGS, Ms. ROYBAL-ALLARD, Mr. WEXLER, Mr. COYNE, Mr. MORAN of Virginia, Mr. GEJDENSON, Mr. CONYERS, Mrs. MCCARTHY of New York, Mr. DICKS, Mr. RUSH, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE, and Mr. STOKES):

H.R. 3868. A bill to prevent children from using tobacco products, to reduce the health costs attributable to tobacco products, and for other purposes; to the Committee on Commerce, 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. BOEHLERT (for himself and Mr. BORSKI):

H.R. 3869. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself, Mr. BENTSEN, Mr. HULSHOF, Mr. MORAN of Virginia, Mr. MCCRERY, Mr. YOUNG of Alaska, Mr. BRADY, Mr. CRAPO, Mr. DEAL of Georgia, Mrs. EMERSON, Mr. HILL, Mr. HUTCHINSON, Mr. LATOURETTE, Mr. LOBIONDO, Ms. MCCARTHY of Missouri, Mr. MALONEY of Connecticut, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. TALENT, Mr. PASCRELL, Mr. PICKERING, Mr. SCHUMER, and Mr. TAYLOR of North Carolina):

H.R. 3870. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals; to the Committee on Ways and Means.

By Mr. CASTLE (for himself and Mr. RIGGS):

H.R. 3871. A bill to amend the National School Lunch Act to provide children with increased access to food and nutrition assistance during the summer months; to the Committee on Education and the Workforce.

By Mr. CASTLE (for himself and Mr. RIGGS):

H.R. 3872. A bill to amend the National School Lunch Act to extend the authority of the commodity distribution program through fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. CASTLE (for himself and Mr. RIGGS):

H.R. 3873. A bill to amend the Child Nutrition Act of 1966 to simplify program operations and improve program management under that Act; to the Committee on Education and the Workforce.

By Mr. CASTLE (for himself and Mr. RIGGS):

H.R. 3874. A bill to amend the Child Nutrition Act of 1966 to make improvements to the special supplemental nutrition program for women, infants, and children and to extend the authority of that program through fiscal year 2003; to the Committee on Education and the Workforce.

By Mrs. CAPPS (for herself, Mr. MILLER of California, Mr. FARR of California, and Ms. HARMAN):

H.R. 3875. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on such activity, and for other purposes; to the Committee on Resources.

By Mr. CLAY (for himself, Mr. MARTINEZ, Mr. STRICKLAND, Mr. GEPHARDT, Mr. BONIOR, Mr. MCGOVERN, Mr. WISE, Mr. SAWYER, Ms. PELOSI, Mr. FORD, Mr. KILDEE, Mr. PAYNE, Ms. KILPATRICK, Mrs. LOWEY, Mrs. KENNELLY of Connecticut, Mr. PASTOR, Ms. CARSON, Mr. CONYERS, Ms. SLAUGHTER, Mr. ENGEL, Mr. DOYLE, Mr. GEJDENSON, Mrs. MINK of Hawaii, Mr. WYNN, Ms. VELAZQUEZ, Mr. ANDREWS, Mr. KIND of Wisconsin, Mr. STARK, Mr. ALLEN, Mr. DAVIS of Florida, Ms. LOFGREN, Mr. SCOTT, Mr. PRICE of North Carolina, Mr. NEAL of Massachusetts, Mr. HINOJOSA, Mr. OBEY, Mr. JEFFERSON, Mr. OWENS, Ms. WOOLSEY, Ms. NORTON, Mr. FARR of California, Mr. KUCINICH, Mr. TORRES, Mr. BLAGOJEVICH, Mr. MCINTYRE, Mr. POMEROY, and Mr. HOYER):

H.R. 3876. A bill to reduce class size; to the Committee on Education and the Workforce.

By Mr. COLLINS (for himself and Mr. LEWIS of Georgia):

H.R. 3877. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of electric vehicles; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 3878. A bill to subject certain reserved mineral interests of the operation of the Mineral Leasing Act, and for other purposes; to the Committee on Resources.

By Ms. DUNN of Washington (for herself, Mr. TANNER, Mr. GINGRICH, Mr. COX of California, Mr. JEFFERSON, Mr. CRANE, Mr. BUNNING of Kentucky, Mr. HERGER, Mr. MCCRERY, Mr. SAM JOHNSON, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. HOSTETTLER, Mr. PICKERING, Mr. WELLER, Mr. CAMP, and Mrs. THURMAN):

H.R. 3879. A bill to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period; to the Committee on Ways and Means.

By Mr. MARTINEZ:

H.R. 3880. A bill to authorize appropriations for fiscal years 1999, 2000, 2001, and 2002 to carry out the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Commerce, 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. GALLEGLY (for himself, Mr. HORN, Ms. LOFGREN, and Mr. PAUL):

H.R. 3881. A bill to amend the Internal Revenue Code of 1986 to increase the Lifetime Learning Credit for tuition expenses for continuing education for secondary teachers in their fields of teaching; to the Committee on Ways and Means.

By Mr. JONES:

H.R. 3882. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the Armed Forces of the United States shall be treated as using a principal residence while on extended active duty; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 3883. A bill to revise the boundary of the ABRAHAM Lincoln Birthplace National Historic Site to include Knob Creek Farm, and for other purposes; to the Committee on Resources.

By Mr. NADLER (for himself, Mrs. MALONEY of New York, Mr. MANTON, Mr. HINCHEY, Mr. TOWNS, Mr. LAFALCE, and Mr. SCHUMER):

H.R. 3884. A bill to provide for the disposition of Governors Island, New York; to the Committee on Government Reform and Oversight, and in addition to the Committee on Resources, 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 Ms. RIVERS:

H.R. 3885. A bill to waive interest and penalties for failures to file schedule D of Form 1040 with a timely filed return for 1997; to the Committee on Ways and Means.

By Mr. RYUN (for himself, Mr. STUMP, Mr. SAXTON, Mr. TIAHRT, Mr. DICKEY, Mr. SNOWBARGER, Mr. WAMP, and Ms. DANNER):

H.R. 3886. A bill to prohibit the export of missile equipment and technology to the People's Republic of China; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. BARRETT of Wisconsin, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. KIND of Wisconsin, Mr. LUTHER, Mr. VENTO, Mr. SABO, Mrs. THURMAN, Mr. BONIOR, Mr. QUINN, Mr. OBEY, Mr. JOHNSON of Wisconsin, Ms. STABENOW, Mr. KUCINICH, and Ms. RIVERS):

H.R. 3887. A bill to prohibit oil and gas drilling in the Great Lakes; to the Committee on Resources.

By Mr. TAUZIN (for himself, Mr. BASS, Mr. GOODLATTE, Mr. GILLMOR, Mr. BURR of North Carolina, Mr. SKEEN, Mr. FRANKS of New Jersey, and Mr. BACHUS):

H.R. 3888. A bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes; to the Committee on Commerce.

By Mr. UPTON:

H.R. 3889. A bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen controls over tobacco; to the Committee on Commerce.

By Mr. DELAY:

H.J. Res. 119. A joint resolution proposing an amendment to the Constitution of the United States to limit campaign spending; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Mr. GILMAN, Mr. GALLEGLY, Mr. MICA, Mr. BURTON of Indiana, Mr. PITTS, and Mr. BRADY):

H. Con. Res. 277. Concurrent resolution concerning the New Tribes Mission hostage crisis; to the Committee on International Relations.

By Mr. DELAY:

H. Res. 432. A resolution expressing the sense of the House of Representatives concerning the President's assertions of executive privilege; to the Committee on the Judiciary.

By Mr. SOLOMON:

H. Res. 433. A resolution calling upon the President of the United States to urge full cooperation by his former political appointees and friends and their associates with congressional investigations; to the Committee on the Judiciary.

By Mr. FAZIO of California:

H. Res. 434. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. LINDER (for himself, Mr. CHAMBLISS, and Mr. DEAL of Georgia):

H. Res. 437. A resolution commending Jack Elrod for his contributions to the United States; to the Committee on Resources.

By Mr. RYUN (for himself, Mr. BLILEY, Mr. MILLER of Florida, Mr. HOSTETTLER, Mr. KING of New York, Mr. INGLIS of South Carolina, Mr. PETERSON of Pennsylvania, Mr. STARK, Mr. PAPPAS, Mr. HILLEARY, Mrs. CUBIN, Mrs. FOWLER, Mr. STUMP, Mr. SAXTON, Mr. TIAHRT, Mr. DICKEY, Mr. SNOWBARGER, Mr. WAMP, and Ms. DANNER):

H. Res. 438. A resolution expressing the sense of the House regarding the transfer to the People's Republic of China of technology that can be used in the development of strategic nuclear missiles; to the Committee on International Relations.

By Mr. UNDERWOOD:

H. Res. 439. A resolution concerning India's recent detonation of 5 nuclear devices; 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. 26: Mr. OBEY and Mr. GORDON.
H.R. 59: Mrs. BONO.
H.R. 65: Mr. SESSIONS.
H.R. 303: Mr. SESSIONS.
H.R. 306: Ms. ROS-LEHTINEN and Mr. PICKETT.
H.R. 1126: Mr. BRYANT, Mr. BONIOR, Mrs. MORELLA, and Mr. MOAKLEY.
H.R. 1159: Mr. OLVER.
H.R. 1165: Mrs. CAPPS.
H.R. 1173: Mr. BERRY and Mrs. ROUKEMA.
H.R. 1241: Mr. SHERMAN.
H.R. 1356: Mr. KENNEDY of Rhode Island.
H.R. 1376: Ms. BROWN of Florida, Mr. FATTAH, Mr. RODRIGUEZ, Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, and Mr. OWENS.
H.R. 1378: Mr. BLILEY.
H.R. 1382: Mrs. KENNELLY of Connecticut and Mr. NEAL of Massachusetts.
H.R. 1671: Mr. FRANK of Massachusetts.
H.R. 1689: Mr. BERRY, Mr. BAESLER, Mr. SISISKY, and Mrs. BONO.
H.R. 1736: Ms. LOFGREN.
H.R. 1766: Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. GRAHAM, Mr. HUNTER, Mr. KENNEDY of Rhode Island, Mr. LIVINGSTON, MS. MCCARTHY of Missouri, Ms. MCKINNEY, Mr. MOLLOHAN, Mr. PETERSON of Pennsylvania, Mr. REYES, Mr. ROGERS, Mr. SAWYER, Mr. SHIMKUS, and Mr. WEYGAND,
H.R. 2009: Mr. SANDERS, Mr. SHAW, Mr. MOAKLEY, and Mr. MCHALE.
H.R. 2023: Mr. WYNN.
H.R. 2088: Mr. FROST.
H.R. 2202: Mr. JEFFERSON.
H.R. 2450: Mr. COBURN.
H.R. 2537: Mr. MCINTOSH.
H.R. 2538: Mr. LAZIO of New York.
H.R. 2719: Mrs. TAUSCHER.
H.R. 2727: Mr. HALL of Texas, Mr. HEFNER, Mr. ENGLISH of Pennsylvania, and Mr. GOODLING.
H.R. 2804: Mr. SCHUMER, Ms. STABENOW, and Ms. DELAURO.
H.R. 2819: Mr. SHAYS, Mr. WEYGAND, and Mr. HUTCHINSON.
H.R. 2821: Mr. SMITH of Michigan.
H.R. 2855: Mr. UNDERWOOD, Mr. PASCRELL, and Mr. BAESLER.
H.R. 3048: Ms. SANCHEZ.
H.R. 3093: Mr. OWENS.
H.R. 3166: Mr. PACKARD.
H.R. 3205: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MCINTYRE.
H.R. 3274: Mr. BRYANT.
H.R. 3283: Mr. SANDLIN.
H.R. 3290: Mr. UPTON, Mr. HASTINGS of Washington, and Mr. BLUMENAUER.
H.R. 3396: Mr. YOUNG of Florida, Mr. FOLEY, Mr. WYNN, and Mr. GREENWOOD.
H.R. 3435: Ms. DANNER, Ms. MCCARTHY of Missouri, Mr. HILL, Ms. DELAURO, Mr. HUTCHINSON, Mr. KLUG, Mr. DOYLE, Mr. CLYBURN, and Mr. HUNTER.
H.R. 3466: Ms. FURSE.
H.R. 3494: Mr. PAPPAS.
H.R. 3514: Mr. DEUTSCH.
H.R. 3561: Mr. ALLEN.
H.R. 3566: Mr. GREENWOOD.
H.R. 3567: Mr. MCNULTY, Mr. MANTON, Mr. GEKAS, and Ms. RIVERS.
H.R. 3572: Mr. HOBSON, Mr. TALENT, Mr. HALL of Ohio, Mr. KUCINICH, Mr. CLEMENT, Mr. LATOURETTE, Mr. WELDON of Florida, and Mr. PRICE of North Carolina.
H.R. 3610: Mr. BUNNING of Kentucky, Mr. MALONEY of Connecticut, Mr. BOUCHER, Mr. WHITFIELD, Mr. SHAYS, Mr. WYNN, and Mr. GOODLING.
H.R. 3613: Mr. BRYANT, Mr. GILMAN, and Mrs. MORELLA.
H.R. 3636: Mr. SABO, Mr. BARRETT of Wisconsin, and Mr. MCHALE.
H.R. 3637: Mr. HILLIARD, Ms. LOFGREN, Mr. FROST, and Mr. SCHUMER.
H.R. 3650: Mr. ARMEY, Mrs. EMERSON, Mr. GILMAN, and Mr. OWENS.
H.R. 3680: Mr. PETERSON of Pennsylvania, Mr. KNOLLENBERG, Mr. SHAYS, Mr. CALLAHAN, Mr. HOEKSTRA, and Mr. NORWOOD.
H.R. 3783: Mr. ENGLISH of Pennsylvania and Mr. KIM.
H.R. 3807: Mr. ADERHOLT, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. COLLINS, Mr. COOKSEY, Mr. CRAPO, Mr. DICKEY, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Mr. HUTCHINSON, Mr. SAM JOHNSON, Mr. KIM, Mr. LAHOOD, Mr. MCHUGH, Mr. MANZULLO, Mr. MORAN of Kansas, Mr. NETHERCUTT, Mr. QUINN, Mr. SENSENBRENNER, and Mr. SHIMKUS.
H.R. 3822: Mr. NEUMANN.
H.R. 3841: Mr. KENNEDY of Massachusetts.
H. Con. Res. 47: Ms. DANNER, Mr. CALVERT, Mr. MCINTYRE, and Mr. BONIOR.
H. Con. Res. 203: Mr. SPRATT.
H. Con. Res. 210: Mr. NEAL of Massachusetts and Ms. STABENOW.
H. Con. Res. 214: Mr. DUNCAN, Mr. BLILEY, and Mr. DAVIS of Virginia.
H. Con. Res. 271: Ms. WOOLSEY.
H. Res. 247: Mr. MCGOVERN.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3760: Mr. DAVIS of Illinois.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

*[Submitted May 13, 1998]*

H.R. 2183

OFFERED BY: MR. BASS

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Campaign Reform Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Civil penalty.
Sec. 203. Reporting requirements for certain independent expenditures.
Sec. 204. Independent versus coordinated expenditures by party.
Sec. 205. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.
Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.
Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Prohibiting involuntary use of funds of employees of corporations and other employers and members of unions and organizations for political activities.
Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.
Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for knowing and willful violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 601. Severability.
Sec. 602. Review of constitutional issues.
Sec. 603. Effective date.
Sec. 604. Regulations.

## TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

**SEC. 101. SOFT MONEY OF POLITICAL PARTIES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

**''SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

''(a) NATIONAL COMMITTEES.—

''(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

''(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

''(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

''(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

''(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Secretary of the Internal Revenue Service for determination of tax-exemption under such section).

''(e) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds for a Federal election activity on behalf of such candidate, individual, agent or any other person, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) STATE LAW.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for any activity other than a Federal election activity.

''(3) FUNDRAISING EVENTS.—Paragraph (1) does not apply in the case of a candidate who attends, speaks, or is a featured guest at a fundraising event sponsored by a State, district, or local committee of a political party.''.

**SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.**

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000''.

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$30,000''.

**SEC. 103. REPORTING REQUIREMENTS.**

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by inserting after subsection (d) the following:

''(e) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional

campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—A political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in subparagraphs (A) and (B)(v) of section 323(b)(2).

''(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

## TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

**SEC. 201. DEFINITIONS.**

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing 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', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

''(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is broadcast by a radio broadcast station or a television broadcast station within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

''(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

''(ii) that 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; 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.''.

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) a payment for a communication that is express advocacy; and

''(iv) a payment made by a person for a communication that—

''(I) refers to a clearly identified candidate;

''(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

''(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

**SEC. 202. CIVIL PENALTY.**

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.''.

**SEC. 203. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.**

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

**SEC. 204. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.**

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking ''and (3)'' and inserting '', (3), and (4)''; and

(2) by adding at the end the following:

''(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

''(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

''(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

''(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

''(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.''.

**SEC. 205. COORDINATION WITH CANDIDATES.**

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.''; and

(B) by adding at the end the following:

''(C) The term 'provided in coordination with a candidate' includes—

''(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

''(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

''(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

''(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

''(v) a payment made by a person if the person making the payment has served in any formal policymaking or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

''(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

''(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

''(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

''(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

''(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

''(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

## TITLE III—DISCLOSURE

### SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

''(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

''(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

### SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.''.

### SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least 4 members of the Commission.

''(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

### SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended—

(1) by striking ''$200'' and inserting ''$50''; and

(2) by striking the semicolon and inserting '', except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;''.

### SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name; or

''(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

### SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after ''SEC. 322.'' the following: ''(a) IN GENERAL.—''; and

(2) by adding at the end the following:

''(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.''.

### SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434)

(as amended by section 103(c) and section 203) is amended by adding at the end the following:

''(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

''(1) IN GENERAL.—A person, other than a political committee or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

''(A) on a monthly basis as described in subsection (a)(4)(B); or

''(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

''(2) ACTIVITY.—The activity described in this paragraph is—

''(A) Federal election activity;

''(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

''(C) an activity described in subparagraph (C) of section 316(b)(2).

''(3) APPLICABILITY.—This subsection does not apply to—

''(A) a candidate or a candidate's authorized committees; or

''(B) an independent expenditure.

''(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

''(A) the aggregate amount of disbursements made;

''(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

''(C) the date made, amount, and purpose of the disbursement; and

''(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.''.

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following:

''(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.''.

**SEC. 308. CAMPAIGN ADVERTISING.**

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(ii) by striking ''an expenditure'' and inserting ''a disbursement''; and

(iii) by striking ''direct''; and

(B) in paragraph (3), by inserting ''and permanent street address'' after ''name''; and

(2) by adding at the end the following:

''(c) Any printed communication described in subsection (a) shall—

''(1) be of sufficient type size to be clearly readable by the recipient of the communication;

''(2) be contained in a printed box set apart from the other contents of the communication; and

''(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any broadcast or cablecast communication described in paragraphs (1) or (2) of subsection (a) shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

''(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e) Any broadcast or cablecast communication described in paragraph (3) of subsection (a) shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

## TITLE IV—PERSONAL WEALTH OPTION

**SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

**''SEC. 324. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.**

''(a) ELIGIBLE HOUSE CANDIDATE.—

''(1) PRIMARY ELECTION.—

''(A) DECLARATION.—A candidate is an eligible primary election House candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

''(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

''(2) GENERAL ELECTION.—

''(A) DECLARATION.—A candidate is an eligible general election House candidate if the candidate files with the Commission—

''(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

''(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

''(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

''(i) the date on which the candidate qualifies for the general election ballot under State law; or

''(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

''(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

''(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible House candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

''(2) SOURCES.—A source is described in this paragraph if the source is—

''(A) personal funds of the candidate and members of the candidate's immediate family; or

''(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

''(c) CERTIFICATION BY THE COMMISSION.—

''(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible House candidate.

''(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible House candidate.

''(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

''(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

''(d) PENALTY.—If the Commission revokes the certification of an eligible House candidate—

''(1) the Commission shall notify the candidate of the revocation; and

''(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).''.

**SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.**

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

''(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for the House of Representatives who is not an eligible House candidate (as defined in section 324(a)).''.

## TITLE V—MISCELLANEOUS

**SEC. 501. PROHIBITING INVOLUNTARY USE OF FUNDS OF EMPLOYEES OF CORPORATIONS AND OTHER EMPLOYERS AND MEMBERS OF UNIONS AND ORGANIZATIONS FOR POLITICAL ACTIVITIES.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

''(c)(1)(A) Except with the separate, prior, written, voluntary authorization of the individual involved, it shall be unlawful—

''(i) for any national bank or corporation described in this section to collect from or assess a stockholder or employee any portion

of any dues, initiation fee, or other payment made as a condition of employment which will be used for political activity in which the national bank or corporation is engaged; and

''(ii) for any labor organization described in this section to collect from or assess a member or nonmember any portion of any dues, initiation fee, or other payment which will be used for political activity in which the labor organization is engaged.

''(B) An authorization described in subparagraph (A) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such subparagraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

''(2)(A) Prior to the beginning of any 12-month period (as determined by the corporation), each corporation described in this section shall provide each of its shareholders with a notice containing the following:

''(i) The proposed aggregate amount for disbursements for political activities by the corporation for the period.

''(ii) The individual's applicable percentage and applicable pro rata amount for the period.

''(iii) A form that the individual may complete and return to the corporation to indicate the individual's objection to the disbursement of amounts for political activities during the period.

''(B) It shall be unlawful for a corporation to which subparagraph (A) applies to make disbursements for political activities during the 12-month period described in such subparagraph in an amount greater than—

''(i) the proposed aggregate amount for such disbursements for the period, as specified in the notice provided under subparagraph (A); reduced by

''(ii) the sum of the applicable pro rata amounts for such period of all shareholders who return the form described in subparagraph (A)(iii) to the corporation prior to the beginning of the period.

''(C) In this paragraph, the following definitions shall apply:

''(i) The term 'applicable percentage' means, with respect to a shareholder of a corporation, the amount (expressed as a percentage) equal to the number of shares of the corporation (within a particular class or type of stock) owned by the shareholder at the time the notice described in subparagraph (A) is provided, divided by the aggregate number of such shares owned by all shareholders of the corporation at such time.

''(ii) The term 'applicable pro rata amount' means, with respect to a shareholder for a 12-month period, the product of the shareholder's applicable percentage for the period and the proposed aggregate amount for disbursements for political activities by the corporation for the period, as specified in the notice provided under subparagraph (A).

''(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office, influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

**SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

**''SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.**

''(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

''(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

''(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

''(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

''(4) for transfers to a national, State, or local committee of a political party.

''(b) PROHIBITED USE.—

''(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

''(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

''(A) a home mortgage, rent, or utility payment;

''(B) a clothing purchase;

''(C) a noncampaign-related automobile expense;

''(D) a country club membership;

''(E) a vacation or other noncampaign-related trip;

''(F) a household food item;

''(G) a tuition payment;

''(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

''(I) dues, fees, and other payments to a health club or recreational facility.''.

**SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.**

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.''.

**SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.**

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—

''(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value for a political committee or a candidate for Federal, State or local office from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value for a political committee or candidate for Federal, State or local office, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

''(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.''; and

(2) by inserting in subsection (b) after ''Congress'' ''or Executive Office of the President''.

**SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.**

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking ''$5,000'' and inserting ''$10,000''; and

(2) in paragraphs (5)(B) and (6)(C), by striking ''$10,000 or an amount equal to 200 percent'' and inserting ''$20,000 or an amount equal to 300 percent''.

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting '', and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).''.

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) LTY FOR LATE FILING.—

''(A) IN GENERAL.—

''(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

''(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

''(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

''(B) FILING AN EXCEPTION.—

''(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

''(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.'';

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: ''In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A).''; and

(B) by inserting before the period at the end of the last sentence the following: ''or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)''; and

(3) in paragraph (6)(A), by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)(A) or (13)''.

**SEC. 506. STRENGTHENING FOREIGN MONEY BAN.**

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a foreign national, directly or indirectly, to make—

''(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office; or

''(ii) a contribution or donation to a committee of a political party; or

''(B) for a person to solicit, accept, or receive such contribution or donation from a foreign national.''.

**SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by sections 101 and 401) is amended by adding at the end the following:

**''SEC. 325. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.''.

**SEC. 508. EXPEDITED PROCEDURES.**

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

''(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

''(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

''(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

''(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.''.

**SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.**

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking ''reason to believe that'' and inserting ''reason to investigate whether''.

## TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

**SEC. 601. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

**SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.**

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

**SEC. 603. EFFECTIVE DATE.**

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

**SEC. 604. REGULATIONS.**

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

H.R. 2183

OFFERED BY MR. CAMPBELL

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Can't Vote, Can't Contribute Campaign Reform Act of 1998''.

## TITLE I—LIMITATIONS ON CONTRIBUTIONS

**SEC. 101. LIMITATION ON AMOUNT OF CONTRIBUTIONS TO CANDIDATES BY INDIVIDUALS NOT ELIGIBLE TO VOTE IN STATE OR DISTRICT INVOLVED.**

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking ''in the aggregate, exceed $1,000;'' and inserting the following: ''in the aggregate—

''(i) in the case of contributions made to a candidate for election for Senator or for Representative in or Delegate or Resident Commissioner to the Congress by an individual who is not eligible to vote in the State or Congressional district involved (as the case may be) at the time the contribution is made (other than an individual who would be eligible to vote at such time but for the failure of the individual to register to vote), exceed $100; or

''(ii) in the case of any other contributions, exceed $1,000;''.

**SEC. 102. BAN ON ACCEPTANCE OF CONTRIBUTIONS MADE BY NONPARTY POLITICAL ACTION COMMITTEES.**

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) Notwithstanding any other provision of this Act, no candidate for election for Federal office may accept any contribution from a political action committee.

''(2) In this subsection, the term 'political action committee' means any political committee which is not—

''(A) the principal campaign committee of a candidate; or

''(B) a national, State, local, or district committee of a political party, including any subordinate committee thereof.''.

## TITLE II—ENSURING VOLUNTARINESS OF CONTRIBUTIONS OF CORPORATIONS, UNIONS, AND OTHER MEMBERSHIP ORGANIZATIONS

**SEC. 201. PROHIBITING INVOLUNTARY USE OF FUNDS OF EMPLOYEES OF CORPORATIONS AND OTHER EMPLOYERS AND MEMBERS OF UNIONS AND ORGANIZATIONS FOR POLITICAL ACTIVITIES.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

''(c)(1)(A) Except with the separate, prior, written, voluntary authorization of the individual involved, it shall be unlawful—

''(i) for any national bank or corporation described in this section (other than a corporation exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986) to collect from or assess a stockholder or employee any portion of any dues, initiation fee, or other payment made as a condition of employment which will be used for political activity in which the national bank or corporation is engaged; and

''(ii) for any labor organization described in this section to collect from or assess a member or nonmember any portion of any dues, initiation fee, or other payment which will be used for political activity in which the labor organization is engaged.

''(B) An authorization described in subparagraph (A) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such subparagraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

''(2)(A) Prior to the beginning of any 12-month period (as determined by the corporation), each corporation to which paragraph (1) applies shall provide each of its shareholders with a notice containing the following:

''(i) The proposed aggregate amount for disbursements for political activities by the corporation for the period.

''(ii) The individual's applicable percentage and applicable pro rata amount for the period.

''(iii) A form that the individual may complete and return to the corporation to indicate the individual's objection to or approval of the disbursement of amounts for political activities during the period.

''(B) It shall be unlawful for a corporation to which subparagraph (A) applies to make disbursements for political activities during the 12-month period described in such subparagraph in an amount greater than the sum of the applicable pro rata amounts for such period of all shareholders who return the form described in subparagraph (A)(iii) to the corporation prior to the beginning of the period and indicate their approval of such disbursements.

''(C) In this paragraph, the following definitions shall apply:

''(i) The term 'applicable percentage' means, with respect to a shareholder of a corporation, the amount (expressed as a percentage) equal to the number of shares of the corporation (within a particular class or type of stock) owned by the shareholder at the time the notice described in subparagraph (A) is provided, divided by the aggregate number of such shares owned by all shareholders of the corporation at such time.

''(ii) The term 'applicable pro rata amount' means, with respect to a shareholder for a 12-month period, the product of the shareholder's applicable percentage for the period and

the proposed aggregate amount for disbursements for political activities by the corporation for the period, as specified in the notice provided under subparagraph (A).

''(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office, influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

## TITLE III—RESTRICTIONS ON SOFT MONEY

**SEC. 301. BAN ON SOFT MONEY OF NATIONAL POLITICAL PARTIES AND CANDIDATES; BAN ON USE OF SOFT MONEY BY STATE POLITICAL PARTIES FOR FEDERAL ELECTION ACTIVITY.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''RESTRICTIONS ON USE OF SOFT MONEY BY POLITICAL PARTIES AND CANDIDATES

''SEC. 323. (a) BAN ON USE BY NATIONAL PARTIES.—

''(1) IN GENERAL.—No political committee of a national political party may solicit, receive, or direct any contributions, donations, or transfers of funds, or spend any funds, which are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) APPLICABILITY.—Paragraph (1) shall apply to any entity which is established, financed, maintained, or controlled (directly or indirectly) by, or which acts on behalf of, a political committee of a national political party, including any national congressional campaign committee of such a party and any officer or agent of such an entity or committee.

''(b) CANDIDATES.—

''(1) IN GENERAL.—No candidate for Federal office, individual holding Federal office, or any agent of such a candidate or officeholder may solicit, receive, or direct—

''(A) any funds in connection with any Federal election unless the funds are subject to the limitations, prohibitions and reporting requirements of this Act;

''(B) any funds that are to be expended in connection with any election for other than a Federal office unless the funds are not in excess of the applicable amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a), and are not from sources prohibited from making contributions by this Act with respect to elections for Federal office; or

''(C) any funds on behalf of any person which are not subject to the limitations, prohibitions, and reporting requirements of this Act if such funds are for the purpose of financing any activity on behalf of a candidate for election for Federal office or any communication which refers to a clearly identified candidate for election for Federal office.

''(2) EXCEPTION FOR CERTAIN ACTIVITIES.—Paragraph (1) shall not apply to—

''(A) the solicitation, receipt, or direction of funds by an individual who is a candidate for a non-Federal office if such activity is permitted under State law for such individual's non-Federal campaign committee; or

''(B) the attendance by an individual who holds Federal office at a fundraising event for a State or local committee of a political party of the State which the individual represents as a Federal officeholder, if the event is held in such State.

''(c) STATE PARTIES.—

''(1) IN GENERAL.—Any payment by a State committee of a political party for a mixed political activity—

''(A) shall be subject to limitation and reporting under this Act as if such payment were an expenditure; and

''(B) may be paid only from an account that is subject to the requirements of this Act.

''(2) MIXED POLITICAL ACTIVITY DEFINED.—As used in this section, the term 'mixed political activity' means, with respect to a payment by a State committee of a political party, an activity (such as a voter registration program, a get-out-the-vote drive, or general political advertising) that is both for the purpose of influencing an election for Federal office and for any purpose unrelated to influencing an election for Federal office.

''(d) PROHIBITING TRANSFERS OF NON-FEDERAL FUNDS BETWEEN STATE PARTIES.—A State committee of a political party may not transfer any funds to a State committee of a political party of another State unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

''(e) APPLICABILITY TO FUNDS FROM ALL SOURCES.—This section shall apply with respect to funds of any individual, corporation, labor organization, or other person.''.

## TITLE IV—EFFECTIVE DATE

**SEC. 401. EFFECTIVE DATE.**

Except as otherwise provided, the amendments made by this Act shall apply with respect to elections occurring after January 1999.

H.R. 2183

OFFERED BY: MR. OBEY

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 3: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; FINDING.**

(a) SHORT TITLE.—This Act may be cited as the ''Let the Public Decide Campaign Finance Reform Act''.

(b) FINDING.—The Congress finds that the existing system of private political contributions has become a fundamental threat to the integrity of the national election process and that the provisions contained in this Act are necessary to prevent the corruption of the public's faith in the Nation's system of governance.

## TITLE I—EXPENDITURE LIMITATIONS AND PUBLIC FINANCING FOR HOUSE OF REPRESENTATIVES GENERAL ELECTIONS

**SEC. 101. NEW TITLE OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new title:

## ''TITLE V—EXPENDITURE LIMITATIONS AND PUBLIC FINANCING FOR HOUSE OF REPRESENTATIVES GENERAL ELECTIONS

**''SEC. 501. LIMITATION ON EXPENDITURES IN HOUSE OF REPRESENTATIVES GENERAL ELECTIONS.**

''A candidate in a House of Representatives general election may not make expenditures other than as provided in this title.

**''SEC. 502. SOURCES OF AMOUNTS FOR EXPENDITURES BY CANDIDATES IN HOUSE OF REPRESENTATIVES GENERAL ELECTIONS.**

''The only sources of amounts for expenditures by candidates in House of Representatives general elections shall be—

''(1) the Grassroots Good Citizenship Fund, under section 505; and

''(2) additional amounts from State and national party committees under section 506.

**''SEC. 503. DISTRICT LIMITATION ON EXPENDITURES BY MAJOR PARTY CANDIDATES.**

''(a) IN GENERAL.—Except as provided in section 506, the maximum amounts of expenditures by major party candidates in House of Representatives general elections shall be based on the median household income of the districts involved, as provided for in subsections (b) and (c).

''(b) MAXIMUM FOR WEALTHIEST DISTRICT.—In the congressional district with the highest median household income, maximum combined expenditures for all major party candidates with respect to a House of Representatives general election shall be a total of $1,000,000.

''(c) MAXIMUM FOR OTHER DISTRICTS.—In each congressional district, other than the district referred to in subsection (b), the maximum combined expenditures for all major party candidates with respect to a House of Representatives general election shall be an amount equal to—

''(1) the maximum amount referred to in subsection (b), less

''(2) the amount equal to—

''(A) ⅔ of the percentage difference between the median household income of the district involved and the median household income of the district referred to in subsection (b), times

''(B) the maximum amount referred to in subsection (b).

''(d) ALLOCATION.—The maximum expenditure for a major party candidate in a congressional district shall be 50 percent of the maximum amount under subsection (b) or (c), as applicable.

**''SEC. 504. DISTRICT LIMITATION ON EXPENDITURES BY THIRD PARTY AND INDEPENDENT CANDIDATES.**

''(a) IN GENERAL.—Except as provided in section 506, the maximum amounts of expenditures by third party and independent candidates in House of Representatives general elections shall be the amount allocated under subsection (b).

''(b) ALLOCATION.—The maximum expenditure for a third party or independent candidate in a congressional district shall be—

''(1) the amount that bears the same ratio to the maximum amount under subsection (b) or (c) of section 503, as applicable, as the total popular vote in the district for candidates of the third party or for all independent candidates (as the case may be) bears to the total popular vote for all candidates in the 5 preceding general elections; or

''(2) in the case of a candidate in a district in which no third party or independent candidates (as the case may be) received votes in the 5 preceding general elections, the amount corresponding to the number of signatures presented to and verified by the Commission according to the following table:

| | |
|---|---|
| ''20,000 signatures | $75,000 |
| 30,000 signatures | 100,000 |
| 40,000 signatures | 150,000 |
| 50,000 signatures | 200,000 |

**''SEC. 505. GRASSROOTS GOOD CITIZENSHIP FUND.**

''(a) CREATION OF FUND.—There is established in the Treasury a trust fund to be known as the 'Grassroots Good Citizenship Fund', consisting of such amounts as may be credited to such fund as provided in this section.

''(b) DISTRICT ACCOUNTS.—There shall be established within the Grassroots Good Citizenship Fund an account for each congressional district. The accounts so established shall be administered by the Commission for the purpose of distributing amounts under this title.

''(c) PAYMENTS TO CANDIDATES.—Subject to subsection (d), the Commission shall pay to each candidate from the Grassroots Good Citizenship Fund the maximum amount calculated for such candidate under section 503 or 504.

''(d) INSUFFICIENT AMOUNTS.—If, as determined by the Commission, there are insufficient amounts in the Grassroots Good Citizenship Fund for payments under subsection (c), the Commission may reduce payments to candidates so that each candidate receives a pro rata portion of the amounts that are available.

''(e) TRANSFERS TO FUND.—There are hereby credited to the Grassroots Good Citizenship Fund amounts equivalent to the amounts designated under section 6097 of the Internal Revenue Code of 1986.

''(f) EXPENDITURES.—Amounts in the Grassroots Good Citizenship Fund shall be available for the purpose of providing amounts for expenditure by candidates in House of Representatives general elections in accordance with this title.

**''SEC. 506. ADDITIONAL AMOUNTS FROM STATE AND NATIONAL PARTY COMMITTEES.**

''(a) CONTRIBUTIONS.—In addition to amounts made available under section 503 or 504, in the case of a candidate in a House of Representatives general election who is the candidate of a political party, the State and national committees of that political party may make contributions to the candidate totaling not more than 5 percent of the maximum expenditure applicable to the candidate under section 503 or section 504.

''(b) EXPENDITURES.—A House of Representatives candidate who is the candidate of a political party may make expenditures of the amounts received under subsection (a).

**''SEC. 507. PUBLIC SERVICE ANNOUNCEMENTS.**

''(a) IN GENERAL.—Beginning on January 15, and continuing through April 15 of each year, the Commission shall carry out a program, utilizing broadcast announcements and other appropriate means, to inform the public of the existence and purpose of the Grassroots Good Citizenship Fund and the role that individual citizens can play in the election process by voluntarily contributing to the fund. The announcements shall be broadcast during prime time viewing hours in 30-second advertising segments equivalent to 200 gross rating points per network per week. The Commission shall ensure that the maximum number of taxpayers shall be exposed to these announcements. Television networks, as defined by the Federal Communications Commission, shall provide the broadcast time under this section as part of their obligations in the public interest under the Communications Act of 1934. The Federal Election Commission shall encourage broadcast outlets other than the above mentioned television networks including radio to provide similar announcements.

''(b) GROSS RATING POINT.—The term 'gross rating point' is a measure of the total gross weight delivered. It is the sum of the ratings for individual programs. Since a household rating period is 1 percent of the coverage base, 200 gross rating points means 2 messages a week per average household.

**''SEC. 508. DEFINITIONS.**

''As used in this title—

''(1) the term 'House of Representatives candidate' means a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress;

''(2) the term 'median household income' means, with respect to a congressional district, the median household income of that district, as determined by the Commission, using the most current data from the Bureau of the Census;

''(3) the term 'major party' means, with respect to a House of Representatives general election, a political party whose candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in the preceding general election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office;

''(4) the term 'third party' means with respect to a House of Representatives general election, a political party whose candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in the preceding general election received, as the candidate of such party, less than 25 percent of the total number of popular votes received by all candidates for such office;

''(5) the term 'independent candidate' means, with respect to a House of Representatives general election, a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is not the candidate of a major party or a third party; and

''(6) the term 'House of Representatives general election' means a general election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.''.

## TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

**SEC. 201. DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR GRASSROOTS GOOD CITIZENSHIP FUND.**

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following:

**''PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR GRASSROOTS GOOD CITIZENSHIP FUND**

''Sec. 6097. Designation of overpayments for Grassroots Good Citizenship Fund.

**''SEC. 6097. DESIGNATION OF OVERPAYMENTS FOR GRASSROOTS GOOD CITIZENSHIP FUND.**

''(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that—

''(1) a specified portion (not less than $1 or more than $10,000, and not less than $1 or more than $20,000 in the case of a joint return) of any overpayment of tax for such taxable year, and

''(2) any contribution which the taxpayer includes with such return,

shall be paid over to the Grassroots Good Citizenship Fund under section 505 of the Federal Election Campaign Act of 1971.

''(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of tax imposed by chapter 1 for such taxable year. Such designation shall be made on the 1st page of the return.

''(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.''

(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end thereof the following new item:

''Part IX. Designation of overpayments and contributions for certain purposes relating to House of Representatives elections.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

**SEC. 202. INCREASE IN CORPORATE INCOME TAX ON TAXABLE INCOME ABOVE $10,000,000.**

(a) IN GENERAL.—Paragraph (4) of subsection (b) of section 11 of the Internal Revenue Code of 1986 is amended by striking ''35 percent'' and inserting ''35.1 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

(c) USE OF AMOUNTS RECEIVED.—Amounts received by reason of the amendment made by subsection (a) shall be paid over to the Grassroots Good Citizenship Fund under section 505 of the Federal Election Campaign Act of 1971.

## TITLE III—BAN ON USE OF SOFT MONEY BY HOUSE CANDIDATES

**SEC. 301. BAN ON USE OF SOFT MONEY BY HOUSE CANDIDATES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''BAN ON USE OF NON-REGULATED FUNDS BY HOUSE CANDIDATES

''SEC. 323. (a) IN GENERAL.—No funds may be solicited, disbursed, or otherwise used with respect to any House of Representatives election unless the funds are subject to the limitations and prohibitions of this Act.

''(b) HOUSE OF REPRESENTATIVES ELECTION DEFINED.—In this section, the term 'House of Representatives election' means any election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.''.

## TITLE IV—INDEPENDENT EXPENDITURES

**SEC. 401. BAN ON INDEPENDENT EXPENDITURES IN HOUSE OF REPRESENTATIVES ELECTIONS.**

(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) No person may make any independent expenditure with respect to an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.''.

(b) CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.—

(1) IN GENERAL.—Section 301 of such Act (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following new paragraphs:

''(17) The term 'independent expenditure' means an expenditure for a communication (other than a communication which is described in clause (i) or clause (iii) of paragraph (9)(B) or which would be described in such clause if the communication were otherwise treated as an expenditure under this title)—

''(A) which is made during the 90-day period ending on the date of a general election for Federal office and which identifies a candidate for election for such office by name, image, or likeness; or

''(B) which contains express advocacy and is made without the participation or cooperation of, or consultation with, a candidate or a candidate's representative.

''(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions

to, or participate in campaign activity, or an expression which would reasonably be construed as intending to influence the outcome of an election.''.

(2) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of such Act (2 U.S.C. 431(8)(A)) is amended—

(A) in clause (i), by striking ''or'' after the semicolon at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(iii) any payment or other transaction referred to in paragraph (17)(A) that does not qualify as an independent expenditure under paragraph (17)(B).''.

**SEC. 402. BAN ON USE OF SOFT MONEY FOR CERTAIN EXPENDITURES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 301, is further amended by adding at the end the following new section:

''BAN ON USE OF NON-FEDERAL FUNDS FOR CERTAIN EXPENDITURES

''SEC. 324. (a) IN GENERAL.—No person may disburse any funds for any expenditure described in subsection (b) unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) EXPENDITURES DESCRIBED.—The expenditures described in this subsection are as follows:

''(1) An expenditure made by an authorized committee of a candidate for Federal office or a political committee of a political party.

''(2) An expenditure made by a person who, during the election cycle, has made a contribution to a candidate, where the expenditure is in support of that candidate or in opposition to another candidate for the same office.

''(3) An expenditure made by a person, or a political committee established, maintained or controlled by such person, who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act (22 U.S.C. 611) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register.

''(4) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

''(5) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

''(A) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

''(B) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.''.

## TITLE V—PROVISIONS RELATING TO HOUSE OF REPRESENTATIVES PRIMARY ELECTIONS

**SEC. 501. LIMITATION ON EXPENDITURES IN HOUSE OF REPRESENTATIVES ELECTIONS OTHER THAN GENERAL ELECTIONS.**

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 401, is further amended by adding at the end the following new subsection:

''(j)(1) The maximum expenditures for a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in any election other than a general election may not exceed ⅓ of the maximum applicable to the candidate in a general election under title V.

''(2) For purposes of limitations under this Act, any expenditure by a candidate referred to in paragraph (1), including an expenditure for the preparation, production, or presentation of communications through electronic media or in written form, shall, regardless of when the expenditure is made, be attributed to the appropriate general election, unless such expenditure is made solely for an election other than a general election.''.

**SEC. 502. LIMITATION ON ACCEPTANCE OF LARGE DONOR MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTIONS BY HOUSE OF REPRESENTATIVES CANDIDATES.**

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 401 and 501, is further amended by adding at the end the following new subsection:

''(k)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and the authorized political committees of such candidate, may not, with respect to an election other than a general election, accept contributions from large donor multicandidate political committees in excess of 20 percent of the maximum amount which the candidate may expend with respect to the election under subsection (j).

''(2) In paragraph (1), the term 'large donor multicandidate political committee' means a multicandidate political committee that accepts contributions totaling more than $200 from any single source in a calendar year.''.

## TITLE VI—CONSIDERATION OF CONSTITUTIONAL AMENDMENT

**SEC. 601. EXPEDITED CONSIDERATION OF CONSTITUTIONAL AMENDMENT.**

(a) IN GENERAL.—If any provision of this Act or any amendment made by this Act is found unconstitutional by the Supreme Court, the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of a joint resolution described in section 602 in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on the Judiciary of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on the Judiciary of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the Supreme Court finds a provision of this Act or an amendment made by this Act unconstitutional.

**SEC. 602. CONSTITUTIONAL AMENDMENT DESCRIBED.**

For purposes of section 601, a joint resolution described in this section is a joint resolution proposing the following text as an amendment to the Constitution of the United States:

''ARTICLE —

''SECTION 1. Congress may provide for reasonable restrictions on contributions and expenditures in campaigns for election for Federal office as necessary to protect the integrity of the electoral process.

''SEC. 2. Congress shall have power to enforce this article by appropriate legislation. No legislation enacted to enforce this article shall apply with respect to any election held after the last day of the year of the third Presidential election held after the date of the enactment of the legislation, unless the period in which such legislation is in effect is extended by an Act of Congress which is signed into law by the President.''.

H.R. 2183

OFFERED BY: MR. OBEY

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 4: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; FINDING.**

(a) SHORT TITLE.—This Act may be cited as the ''Let the Public Decide Campaign Finance Reform Act''.

(b) FINDING.—The Congress finds that the existing system of private political contributions has become a fundamental threat to the integrity of the national election process and that the provisions contained in this Act are necessary to prevent the corruption of the public's faith in the Nation's system of governance.

## TITLE I—VOLUNTARY EXPENDITURE LIMITATIONS AND PUBLIC FINANCING FOR HOUSE OF REPRESENTATIVES GENERAL ELECTIONS

**SEC. 101. NEW TITLE OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new title:

### ''TITLE V—VOLUNTARY EXPENDITURE LIMITATIONS AND PUBLIC FINANCING FOR HOUSE OF REPRESENTATIVES GENERAL ELECTIONS

### ''Subtitle A—Public Financing for Certified House Candidates

**''SEC. 501. PUBLIC FINANCING FOR CERTIFIED HOUSE CANDIDATES.**

''A certified House candidate in a House of Representatives general election shall be entitled to payments from the Grassroots Good Citizenship Fund under section 521.

**''SEC. 502. PROCEDURES FOR CERTIFICATION.**

''(a) IN GENERAL.—The Commission shall certify that a candidate initially meets the requirements for a certified House candidate under if the candidate submits to the Commission in writing a statement with the following information and assurances:

''(1) An agreement to obtain and furnish to the Commission such evidence as it may request to ensure that the candidate meets the requirements relating to limitations on expenditures under subtitle B.

''(2) An agreement to keep and furnish to the Commission such records, books, and other information as it may request.

''(3) An agreement to audit and examination by the Commission and to the payment of any amounts found to be paid erroneously to the candidate under this title.

''(4) Such other information and assurances as the Commission may require.

''(b) AUTHORITY OF COMMISSION TO REJECT OR REVOKE CERTIFICATION.—The Commission may reject a candidate's application for treatment as a certified House candidate or revoke a candidate's status as a certified House candidate if the candidate knowingly and willfully violates or has violated any of the applicable requirements of this title with respect to the election involved or any previous election.

### ''Subtitle B—Limitations on Expenditures by Certified House Candidates

**''SEC. 511. LIMITATION ON EXPENDITURES.**

''A certified House candidate in a House of Representatives general election may not make expenditures other than as provided in this subtitle.

**''SEC. 512. SOURCES OF AMOUNTS FOR EXPENDITURES BY CERTIFIED HOUSE CANDIDATES.**

''The only sources of amounts for expenditures by certified House candidates in House

of Representatives general elections shall be—

''(1) the Grassroots Good Citizenship Fund, under section 521; and

''(2) additional amounts from State and national party committees under section 522.

**''SEC. 513. DISTRICT LIMITATION ON EXPENDITURES BY MAJOR PARTY CANDIDATES.**

''(a) IN GENERAL.—Except as provided in section 515 and section 522, the maximum amounts of expenditures by certified House candidates in House of Representatives general elections who are major party candidates shall be based on the median household income of the districts involved, as provided for in subsections (b) and (c).

''(b) MAXIMUM FOR WEALTHIEST DISTRICT.—In the congressional district with the highest median household income, maximum combined expenditures for all certified House candidates who are major party candidates with respect to a House of Representatives general election shall be a total of $1,000,000.

''(c) MAXIMUM FOR OTHER DISTRICTS.—In each congressional district, other than the district referred to in subsection (b), the maximum combined expenditures for all certified House candidates who are major party candidates with respect to a House of Representatives general election shall be an amount equal to—

''(1) the maximum amount referred to in subsection (b), less

''(2) the amount equal to—

''(A) ⅔ of the percentage difference between the median household income of the district involved and the median household income of the district referred to in subsection (b), times

''(B) the maximum amount referred to in subsection (b).

''(d) ALLOCATION.—The maximum expenditure for a certified House candidate who is a major party candidate in a congressional district shall be 50 percent of the maximum amount under subsection (b) or (c), as applicable.

**''SEC. 514. DISTRICT LIMITATION ON EXPENDITURES BY THIRD PARTY AND INDEPENDENT CANDIDATES.**

''(a) IN GENERAL.—Except as provided in section 515 and section 522, the maximum amounts of expenditures by certified House candidates who are third party and independent candidates in House of Representatives general elections shall be the amount allocated under subsection (b).

''(b) ALLOCATION.—The maximum expenditure for a certified House candidate who is a third party or independent candidate in a congressional district shall be—

''(1) the amount that bears the same ratio to the maximum amount under subsection (b) or (c) of section 503, as applicable, as the total popular vote in the district for candidates of the third party or for all independent candidates (as the case may be) bears to the total popular vote for all candidates in the 5 preceding general elections; or

''(2) in the case of a candidate in a district in which no third party or independent candidates (as the case may be) received votes in the 5 preceding general elections, the amount corresponding to the number of signatures presented to and verified by the Commission according to the following table:

| | |
|---|---|
| ''20,000 signatures | $75,000 |
| 30,000 signatures | 100,000 |
| 40,000 signatures | 150,000 |
| 50,000 signatures | 200,000 |

**''SEC. 515. INCREASE IN AMOUNT FOR CANDIDATES WITH NONPARTICIPATING OPPONENT.**

''In the case of a certified House candidate in a House of Representatives general election with an opponent who is a major party candidate who is not a certified House candidate, the amount otherwise provided in section 513 or section 514 (as the case may be) shall be increased by 100 percent.

**''Subtitle C—Payments to Certified House Candidates**

**''SEC. 521. GRASSROOTS GOOD CITIZENSHIP FUND.**

''(a) CREATION OF FUND.—There is established in the Treasury a trust fund to be known as the 'Grassroots Good Citizenship Fund', consisting of such amounts as may be credited to such fund as provided in this section.

''(b) DISTRICT ACCOUNTS.—There shall be established within the Grassroots Good Citizenship Fund an account for each congressional district. The accounts so established shall be administered by the Commission for the purpose of distributing amounts under this title.

''(c) PAYMENTS TO CANDIDATES.—Subject to subsection (d), the Commission shall pay to each certified House candidate from the Grassroots Good Citizenship Fund the maximum amount calculated for such candidate under section 513 or 514.

''(d) INSUFFICIENT AMOUNTS.—If, as determined by the Commission, there are insufficient amounts in the Grassroots Good Citizenship Fund for payments under subsection (c), the Commission may reduce payments to certified House candidates so that each candidate receives a pro rata portion of the amounts that are available.

''(e) TRANSFERS TO FUND.—There are hereby credited to the Grassroots Good Citizenship Fund amounts equivalent to the amounts designated under section 6097 of the Internal Revenue Code of 1986.

''(f) EXPENDITURES.—Amounts in the Grassroots Good Citizenship Fund shall be available for the purpose of providing amounts for expenditure by certified House candidates in House of Representatives general elections in accordance with this title.

**''SEC. 522. ADDITIONAL AMOUNTS FROM STATE AND NATIONAL PARTY COMMITTEES.**

''(a) CONTRIBUTIONS.—In addition to amounts made available under section 521, in the case of a certified House candidate in a House of Representatives general election who is the candidate of a political party, the State and national committees of that political party may make contributions to the candidate totaling not more than 5 percent of the maximum expenditure applicable to the candidate under section 513 or section 514.

''(b) EXPENDITURES.—A certified House candidate who is the candidate of a political party may make expenditures of the amounts received under subsection (a).

**''Subtitle D—Miscellaneous Provisions**

**''SEC. 531. PUBLIC SERVICE ANNOUNCEMENTS.**

''(a) IN GENERAL.—Beginning on January 15, and continuing through April 15 of each year, the Commission shall carry out a program, utilizing broadcast announcements and other appropriate means, to inform the public of the existence and purpose of the Grassroots Good Citizenship Fund and the role that individual citizens can play in the election process by voluntarily contributing to the fund. The announcements shall be broadcast during prime time viewing hours in 30-second advertising segments equivalent to 200 gross rating points per network per week. The Commission shall ensure that the maximum number of taxpayers shall be exposed to these announcements. Television networks, as defined by the Federal Communications Commission, shall provide the broadcast time under this section as part of their obligations in the public interest under the Communications Act of 1934. The Federal Election Commission shall encourage broadcast outlets other than the above mentioned television networks including radio to provide similar announcements.

''(b) GROSS RATING POINT.—The term 'gross rating point' is a measure of the total gross weight delivered. It is the sum of the ratings for individual programs. Since a household rating period is 1 percent of the coverage base, 200 gross rating points means 2 messages a week per average household.

**''SEC. 532. DEFINITIONS.**

''As used in this title—

''(1) the term 'certified House candidate' means, with respect to a House of Representatives general election, a candidate in such election who is certified by the Commission under subtitle A as meeting the requirements for receiving public financing under this title;

''(2) the term 'median household income' means, with respect to a congressional district, the median household income of that district, as determined by the Commission, using the most current data from the Bureau of the Census;

''(3) the term 'major party' means, with respect to a House of Representatives general election, a political party whose candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in the preceding general election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office;

''(4) the term 'third party' means with respect to a House of Representatives general election, a political party whose candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in the preceding general election received, as the candidate of such party, less than 25 percent of the total number of popular votes received by all candidates for such office;

''(5) the term 'independent candidate' means, with respect to a House of Representatives general election, a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is not the candidate of a major party or a third party; and

''(6) the term 'House of Representatives general election' means a general election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.''.

**TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986**

**SEC. 201. DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR GRASSROOTS GOOD CITIZENSHIP FUND.**

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following:

**''PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR GRASSROOTS GOOD CITIZENSHIP FUND**

''Sec. 6097. Designation of overpayments for Grassroots Good Citizenship Fund.

**''SEC. 6097. DESIGNATION OF OVERPAYMENTS FOR GRASSROOTS GOOD CITIZENSHIP FUND.**

''(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that—

''(1) a specified portion (not less than $1 or more than $10,000, and not less than $1 or more than $20,000 in the case of a joint return) of any overpayment of tax for such taxable year, and

''(2) any contribution which the taxpayer includes with such return,

shall be paid over to the Grassroots Good Citizenship Fund under section 521 of the Federal Election Campaign Act of 1971.

''(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of tax imposed by chapter 1 for such taxable year. Such designation shall be made on the 1st page of the return.

''(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.''

(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end thereof the following new item:

''Part IX. Designation of overpayments and contributions for certain purposes relating to House of Representatives elections.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

**SEC. 202. INCREASE IN CORPORATE INCOME TAX ON TAXABLE INCOME ABOVE $10,000,000.**

(a) IN GENERAL.—Paragraph (4) of subsection (b) of section 11 of the Internal Revenue Code of 1986 is amended by striking ''35 percent'' and inserting ''35.1 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

(c) USE OF AMOUNTS RECEIVED.—Amounts received by reason of the amendment made by subsection (a) shall be paid over to the Grassroots Good Citizenship Fund under section 521 of the Federal Election Campaign Act of 1971.

## TITLE III—BAN ON USE OF SOFT MONEY BY HOUSE CANDIDATES

**SEC. 301. BAN ON USE OF SOFT MONEY BY HOUSE CANDIDATES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''BAN ON USE OF NON-REGULATED FUNDS BY HOUSE CANDIDATES

''SEC. 323. (a) IN GENERAL.—No funds may be solicited, disbursed, or otherwise used with respect to any House of Representatives election unless the funds are subject to the limitations and prohibitions of this Act.

''(b) HOUSE OF REPRESENTATIVES ELECTION DEFINED.—In this section, the term 'House of Representatives election' means any election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.''.

## TITLE IV—INDEPENDENT EXPENDITURES

**SEC. 401. BAN ON INDEPENDENT EXPENDITURES IN HOUSE OF REPRESENTATIVES ELECTIONS.**

(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) No person may make any independent expenditure with respect to an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.''.

(b) CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.—

(1) IN GENERAL.—Section 301 of such Act (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following new paragraphs:

''(17) The term 'independent expenditure' means an expenditure for a communication (other than a communication which is described in clause (i) or clause (iii) of paragraph (9)(B) or which would be described in such clause if the communication were otherwise treated as an expenditure under this title)—

''(A) which is made during the 90-day period ending on the date of a general election for Federal office and which identifies a candidate for election for such office by name, image, or likeness; or

''(B) which contains express advocacy and is made without the participation or cooperation of, or consultation with, a candidate or a candidate's representative.

''(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity, or an expression which would reasonably be construed as intending to influence the outcome of an election.''.

(2) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of such Act (2 U.S.C. 431(8)(A)) is amended—

(A) in clause (i), by striking ''or'' after the semicolon at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(iii) any payment or other transaction referred to in paragraph (17)(A) that does not qualify as an independent expenditure under paragraph (17)(B).''.

**SEC. 402. BAN ON USE OF SOFT MONEY FOR CERTAIN EXPENDITURES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 301, is further amended by adding at the end the following new section:

''BAN ON USE OF NON-FEDERAL FUNDS FOR CERTAIN EXPENDITURES

''SEC. 324. (a) IN GENERAL.—No person may disburse any funds for any expenditure described in subsection (b) unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) EXPENDITURES DESCRIBED.—The expenditures described in this subsection are as follows:

''(1) An expenditure made by an authorized committee of a candidate for Federal office or a political committee of a political party.

''(2) An expenditure made by a person who, during the election cycle, has made a contribution to a candidate, where the expenditure is in support of that candidate or in opposition to another candidate for the same office.

''(3) An expenditure made by a person, or a political committee established, maintained or controlled by such person, who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act (22 U.S.C. 611) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register.

''(4) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

''(5) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

''(A) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

''(B) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.''.

## TITLE V—LIMITATIONS ON ACCEPTANCE OF LARGE DONOR PAC CONTRIBUTIONS IN HOUSE OF REPRESENTATIVES PRIMARY ELECTIONS

**SEC. 501. LIMITATION ON ACCEPTANCE OF LARGE DONOR MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTIONS BY HOUSE OF REPRESENTATIVES CANDIDATES.**

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 401, is further amended by adding at the end the following new subsection:

''(j)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is not a certified House candidate under title V (and the authorized political committees of such candidate) may not, with respect to an election other than a general election, accept contributions from large donor multicandidate political committees in excess of 20 percent of the maximum amount which a certified House candidate may expend with respect to the general election under title V.

''(2) In paragraph (1), the term 'large donor multicandidate political committee' means a multicandidate political committee that accepts contributions totaling more than $200 from any single source in a calendar year.''.

## TITLE VI—CONSIDERATION OF CONSTITUTIONAL AMENDMENT

**SEC. 601. EXPEDITED CONSIDERATION OF CONSTITUTIONAL AMENDMENT.**

(a) IN GENERAL.—If any provision of this Act or any amendment made by this Act is found unconstitutional by the Supreme Court, the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of a joint resolution described in section 602 in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on the Judiciary of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on the Judiciary of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the Supreme Court finds a provision of this Act or an amendment made by this Act unconstitutional.

**SEC. 602. CONSTITUTIONAL AMENDMENT DESCRIBED.**

For purposes of section 601, a joint resolution described in this section is a joint resolution proposing the following text as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. In campaigns for election for Federal office, as necessary to protect the integrity of the electoral process, Congress may provide for reasonable restrictions on the making of independent expenditures for public communications made during the 90-day period ending on the date of a general

election and on the making of expenditures for public communications which contain express advocacy.

''SEC. 2. Nothing in clause 1 may be construed to affect the validity of any restrictions on expenditures in campaigns for election for Federal office which are in effect prior to the adoption of this article.

''SEC. 3. Congress shall have power to enforce this article by appropriate legislation. No legislation enacted to enforce this article shall apply with respect to any election held after the last day of the year of the third Presidential election held after the date of the enactment of the legislation, unless the period in which such legislation is in effect is extended by an Act of Congress which is signed into law by the President.''.

*[Submitted May 14, 1998]*

H.R. 2183

OFFERED BY: MR. DOOLITTLE

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 5: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Citizen Legislature and Political Freedom Act''.

**SEC. 2. REMOVAL OF LIMITATIONS ON FEDERAL ELECTION CAMPAIGN CONTRIBUTIONS.**

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) The limitations established under this subsection shall not apply to contributions made during calendar years beginning after 1998.''

**SEC. 3. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.**

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1997.''

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

**''SEC. 9014. TERMINATION.**

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after December 31, 1998, or to any candidate in such an election.''

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER 1998.—The Secretary shall transfer all amounts in the fund after December 31, 1998, to the general fund of the Treasury.''

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

**''SEC. 9043. TERMINATION.**

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after December 31, 1998.''

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9014. Termination.''

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''

**SEC. 4. DISCLOSURE REQUIREMENTS FOR CERTAIN SOFT MONEY EXPENDITURES OF POLITICAL PARTIES.**

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking ''and'' at the end of subparagraph (H);

(2) by adding ''and'' at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

''(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;''.

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of such Act (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(d) If a political committee of a State or local political party is required under a State or local law, rule, or regulation to submit a report on its disbursements to an entity of the State or local government, the committee shall file a copy of the report with the Commission at the time it submits the report to such an entity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 1999.

**SEC. 5. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.**

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking ''permit reports required by'' and inserting ''require reports under''.

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended to read as follows:

''(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the indentification of the contributor, and the date of receipt and amount of the contribution.

''(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.''.

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of such Act (2 U.S.C. 434(a)), as amended by section 4(b), is further amended by adding at the end the following new subsection:

''(e)(1) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.

''(2) In this subsection, the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 1999.

**SEC. 6. WAIVER OF "BEST EFFORTS" EXCEPTION FOR INFORMATION ON IDENTIFICATION OF CONTRIBUTORS.**

(a) IN GENERAL.—Section 302(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(i)) is amended—

(1) by striking ''(i) When the treasurer'' and inserting ''(i)(1) Except as provided in paragraph (2), when the treasurer''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply with respect to information regarding the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year (as required to be provided under subsection (c)(3)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to persons making contributions for elections occurring after January 1999.

H.R. 2183

OFFERED BY: MR. DOOLITTLE

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 6: Strike all after the enacting clause and insert the following:

**SECTION 1. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.**

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1997.''

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

**''SEC. 9014. TERMINATION.**

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after December 31, 1998, or to any candidate in such an election.''

(b) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER 1998.—The Secretary shall transfer all amounts in the fund after December 31, 1998, to the general fund of the Treasury.''

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding a the end the following new section:

**''SEC. 9043. TERMINATION.**

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after December 31, 1998.''

(c) CLERICAL AMENDMENTS.—

(1) Table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 09014. Termination.''

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''

Amend the title so as to read: ''A bill to amend the Internal Revenue Code of 1986 to terminate public financing of presidential election campaigns.''.

H.R. 2183

OFFERED BY: MR. FARR OF CALIFORNIA

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 7: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''American Political Reform Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONGRESSIONAL CAMPAIGN SPENDING LIMITS AND BENEFITS

Subtitle A—Election Campaign Spending Limits and Benefits

Sec. 101. Spending limits and benefits.

Subtitle B—Limitations on Contributions to House of Representatives Candidates

Sec. 121. Limitations on political committees.
Sec. 122. Limitations on political committee and large donor contributions that may be accepted by House of Representatives candidates.

Subtitle C—Related Provisions

Sec. 131. Reporting requirements.
Sec. 132. Registration as eligible House of Representatives candidate.
Sec. 133. Definitions.

Subtitle D—Tax on Excess Political Expenditures of Certain Congressional Campaign Funds

Sec. 141. Tax treatment of certain campaign funds.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.
Sec. 202. Reporting requirements for certain independent expenditures.

TITLE III—CONTRIBUTIONS AND EXPENDITURES BY POLITICAL PARTY COMMITTEES

Sec. 301. Definitions.
Sec. 302. Contributions to political party committees.
Sec. 303. Increase in the amount that multicandidate political committees may contribute to national political party committees.
Sec. 304. Merchandising and affinity cards.
Sec. 305. Provisions relating to national, State, and local party committees.
Sec. 306. Restrictions on fundraising by candidates and officeholders.
Sec. 307. Reporting requirements.

TITLE IV—CONTRIBUTIONS

Sec. 401. Restrictions on bundling.
Sec. 402. Contributions by dependents not of voting age.
Sec. 403. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.
Sec. 404. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 405. Prohibition of false representation to solicit contributions.
Sec. 406. Limited exclusion of advances by campaign workers from the definition of the term ''contribution''.
Sec. 407. Amendment to section 316 of the Federal Election Campaign Act of 1971.
Sec. 408. Prohibition of certain election-related activities of foreign nationals.

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 502. Disclosure of personal and consulting services.
Sec. 503. Political committees other than candidate committees.
Sec. 504. Use of candidates' names.
Sec. 505. Reporting requirements.
Sec. 506. Simultaneous registration of candidate and candidate's principal campaign committee.
Sec. 507. Reporting on general campaign activities of persons other than political parties.

TITLE VI—BROADCAST RATES AND CAMPAIGN ADVERTISING

Sec. 601. Broadcast rates and campaign advertising.
Sec. 602. Campaign advertising amendments.
Sec. 603. Eligibility for nonprofit third class bulk rates of postage.

TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.
Sec. 702. Appearance by Federal Election Commission as amici curiae.
Sec. 703. Prohibiting solicitation of contributions by members in hall of the House of Representatives.

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.
Sec. 802. Severability.
Sec. 803. Expedited review of constitutional issues.
Sec. 804. Regulations.

## TITLE I—CONGRESSIONAL CAMPAIGN SPENDING LIMITS AND BENEFITS

### Subtitle A—Election Campaign Spending Limits and Benefits

**SEC. 101. SPENDING LIMITS AND BENEFITS.**

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

**''TITLE V—ELECTION SPENDING LIMITS AND BENEFITS**

''TITLE V—ELECTION SPENDING LIMITS AND BENEFITS

''Subtitle A—Election Campaigns for the House of Representatives

''Sec. 501. Expenditure limitations.
''Sec. 502. Personal contribution limitations.
''Sec. 503. Definition.

''Subtitle B—Administrative Provisions

''Sec. 511. Certifications by Commission.
''Sec. 512. Examination and audits; repayments and civil penalties.
''Sec. 513. Judicial review.
''Sec. 514. Reports to Congress; certifications; regulations.
''Sec. 515. Closed captioning requirement for television commercials of eligible candidates.

''Subtitle C—Congressional Election Campaign Fund

''Sec. 521. Establishment and operation of the Fund.
''Sec. 522. Designation of receipts to the Fund.

### ''Subtitle A—Election Campaigns for the House of Representatives

**''SEC. 501. EXPENDITURE LIMITATIONS.**

''(a) IN GENERAL.—An eligible House of Representatives candidate may not, in an election cycle, make expenditures aggregating more than $600,000.

''(b) RUNOFF ELECTION AND SPECIAL ELECTION AMOUNTS.—

''(1) RUNOFF ELECTION AMOUNT.—If an eligible House of Representatives candidate is a candidate in a runoff election, the candidate may make additional expenditures aggregating not more than $200,000 in the election cycle.

''(2) SPECIAL ELECTION AMOUNT.—An eligible House of Representatives candidate who is a candidate in a special election may make expenditures aggregating not more than $600,000 with respect to the special election.

''(c) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 20 percentage points or less, the candidate may make additional expenditures aggregating not more than $200,000 in the election cycle.

''(d) EXCEPTIONS TO LIMITATIONS.—

''(1) NONPARTICIPATING OPPONENT.—The limitations imposed by subsections (a) and (b) do not apply in the case of an eligible House of Representatives candidate if any other general election candidate seeking nomination or election to that office—

''(A) is not an eligible House of Representatives candidate; and

''(B) makes expenditures in excess of 30 percent of the limitation under subsection (a).

''(2) INDEPENDENT EXPENDITURES AGAINST ELIGIBLE CANDIDATE.—The limitations imposed by subsections (a) and (b) do not apply in the case of an eligible House of Representatives candidate if the total amount of independent expenditures made during the election cycle on behalf of candidates opposing such eligible candidate exceeds $15,000.

''(3) CONTINUED ELIGIBILITY FOR BENEFITS.—An eligible House of Representatives candidate referred to in paragraph (1) or paragraph (2) shall continue to be eligible for all benefits under this title.

''(e) EXEMPTION FOR LEGAL COSTS AND TAXES.—

''(1) IN GENERAL.—Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee, or a Federal officeholder, for qualified legal services, for Federal, State, or local income taxes on earnings of a candidate's authorized committees, or to comply with section 512 shall not be considered in the computation of amounts subject to limitation under this section.

''(2) QUALIFIED LEGAL SERVICES.—For purposes of this subsection, the term 'qualified legal services' means—

''(A) any legal service performed on behalf of an authorized committee; or

''(B) any legal service performed on behalf of a candidate or Federal officeholder in connection with his or her duties or activities as a candidate or Federal officeholder.

''(f) EXEMPTION FOR FUNDRAISING OR ACCOUNTING COSTS.—Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee in connection with the solicitation of contributions on behalf of such candidate, or for accounting services to ensure compliance with this Act, shall not be considered in the computation of amounts subject to expenditure limitation under subsection (a) to the extent that the aggregate of such costs does not exceed 10 percent of the expenditure limitation under subsection (a).

''(g) INDEXING.—The dollar amounts specified in subsections (a), (b), and (c) shall be adjusted at the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1996.

''(h) RECALL ACTIONS.—The limitations of this section do not apply in the case of any recall action held pursuant to State law.

**''SEC. 502. PERSONAL CONTRIBUTION LIMITATIONS.**

''(a) PERSONAL CONTRIBUTIONS.—An eligible House of Representatives candidate may not, with respect to an election cycle, make contributions or loans to the candidate's own campaign totaling more than $50,000 from the personal funds of the candidate. Contributions from the personal funds of a candidate may not qualify for certification for voter benefits under this title.

''(b) LIMITATION EXCEPTION.—The limitation imposed by subsection (a) does not apply—

''(1) in the case of an eligible House of Representatives candidate if any other general election candidate for that office makes contributions or loans to the candidate's own campaign totaling more than $50,000 from the personal funds of the candidate; or

''(2) with respect to any contribution or loan used for costs described in section 501 (e) or (f).

''(c) AGGREGATION.—For purposes of subsection (a), any contribution or loan to a candidate's campaign by a member of a candidate's immediate family shall be treated as made by the candidate.

**''SEC. 503. DEFINITION.**

''As used in this title, the term 'benefits' means, with respect to an eligible House of Representatives candidate, reduced charges for use of a broadcasting station under section 315 of the Communications Act of 1934 (47 U.S.C. 315) and eligibility for nonprofit third-class bulk rates of postage under section 3626(e) of title 39, United States Code.

**''Subtitle B—Administrative Provisions**

**''SEC. 511. CERTIFICATIONS BY COMMISSION.**

''(a) GENERAL ELIGIBILITY.—The Commission shall certify whether a candidate is eligible to receive benefits under subtitle A. The initial determination shall be based on the candidate's filings under this title. Any subsequent determination shall be based on relevant additional information submitted in such form and manner as the Commission may require.

''(b) CERTIFICATION OF BENEFITS.—

''(1) DEADLINE FOR RESPONSE TO REQUESTS.—The Commission shall respond to a candidate's request for certification for eligibility to receive benefits under this section not later than 5 business days after the candidate submits the request.

''(2) REQUESTS.—Any request for certification submitted by a candidate shall contain—

''(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

''(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirement of this title.

''(3) PARTIAL CERTIFICATION.—If the Commission determines that any portion of a request does not meet the requirement for certification, the Commission shall withhold the certification for that portion only and inform the candidate as to how the request may be corrected.

''(4) CERTIFICATION WITHHELD.—The Commission may withhold certification if it determines that a candidate who is otherwise eligible has engaged in a pattern of activity indicating that the candidate's filings under this title cannot be relied upon.

''(c) WITHDRAWAL OF CERTIFICATION.—If the Commission determines that a candidate who is certified as an eligible House of Representatives candidate pursuant to this section has made expenditures in excess of any limit under subtitle A or otherwise no longer meets the requirements for certification under this title, the Commission shall revoke the candidate's certification.

**''SEC. 512. EXAMINATION AND AUDITS; REPAYMENTS AND CIVIL PENALTIES.**

''(a) EXAMINATIONS AND AUDITS.—

''(1) GENERAL ELECTIONS.—After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 5 percent of the eligible House of Representatives candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. The Commission shall conduct an examination and audit of the accounts of all candidates for election to an office where any eligible candidate for the office is selected for examination and audit.

''(2) SPECIAL ELECTION.—After each special election involving an eligible candidate, the Commission shall conduct an examination and audit of the campaign accounts of all candidates in the election to determine whether the candidates have complied with the conditions of eligibility and other requirements of this Act.

''(3) AFFIRMATIVE VOTE.—The Commission may conduct an examination and audit of the campaign accounts of any eligible House of Representatives candidate in a general election if the Commission determines that there exists reason to believe whether such candidate may have violated any provision of this title.

''(b) NOTIFICATION OF EXCESS EXPENDITURES.—If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures in excess of any limit under subtitle A, the Commission shall notify the candidate.

''(c) CIVIL PENALTIES.—

''(1) EXCESS EXPENDITURES.—

''(A) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subtitle A by 2.5 percent or less shall pay to the Commission an amount equal to the amount of the excess expenditures.

''(B) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subtitle A by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess expenditures.

''(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subtitle A by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess expenditures plus, if the Commission determines such excess expenditures were knowing and willful, a civil penalty in an amount determined by the Commission.

''(2) MISUSED BENEFITS OF CANDIDATES.—If the Commission determines that an eligible House of Representatives candidate used any benefit received under this title in a manner not provided for in this title, the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

''(d) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than 3 years after the date of such election.

**''SEC. 513. JUDICIAL REVIEW.**

''(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

''(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

''(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

**''SEC. 514. REPORTS TO CONGRESS; CERTIFICATIONS; REGULATIONS.**

''(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the House of Representatives setting forth—

''(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

''(2) the benefits certified by the Commission as available to each eligible candidate under this title; and

''(3) the names of any candidates against whom penalties were imposed under section 512, together with the amount of each such penalty and the reasons for its imposition.

''(b) DETERMINATIONS BY COMMISSION.—Subject to sections 512 and 513, all determinations (including certifications under section 511) made by the Commission under this title shall be final and conclusive.

''(c) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (d), to conduct such audits, examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

''(d) REPORT OF PROPOSED REGULATIONS.—The Commission shall submit to the House of Representatives a report containing a detailed explanation and justification of each rule and regulation of the Commission under this title. No such rule, regulation, or form may take effect until a period of 60 legislative days has elapsed after the report is received. As used in this subsection, the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law.

**''SEC. 515. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE CANDIDATES.**

''No eligible House of Representatives candidate may receive benefits under subtitle A unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.''.

**Subtitle B—Limitations on Contributions to House of Representatives Candidates**

**SEC. 121. LIMITATIONS ON POLITICAL COMMITTEES.**

(a) MULTICANDIDATE POLITICAL COMMITTEES.—Section 315(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(A)) is amended by striking out ''with respect'' and all that follows through ''$5,000,'' and inserting in lieu thereof: ''which, in the aggregate, exceed $5,000 with respect to an election for Federal office or $8,000 with respect to an election cycle (not including a runoff election);''.

(b) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder. Nothing in this paragraph shall be construed to permit the establishment, financing, maintenance, or control of any committee which is prohibited by paragraph (3) or (6) of section 302(e).''

(2) Section 302(e)(3) of such Act (2 U.S.C. 432(e)(3)) is amended to read as follows:

''(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

''(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

''(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.''

(c) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1998.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1999; or

(B) contributions made to, or received by, a candidate on or after January 1, 1999, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1999, over

(ii) such contributions received by the candidate before January 1, 1999.

**SEC. 122. LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES.**

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) LIMITATIONS ON CONTRIBUTIONS ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATE.—

''(1) POLITICAL COMMITTEES.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions from political committees aggregating in excess of $200,000.

''(2) PERSONS OTHER THAN POLITICAL COMMITTEES.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions aggregating in excess of $200,000 from persons other than political committees whose contributions total more than $200.

''(3) CONTESTED PRIMARIES.—In addition to the contributions under paragraphs (1) and (2), if a House of Representatives candidate in a contested primary election wins that primary election by a margin of 20 percentage points or less, the candidate may accept contributions of—

''(A) not more than $66,600 from political committees; and

''(B) not more than $66,600 from persons referred to in paragraph (2).

''(4) RUNOFF ELECTIONS.—In addition to the contributions under paragraphs (1) and (2), a House of Representatives candidate who is a candidate in a runoff election may accept contributions of (A) not more than $100,000 from political committees; and (B) not more than $100,000 from persons referred to in paragraph (2).

''(5) EXEMPTION FOR CERTAIN COSTS.—Any amount—

''(A) accepted by a House of Representatives candidate; and

''(B) used for costs incurred under section 501 (e) and (f),

shall not be considered in the computation of amounts subject to limitation under this subsection.

''(6) TRANSFER PROVISION.—The limitations imposed by this subsection shall apply without regard to amounts transferred from previous election cycles or other authorized committees of the same candidate. Candidates shall not be required to seek the redesignation of contributions in order to transfer such contributions to a later election cycle.

''(7) INDEXATION OF AMOUNTS.—The dollar amounts specified in this subsection shall be adjusted at the beginning of each calendar year based on the increase in the price index determined under subsection (c), except that, for the purposes of such adjustment, the base period shall be calendar year 1996.''

**Subtitle C—Related Provisions**

**SEC. 131. REPORTING REQUIREMENTS.**

Title III of the Federal Election Campaign Act of 1971 is amended by adding after section 304 the following new section:

''REPORTING REQUIREMENTS FOR HOUSE CANDIDATES

''SEC. 304A. A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who—

''(1) makes contributions in excess of $50,000 of personal funds of the candidate to the authorized committee of the candidate; or

''(2) makes expenditures in excess of 50 percent and 100 percent of the limitation under section 501(a);

shall report that the threshold has been reached to the Commission not later than 48 hours after reaching the threshold. The Commission shall transmit a copy to each other candidate for election to the same office within 48 hours of receipt.''

**SEC. 132. REGISTRATION AS ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATE.**

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraphs:

''(6)(A) In the case of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who desires to be an eligible House of Representatives candidate, a declaration of participation of the candidate to abide by the limits specified in sections 315(i), 501, and 502 and provide the information required under section 503(b)(4) shall be included in the designation required to be filed under paragraph (1).

''(B) A declaration of participation that is included in a statement of candidacy may not thereafter be revoked.''

**SEC. 133. DEFINITIONS.**

(a) IN GENERAL.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

''(19) The term 'election cycle' means—

''(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

''(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.

''(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office.

''(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

''(A) the date of such general election; or

''(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

''(22) The term 'immediate family' means—

''(A) a candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(23) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

''(24) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

''(A) the date of the first primary election for that office following the last general election for that office; or

''(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

''(25) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

''(26) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

''(27) The term 'special election' means any election (whether primary, runoff, or general) for Federal office held by reason of a vacancy in the office arising before the end of the term of the office.

''(28) The term 'special election period' means, with respect to any candidate for any Federal office, the period beginning on the date the vacancy described in paragraph (28) occurs and ending on the earlier of—

''(A) the date the election resulting in the election of a person to the office occurs; or

''(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

''(29) The term 'eligible House of Representatives candidate' means a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who, as determined by the Commission under section 511, is eligible to receive benefits under subtitle A of title V by reason of filing a declaration of participation under section 302(e) and complying with the continuing eligibility requirements under section 511.''

(b) IDENTIFICATION.—Section 301(13)(A) of such Act (2 U.S.C. 431(13)(A)) is amended by striking ''mailing address'' and inserting ''permanent residence address''.

**Subtitle D—Tax on Excess Political Expenditures of Certain Congressional Campaign Funds**

**SEC. 141. TAX TREATMENT OF CERTAIN CAMPAIGN FUNDS.**

(a) GENERAL RULE.—Chapter 41 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subchapter:

**''Subchapter B—Excess Political Expenditures of Certain Congressional Campaign Funds**

''Sec. 4915. Tax on excess political expenditures of certain campaign funds.

**"SEC. 4915. TAX ON EXCESS POLITICAL EXPENDITURES OF CERTAIN CAMPAIGN FUNDS.**

''(a) IMPOSITION OF TAX.—If any applicable campaign fund has excess political expenditures for any election cycle, there is hereby imposed on such excess political expenditures a tax equal to the amount of such excess political expenditures multiplied by the highest rate of tax specified in section 11(b). Such tax shall be imposed for the taxable year of such fund in which such election cycle ends.

''(b) APPLICABLE CAMPAIGN FUND.—For purposes of this section, the term 'applicable campaign fund' means any political organization if—

''(1) such organization is designated by a candidate for election or nomination to the House of Representatives as such candidate's principal campaign committee for purposes of section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)), and

''(2) such candidate has made contributions to such political organization during the election cycle in excess of the contribution limitation which would have been applicable under section 501(a) or 512(a) of such Act, whichever is applicable, if an election under such section had been made.

''(c) EXCESS POLITICAL EXPENDITURES.—

''(1) IN GENERAL.—For purposes of this section, the term 'excess political expenditures' means, with respect to any election cycle, the excess (if any) of the political expenditures incurred by the applicable campaign fund during such cycle, over, in the case of a House of Representatives candidate, the expenditure ceiling which would have been applicable under subtitle B of title V of such Act if an election under such subtitle had been made.

''(2) SPECIAL RULE FOR DETERMINING AMOUNT OF EXPENDITURES.—For purposes of paragraph (1), in determining the amount of political expenditures incurred by an applicable campaign fund, there shall be excluded any such expenditure which would not have been subject to the expenditure limitations of title V of the Federal Election Campaign Act of 1971 had such limitations been applicable, other than any such expenditure which would have been exempt from such limitations under section 501(e) or 501(f) of such Act.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELECTION CYCLE.—The term 'election cycle' has the meaning given such term by section 301 of the Federal Election Campaign Act of 1971.

''(2) POLITICAL ORGANIZATION.—The term 'political organization' has the meaning given to such term by section 527(e)(1).

''(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of section 4911(e)(4) shall apply.''

(b) CLERICAL AMENDMENTS.—

(1) Chapter 41 of such Code is amended by striking the chapter heading and inserting the following:

**"CHAPTER 41—LOBBYING AND POLITICAL EXPENDITURES OF CERTAIN ORGANIZATIONS**

''Subchapter A. Public charities.

''Subchapter B. Excess political expenditures of certain campaign funds.

**"Subchapter A—Public Charities".**

(2) The table of sections for subtitle D of such Code is amended by striking the item relating to chapter 41 and inserting the following:

''Chapter 41. Lobbying and political expenditures of certain organizations.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

## TITLE II—INDEPENDENT EXPENDITURES

**SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.**

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

''(17)(A) The term 'independent expenditure' means an expenditure that—

''(i) contains express advocacy; and

''(ii) is made without the participation or cooperation of and without consultation with a candidate or a candidate's representative.

''(B) The following shall not be considered an independent expenditure:

''(i) An expenditure made by an authorized committee of a candidate for Federal office.

''(ii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

''(iii) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

''(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

''(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

''(iv) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office. For purposes of this clause, the term 'professional services' shall include any services (other than legal and accounting services solely for purposes of ensuring compliance with any Federal law) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

''(18)(A) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party.

''(B) The term 'expression of support for or opposition to' includes a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity, or to refrain from taking action.''.

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of such Act (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking ''or'' after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that is not an independent expenditure under paragraph (17).''.

**SEC. 202. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.**

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (9); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

''(3)(A) Any person (including a political committee) making independent expenditures (including those described in subsection (b)(6)(B)(iii)) with respect to a candidate in an election aggregating $1,000 or more made after the 20th day, but more than 24 hours, before the election shall file a report within 24 hours after such independent expenditures are made. An additional report shall be filed each time independent expenditures aggregating $1,000 are made with respect to the same candidate after the latest report filed under this subparagraph.

''(B) Any person (including a political committee) making independent expenditures with respect to a candidate in an election aggregating $2,500 or more made at any time up to and including the 20th day before the election shall file a report within 48 hours after such independent expenditures are made. An additional report shall be filed each time independent expenditures aggregating $2,500 are made with respect to the same candidate after the latest report filed under this paragraph.

''(C) A report under subparagraph (A) or (B) shall be filed with the Commission and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure is actually intended to support or to oppose. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

''(D) For purposes of this section, an independent expenditure shall be considered to have been made upon the making of any payment or the taking of any action to incur an obligation for payment.

''(4)(A) If any person (including a political committee) intends to make independent expenditures with respect to a candidate in an election totaling $2,500 or more during the 20 days before an election, such person shall file a report no later than the 20th day before the election.

''(B) A report under subparagraph (A) shall be filed with the Commission and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure is actually intended to support or to oppose. Not later than 48 hours after the Commission receives a report under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

''(5) The Commission may, upon a request of a candidate or on its own initiative, make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any candidate in any election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 48 hours after making it. Any determination made at the request of a candidate shall be made within 48 hours of the request.

''(6) At the time at which an eligible House of Representatives candidate is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 504(a)(3)(B) or section 513(f).

''(7)(A) A person that makes a reservation of broadcast time to which section 315(a) of the Communications Act of 1947 (47 U.S.C. 315(a)) applies, the payment for which would constitute an independent expenditure, shall at the time of reservation—

''(i) inform the broadcast licensee that payment for the broadcast time will constitute an independent expenditure;

''(ii) inform the broadcast licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate;

''(iii) transmit to all candidates for the office to which the proposed broadcast relates a script or tape recording of the communication, or an accurate summary of the communication if a script or tape recording is not available.''.

**TITLE III—CONTRIBUTIONS AND EXPENDITURES BY POLITICAL PARTY COMMITTEES**

**SEC. 301. DEFINITIONS.**

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (x)—

(i) by striking ''and'' at the end of subclause (2),

(ii) by inserting ''and'' at the end of subclause (3), and

(iii) by adding at the end the following new subclause:

''(4) such activities are conducted solely by, and any materials are prepared for distribution and mailing and are distributed (if other than by mailing) solely by, volunteers;'';

(B) in clause (xi), by striking ''That'' and all that follows through ''Act;'' and inserting ''That—

''(1) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

''(2) such activities are conducted solely by, and any materials are prepared for distribution and mailing and are distributed (if other than by mailing) solely by, volunteers;'' and

(C) in clause (xii)—

(i) by inserting ''in connection with volunteer activities'' after ''such committee'',

(ii) by striking ''for President and Vice President'',

(iii) by striking ''and'' at the end of subclause (2),

(iv) by inserting ''and'' at the end of subclause (3), and

(v) by adding at the end the following new subclause:

''(4) such activities are conducted solely by, and any materials are prepared for distribution and mailing and are distributed (if other than by mailing) solely by, volunteers;''.

(2) Section 301(9)(B) of such Act (2 U.S.C. 431(9)(B)) is amended—

(A) in clause (viii)—

(i) by striking ''and'' at the end of subclause (2),

(ii) by inserting ''and'' at the end of subclause (3), and

(iii) by adding at the end the following new subclause:

''(4) such activities are conducted solely by, and any materials are prepared for distribution and mailing and are distributed (if other than by mailing) solely by, volunteers;''; and

(B) in clause (ix)—

(i) by inserting ''in connection with volunteer activities'' after ''such committee'',

(ii) by striking ''for President or Vice President'', and

(iii) by striking ''and'' at the end of subclause (2), by inserting ''and'' at the end of subclause (3), and by adding at the end the following new subclause:

''(4) such activities are conducted solely by, and any materials are prepared for distribution and are distributed (if other than by mailing) solely by, volunteers;''.

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of such Act (2 U.S.C. 431), as amended by section 133, is further amended by adding at the end the following new paragraphs:

''(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

''(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).''.

**SEC. 302. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.**

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or

''(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State committee of a political party in any State in any calendar year shall not exceed $20,000; or''.

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Section 315(a)(2) of such Act (2 U.S.C. 441a(a)(2)) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000; or

''(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State committee of a political party in any State in any calendar year shall not exceed $15,000; or''.

(c) OVERALL LIMIT.—Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended to read as follows:

''(3)(A) No individual shall make contributions during any election cycle which, in the aggregate, exceed $100,000.

''(B) No individual shall make contributions during any calendar year—

''(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

''(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

''(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.''.

(d) PRESIDENTIAL CANDIDATE COMMITTEE TRANSFERS.—(1) Section 315(b)(1) of such Act (2 U.S.C. 441a(b)(1)) is amended to read as follows:

''(B) in the case of a campaign for election to such office, an amount equal to the sum of—

''(i) $20,000,000, plus

''(ii) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.

In no event shall the amount under subparagraph (B)(ii) exceed 2 cents multiplied by the voting age population of the United States (as certified under subsection (e)). The Commission may require reporting of the transfers described in subparagraph (B)(ii), may conduct an examination and audit of any such transfer, and may require the return of the transferred amounts to the Presidential Election Campaign Fund if not used for the appropriate purpose.''

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of clause (ii); and

(B) in clause (iii), by striking ''offices,'' and inserting the following: ''offices, or (iv) consisting of a transfer to the national committee of the political party of a candidate for the office of President or Vice President for distribution to State Party Grassroots Funds (as defined in the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act,''.

**SEC. 303. INCREASE IN THE AMOUNT THAT MULTICANDIDATE POLITICAL COMMITTEES MAY CONTRIBUTE TO NATIONAL POLITICAL PARTY COMMITTEES.**

Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(B)) is amended by striking ''$15,000'' and inserting ''$25,000''.

**SEC. 304. MERCHANDISING AND AFFINITY CARDS.**

Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

''(c) Notwithstanding the provisions of this section or any other provision of this Act to the contrary, an amount received from a corporation (including a State-chartered or national bank) by any political committee (other than a separate segregated fund established under section 316(b)(2)(C)) shall be deemed to meet the limitations and prohibitions of this Act if such amount represents a commission or royalty on the sale of goods or services, or on the issuance of credit cards, by such corporation and if—

''(1) such goods, services, or credit cards are promoted by or in the name of the political committee as a means of contributing to or supporting the political committee and are offered to consumers using the name of the political committee or using a message, design, or device created and owned by the political committee, or both;

''(2) the corporation is in the business of merchandising such goods or services, or of issuing such credit cards;

''(3) the royalty or commission has been offered by the corporation to the political committee in the ordinary course of the corporation's business and on the same terms and conditions as those on which such corporation offers royalties or commissions to nonpolitical entities;

''(4) all revenue on which the commission or royalty is based represents, or results from, sales to or fees paid by individual consumers in the ordinary course of retail transactions;

''(5) the costs of any unsold inventory of goods are ultimately borne by the political committee in accordance with rules to be prescribed by the Commission; and

''(6) except for any royalty or commission permitted to be paid by this subsection, no goods, services, or anything else of value is provided by such corporation to the political committee, except that such corporation may advance or finance costs or extend credit in connection with the manufacture and distribution of goods, provision of services, or issuance of credit cards pursuant to this subsection if and to the extent such advance, financing, or extension is undertaken in the ordinary course of the corporation's business and is undertaken on similar terms by such corporation in its transactions with nonpolitical entities in like circumstances.''

**SEC. 305. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.**

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of the Federal Election Campaign Act of 1971 is amended by inserting after section 323 the following new section:

''POLITICAL PARTY COMMITTEES

''SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) Paragraph (1) shall not apply to contributions—

''(A) that—

''(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

''(ii) are described in section 301(8)(B)(viii); and

''(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

''(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

''(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

''(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

''(2) Any generic campaign activity.

''(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

''(A) a State or local candidate is also identified or promoted; or

''(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

''(4) Voter registration.

''(5) Development and maintenance of voter files during an even-numbered calendar year.

''(6) Any other activity that—

''(A) significantly affects a Federal election, or

''(B) is not otherwise described in section 301(9)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

''(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

''(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

''(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

''(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

''(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

''(A) any generic campaign activity;

''(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

''(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

''(D) voter registration; and

''(E) development and maintenance of voter files during an even-numbered calendar year.

''(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

''(A) has established a separate segregated fund for the purposes described in paragraph (1); and

''(B) uses the transferred funds solely for those purposes.

''(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

''(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

''(B) the State or local candidate committee—

''(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

''(ii) certifies that such requirements were met.

''(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

''(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

''(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

''(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

''(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

''(f) RELATED ENTITIES.—The provisions of this Act shall apply to any entity that is established, financed, or maintained by a national committee or State committee of a political party in the same manner as they apply to the national or State committee.''

(b) CONTRIBUTIONS AND EXPENDITURES.—

(1) CONTRIBUTIONS.—Section 301(8)(B) of such Act (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (viii), by inserting after ''Federal office'' the following: '', or any amounts received by the committees of any national political party to support the operation of a television and radio broadcast facility'';

(B) by striking ''and'' at the end of clause (xiii);

(C) by striking clause (xiv); and

(D) by adding at the end the following new clauses:

''(xiv) any amount contributed to a candidate for other than Federal office;

''(xv) any amount received or expended to pay the costs of a State or local political convention;

''(xvi) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

''(xvii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

''(I) overhead, including party meetings;

''(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

''(III) conducting party elections or caucuses;

''(xviii) any payment for research pertaining solely to State and local candidates and issues;

''(xix) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

''(xx) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).''.

(2) EXPENDITURES.—Section 301(9)(B) of such Act (2 U.S.C. 431(9)(B)) is amended—

(A) by striking ''and'' at the end of clause (ix);

(B) by striking the period at the end of clause (x) and inserting a semicolon; and

(C) by adding at the end the following new clauses:

''(xi) any amount contributed to a candidate for other than Federal office;

''(xii) any amount received or expended to pay the costs of a State or local political convention;

''(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

''(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

''(I) overhead, including party meetings;

''(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

''(III) conducting party elections or caucuses;

''(xv) any payment for research pertaining solely to State and local candidates and issues;

''(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

''(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).''.

(c) LIMITATION APPLIED AT NATIONAL LEVEL; PERMITTING COMMITTEES TO MATCH INDEPENDENT EXPENDITURES MADE ON OPPONENT'S BEHALF.—Section 315(d) of such Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (3), by striking ''The national committee'' and inserting ''Subject to paragraph (4), the national committee''; and

(2) by adding at the end the following new paragraph:

''(4)(A) Notwithstanding paragraph (3), the applicable congressional campaign committee of a political party shall make the expenditures described in such paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.

''(B) For purposes of paragraph (3), in determining the amount of expenditures of a national or State committee of a political party in connection with the general election campaign of a candidate for election to the office of Representative, Delegate, or Resident Commissioner, there shall be excluded an amount equal to the total amount of independent expenditures made during the campaign on behalf of candidates opposing the candidate.''.

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of such Act (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: ''Each limitation under the following paragraphs shall apply to the entire election cycle for an office.''.

**SEC. 306. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.**

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 122, is further amended by adding at the end the following new subsection:

''(j) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

''(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

''(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

''(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

''(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

''(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

''(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

''(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

''(A) holds a Federal office; or

''(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.''.

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of such Act (2 U.S.C. 441a), as amended by section 122 and subsection (a), is further amended by adding at the end the following new subsection:

''(k) TAX-EXEMPT ORGANIZATIONS.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if—

''(A) the organization is established, maintained, or controlled by such individual; and

''(B) a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

''(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

''(A) holds a Federal office; or

''(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.''.

**SEC. 307. REPORTING REQUIREMENTS.**

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

''(2) A State, district, or local committee of a political party to which section 324 applies shall report all receipts and disbursements for the reporting period, including separate schedules for receipts and disbursements for State Grassroots Funds.

''(3) Any political committee shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

''(4) The Commission may prescribe regulations to require any political committee to which paragraph (1) or (2) does not apply to report any receipts or disbursements used in connection with a Federal election, including those which are also used, directly or indirectly, to affect a State or local election.

''(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

''(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of such Act (2 U.S.C. 431(8)) is amended by inserting at the end the following new subparagraph:

''(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 (and disbursements therefrom) shall be reported.''.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of such Act (2 U.S.C. 434), as amended by subsection (a), is further amended by adding at the end the following new subsection:

''(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.''.

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of such Act (2 U.S.C. 434(b)(4)) is amended—

(A) by striking ''and'' at the end of subparagraph (H);

(B) by adding ''and'' at the end of subparagraph (I); and

(C) by adding at the end the following new subparagraph:

''(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;''.

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of such Act (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking ''within the calendar year'', and

(B) by inserting '', and the election to which the operating expenditure relates'' after ''operating expenditure''.

## TITLE IV—CONTRIBUTIONS

**SEC. 401. RESTRICTIONS ON BUNDLING.**

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

''(8)(A) No person, either directly or indirectly, may act as a conduit or intermediary for any contribution to a candidate.

''(B)(i) Nothing in this section shall prohibit—

''(I) joint fundraising conducted in accordance with rules prescribed by the Commission by 2 or more candidates; or

''(II) fundraising for the benefit of a candidate that is conducted by another candidate.

''(ii) No other person may conduct or otherwise participate in joint fundraising activities with or on behalf of any candidate.

''(C) The term 'conduit or intermediary' means a person who transmits a contribution to a candidate or candidate's committee or representative from another person, except that—

''(i) a House of Representatives candidate or representative of a House of Representatives candidate is not a conduit or intermediary for the purpose of transmitting contributions to the candidate's principal campaign committee or authorized committee;

''(ii) a professional fundraiser is not a conduit or intermediary, if the fundraiser is compensated for fundraising services at the usual and customary rate;

''(iii) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(b), is not a conduit or intermediary for the purposes of that event; and

''(iv) an individual is not a conduit or intermediary for the purpose of transmitting a contribution from the individual's spouse.

For purposes of this section a conduit or intermediary transmits a contribution when receiving or otherwise taking possession of the contribution and forwarding it directly to the candidate or the candidate's committee or representative.

''(D) For purposes of this section, the term 'representative'—

''(i) shall mean a person who is expressly authorized by the candidate to engage in fundraising, and who, in the case of an individual, is not acting as an officer, employee, or agent of any other person;

''(ii) shall not include—

''(I) a political committee with a connected organization;

''(II) a political party;

''(III) a partnership or sole proprietorship;

''(IV) an organization prohibited from making contributions under section 316; or

''(V) a person required to register under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).

''(E) For purposes of this section, the term 'acting as an officer, employee, or agent of any other person' includes the following activities by a salaried officer, employee, or paid agent of a person described in subparagraph (D)(ii)(IV):

''(i) Soliciting contributions to a particular candidate in the name of, or by using the name of, such a person.

''(ii) Soliciting contributions to a particular candidate using other than the incidental resources of such a person.

''(iii) Soliciting contributions to a particular candidate under the direction or control of other salaried officers, employees, or paid agents of such a person.

For purposes of this subparagraph, the term 'agent' shall include any person (other than individual members of an organization described in subparagraph (b)(4)(C) of section 316) acting on authority or under the direction of such organization.''.

**SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.**

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 122 and 306, is further amended by adding at the end the following new subsection:

''(l) For purposes of this section, any contribution by an individual who—

''(1) is a dependent of another individual; and

''(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.''.

**SEC. 403. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.**

Section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441g) is amended by inserting '', and no candidate or authorized committee of a candidate shall accept from any one person,'' after ''make''.

**SEC. 404. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.**

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 121, is further amended by adding at the end the following new paragraph:

''(10) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee) if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.''.

**SEC. 405. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.**

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after ''SEC. 322.'' the following: ''(a)''; and

(2) by adding at the end the following:

''(b) No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.''.

**SEC. 406. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM ''CONTRIBUTION''.**

Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)), as amended by section 305, is amended—

(1) in clause (xix), by striking ''and'' after the semicolon at the end;

(2) in clause (xx), by striking the period at the end and inserting: ''; and''; and

(3) by adding at the end the following new clause:

''(xxi) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the value of advances on behalf of a committee does not exceed $500 with respect to an election.''.

**SEC. 407. AMENDMENT TO SECTION 316 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended—

(1) by striking ''(2) For'' and inserting ''(2)(A) Except as provided in subparagraph (B), for'';

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(3) by adding at the end the following:

''(B) Payments by a corporation or labor organization for candidate debates, voter guides, or voting records directed to the general public shall be considered contributions unless—

''(i) in the case of a candidate debate, the organization staging the debate is either an organization described in section 301 (9)(B)(i) whose broadcasts, cablecasts, or publications are supported by commercial advertising, subscriptions, or sales to the public, including a noncommercial educational broadcaster, or a nonprofit organization exempt from Federal taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 that does not endorse, support, or oppose candidates or political parties, and any such debate features at least 2 candidates competing for election to that office;

''(ii) in the case of a voter guide, the guide is prepared and distributed by a corporation or labor organization and consists of questions posed to at least two candidates for election to that office; and

''(iii) in the case of a voting record, the record is prepared and distributed by a corporation or labor organization at the end of a session of Congress and consists solely of votes by all Members of Congress in that session on one or more issues;

except that such payments shall be treated as contributions if any communication made by a corporation or labor organization in connection with the candidate debate, voter guide, or voting record contains express advocacy, or any structure or format of the candidate debate, voter guide, or voting record, or any preparation or distribution of any such guide or record, reflects a purpose of influencing the election of a particular candidate.''.

**SEC. 408. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.**

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended by adding at the end the following new subsection:

''(c) A foreign national shall not directly or indirectly direct, control, influence, or participate in any person's election-related activities, such as the making of contributions or expenditures in connection with elections for any local, State, or Federal office or the administration of a political committee.''.

## TITLE V—REPORTING REQUIREMENTS

**SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.**

Paragraphs (2), (3), (4), (6), and (7) of section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b) (2)–(7)) are each amended by inserting ''(election cycle, in the case of an authorized committee of a candidate for Federal office)'' after ''calendar year'' each place it appears.

**SEC. 502. DISCLOSURE OF PERSONAL AND CONSULTING SERVICES.**

(a) REPORTING BY POLITICAL COMMITTEES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: '', except that if a person to whom an expenditure is made by a candidate or the candidate's authorized committees is merely providing personal or consulting services and is in turn making expenditures to other persons (not including its owners or employees) who provide goods or services to the candidate or the candidate's authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed''.

(b) RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED

THROUGH.—Section 302 of such Act (2 U.S.C. 432) is amended by adding at the end the following new subsection:

''(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).''.

**SEC. 503. POLITICAL COMMITTEES OTHER THAN CANDIDATE COMMITTEES.**

Section 303(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting '', and if the organization or committee is incorporated, the State of incorporation'' after ''committee''; and

(2) by striking the ''name and address of the treasurer'' in paragraph (4) and inserting ''the names and addresses of any officers (including the treasurer)''.

**SEC. 504. USE OF CANDIDATES' NAMES.**

Section 302(e)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)(4)) is amended to read as follows:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name, or

''(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

**SEC. 505. REPORTING REQUIREMENTS.**

(a) FILING ON THE 20TH DAY OF A MONTH.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking ''15th'' and inserting ''20th'';

(2) in paragraph (3)(B)(ii), by striking ''15th'' and inserting ''20th'';

(3) in paragraph (4)(A)(i), by striking ''15th'' and inserting ''20th''; and

(4) in paragraph (8), by striking ''15th'' and inserting ''20th''.

(b) OPTION TO FILE MONTHLY REPORTS.—Section 304(a)(2) of such Act (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by inserting the following new subparagraph at the end:

''(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.''.

(c) POLITICAL COMMITTEES.—Section 304(a)(4) of such Act (2 U.S.C. 434(a)(4)) is amended in subparagraph (A)(i) by inserting '', and except that if at any time during the election year a committee receives contributions in excess of $100,000 ($10,000 in the case of a multicandidate political committee), or makes disbursements in excess of $100,000 ($10,000 in the case of a multicandidate political committee), monthly reports on the 20th day of each month after the month in which that amount of contributions is first received or that amount of disbursements is first anticipated to be made during that year'' before the semicolon.

(d) INCOMPLETE OR FALSE CONTRIBUTOR INFORMATION.—Section 302(i) of such Act (2 U.S.C. 432(i)) is amended—

(1) by inserting ''(1)'' after ''(i)'';

(2) by striking ''submit'' and inserting ''report''; and

(3) by adding at the end the following new paragraph:

''(2) A treasurer shall be considered to have used best efforts under this section only if—

''(A) all written solicitations include a clear and conspicuous request for the contributor's identification and inform the contributor of the committee's obligation to report the identification in a statement prescribed by the Commission;

''(B) the treasurer makes at least 1 additional request for the contributor's identification for each contribution received that aggregates in excess of $200 per calendar year and which does not contain all of the information required by this Act; and

''(C) the treasurer reports all information in the committee's possession regarding contributor identifications.''.

(e) WAIVER.—Section 304 of such Act (2 U.S.C. 434), as amended by section 307, is further amended by adding at the end the following new subsection:

''(f) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or extend the due date of a report by notifying all political committees affected.''.

**SEC. 506. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.**

Section 303(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(a)) is amended in the first sentence by striking ''no later than 10 days after designation'' and inserting ''on the date of its designation''.

**SEC. 507. REPORTING ON GENERAL CAMPAIGN ACTIVITIES OF PERSONS OTHER THAN POLITICAL PARTIES.**

(a) REPORTING REQUIREMENT.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 307 and 505, is further amended by adding at the end the following new subsection:

''(g) CERTAIN COMMUNICATIONS BY CORPORATIONS AND LABOR ORGANIZATIONS.—(1) Any person making disbursements to pay the cost of applicable communication activities aggregating $5,000 or more with respect to a candidate in an election after the 20th day, but more than 24 hours, before the election shall file a report of such disbursements within 24 hours after such disbursements are made.

''(2) Any person making disbursements to pay the cost of applicable communications activities aggregating $5,000 or more with respect to a candidate in an election at any time up to and including the 20th day before the election shall file a report within 48 hours after such disbursements are made.

''(3) Any person required to file a report under paragraph (1) or (2) which also makes disbursements to pay the cost directly attributable to a get-out-the-vote campaign described in section 316(b)(2)(B) aggregating $25,000 or more with respect to an election shall file a report within 48 hours after such disbursements are made.

''(4) An additional report shall be filed each time additional disbursements described in paragraph (1), (2), or (3), whichever is applicable, aggregating $10,000 are made with respect to the same candidate in the same election as the initial report filed under this subsection. Each such report shall be filed within 48 hours after the disbursements are made.

''(5) For purposes of this subsection, the term 'applicable communication activities' means activities which are covered by the exception to section 301(9)(B)(iii).

''(6) Any statement under this subsection—

''(A) shall be filed in the case of—

''(i) disbursements relating to candidates for the House of Representatives, with the Clerk of the House of Representatives and the Secretary of State of the State involved, and

''(ii) any other disbursements, with the Commission, and

''(B) shall contain such information as the Commission shall prescribe.''

(b) CONFORMING AMENDMENT.—Section 301(9)(B) of such Act (2 U.S.C. 431(9)(B)) is amended by inserting ''and shall, if such costs exceeds the amount described in paragraph (1), (2), or (4) of section 304(g), be reported in the manner provided in section 304(g)'' before the semicolon at the end of clause (iii).

## TITLE VI—BROADCAST RATES AND CAMPAIGN ADVERTISING

**SEC. 601. BROADCAST RATES AND CAMPAIGN ADVERTISING.**

(a) BROADCAST RATES.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) Except as provided in paragraph (2), the charges made for the use of a broadcasting station by a person who is a legally qualified candidate for public office in connection with the person's campaign for nomination for election, or election, to public office shall not exceed the charges made for comparable use of such station by other users thereof.

''(2) In the case of an eligible House of Representatives candidate, during the 30 days preceding the date of the primary or primary runoff election and during the 60 days preceding the date of a general or special election in which the person is a candidate, the charges made for the use of a broadcasting station by the candidate shall not exceed 50 percent of the lowest unit charge of the station for the same class and amount of time for the same period.'';

(2) by redesignating subsections (c) and (d) as subsections (f) and (g), respectively;

(3) by inserting after subsection (b) the following new subsections:

''(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1)(A), of a broadcast station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to subsection (b)(1)(A).

''(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.

''(d) If any person makes an independent expenditure through a communication on a broadcasting station that expressly advocates the defeat of an eligible House of Representatives candidate, or the election of an

eligible House of Representatives candidate (regardless of whether such opponent is an eligible candidate), the licensee, as applicable, shall, not later than 5 business days after the date on which the communication is made (or not later than 24 hours after the communication is made if the communication occurs not more than 2 weeks before the date of the election), transmit to the candidate—

''(1) a statement of the date and time on which the communication was made;

''(2) a script or tape recording of the communication, or an accurate summary of the communication if a script or tape recording is not available; and

''(3) an offer of an equal opportunity for the candidate to use the broadcasting station to respond to the communication without having to pay for the use in advance.

''(e) A licensee that endorses a candidate for Federal office in an editorial shall, within the time period stated in subsection (d), provide to all other candidates for election to the same office—

''(1) a statement of the date and time of the communication;

''(2) a script or tape recording of the communication, or an accurate summary of the communication if a script or tape recording is not available; and

''(3) an offer of an equal opportunity for the candidate or spokesperson for the candidate to use the broadcasting station to respond to the communication.''; and

(4) in subsection (f), as redesignated by paragraph (2)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) the terms 'eligible House of Representatives candidate' and 'independent expenditure' have the meanings stated in section 301 of the Federal Election Campaign Act of 1971.''.

(b) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ''or repeated'';

(2) by inserting ''or cable system'' after ''broadcasting station''; and

(3) by striking ''his candidacy'' and inserting ''his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser''.

(c) MEETING REQUIREMENTS FOR RATES AS CONDITION OF GRANTING OR RENEWAL OF LICENSE.—Section 307 of such Act (47 U.S.C. 307) is amended by adding at the end the following new subsection:

''(f) The continuation of an existing license, the renewal of an expiring license, and the issuance of a new license shall be expressly conditioned on the agreement by the licensee or the applicant to meet the requirements of section 315(b), except that the Commission may waive this condition in the case of a licensee or applicant who demonstrates (in accordance with such criteria as the Commission may establish in consultation with the Federal Election Commission) that meeting such requirements will impose a significant financial hardship.''.

**SEC. 602. CAMPAIGN ADVERTISING AMENDMENTS.**

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(2) in the matter before paragraph (1) of subsection (a), by striking ''an expenditure'' and inserting ''a disbursement'';

(3) in the matter before paragraph (1) of subsection (a), by striking ''direct'';

(4) in paragraph (3) of subsection (a), by inserting after ''name'' the following ''and permanent street address''; and

(5) by adding at the end the following new subsections:

''(c) Any printed communication described in subsection (a) shall be—

''(1) of sufficient type size to be clearly readable by the recipient of the communication;

''(2) contained in a printed box set apart from the other contents of the communication; and

''(3) consist of a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any communication described in subsection (a)(1) or (a)(2) that is provided to and distributed by any broadcasting station or cable system (as such terms are defined in sections 315 and 602, respectively, of the Federal Communications Act of 1934) shall include, in addition to the requirements of subsections (a)(1) and (a)(2), an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a communication described in paragraph (1) contains any visual images, the communication shall include a written statement which contains the same information as the audio statement and which—

''(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e)(1) Any communication described in subsection (a)(3) that is provided to and distributed by any broadcasting station or cable system described in subsection (d)(1) shall include, in addition to the requirements of that subsection, in a clearly spoken manner, the following statement: '  is responsible for the content of this advertisement.'; with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor.

''(2) If the communication described in paragraph (1) contains visual images, the communication shall include a written statement which contains the same information as the audio statement and which appears in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement for a period of at least 4 seconds.''.

**SEC. 603. ELIGIBILITY FOR NONPROFIT THIRD-CLASS BULK RATES OF POSTAGE.**

Paragraph (2) of section 3626(e) of title 39, United States Code, is amended—

(1) in subparagraph (A) by striking ''Committee, and the'' and inserting ''Committee, the'', and by striking ''Committee;'' and inserting ''Committee, and a qualified campaign committee;'';

(2) by striking ''and'' at the end of subparagraph (B);

(3) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(4) by adding at the end the following:

''(D) the term 'qualified campaign committee' means the campaign committee of an eligible House of Representatives candidate; and

''(E) the term 'eligible House of Representatives candidate' has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971.''.

**TITLE VII—MISCELLANEOUS**

**SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.**

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

''(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

''(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.''; and

(2) by adding at the end the following new paragraph:

''(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

''(B) For 2 years after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.''.

**SEC. 702. APPEARANCE BY FEDERAL ELECTION COMMISSION AS AMICI CURIAE.**

Section 306(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)) is amended by striking out paragraph (4) and inserting in lieu thereof the following new paragraph:

''(4)(A) Notwithstanding the provisions of paragraph (2), or of any other provision of law, the Commission is authorized to appear on its own behalf in any action related to the exercise of its statutory duties or powers in any court as either a party or as amicus curiae, either—

''(i) by attorneys employed in its office, or

''(ii) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

''(B) The authority granted under subparagraph (A) includes the power to appeal from, and petition the Supreme Court for certiorari to review, judgments or decrees entered

with respect to actions in which the Commission appears pursuant to the authority provided in this section.''.

**SEC. 703. PROHIBITING SOLICITATION OF CONTRIBUTIONS BY MEMBERS IN HALL OF THE HOUSE OF REPRESENTATIVES.**

(a) IN GENERAL.—A Member of the House of Representatives may not solicit or accept campaign contributions in the Hall of the House of Representatives, rooms leading thereto, or the cloakrooms.

(b) DEFINITION.—In subsection (a), the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, Congress.

(c) EXERCISE OF RULEMAKING AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such this section is deemed a part of the rules of the House of Representatives and supersedes other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives to change the rule at any time, in the same manner and to the same extent as in the case of any other rule of the House of Representatives.

## TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

**SEC. 801. EFFECTIVE DATE.**

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act, but shall not apply with respect to activities in connection with any election occurring before January 1, 1999.

**SEC. 802. SEVERABILITY.**

(a) IN GENERAL.—Except as otherwise provided in this section, if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

(b) EXCEPTIONS.—If any provision of subtitle A of title V of the Federal Election Campaign Act of 1971 (as added by title I) is held to be invalid, all provisions of such subtitle, and the amendment made by section 122, shall be treated as invalid.

**SEC. 803. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court finding any provision of this Act or amendment made by this Act to be unconstitutional.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

**SEC. 804. REGULATIONS.**

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 12 months after the effective date of this Act.

H.R. 2183

OFFERED BY: MR. HUTCHINSON

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 8: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Bipartisan Campaign Integrity Act of 1998''.

## TITLE I—SOFT MONEY AND CONTRIBUTIONS AND EXPENDITURES OF POLITICAL PARTIES

**SEC. 101. BAN ON SOFT MONEY OF NATIONAL POLITICAL PARTIES AND CANDIDATES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''BAN ON USE OF SOFT MONEY BY NATIONAL POLITICAL PARTIES AND CANDIDATES

''SEC. 323. (a) NATIONAL PARTIES.—A national committee of a political party, including the national congressional campaign committees of a political party, and any officers or agents of such party committees, may not solicit, receive, or direct any contributions, donations, or transfers of funds, or spend any funds, which are not subject to the limitations, prohibitions, and reporting requirements of this Act. This subsection shall apply to any entity that is established, financed, maintained, or controlled (directly or indirectly) by, or acting on behalf of, a national committee of a political party, including the national congressional campaign committees of a political party, and any officers or agents of such party committees.

''(b) CANDIDATES.—

''(1) IN GENERAL.—No candidate for Federal office, individual holding Federal office, or any agent of such candidate or officeholder may solicit, receive, or direct—

''(A) any funds in connection with any Federal election unless such funds are subject to the limitations, prohibitions and reporting requirements of this Act;

''(B) any funds that are to be expended in connection with any election for other than a Federal office unless such funds are not in excess of the amounts permitted with respect to contributions to Federal candidates and political committees under section 315(a)(1) and (2), and are not from sources prohibited from making contributions by this Act with respect to elections for Federal office; or

''(C) any funds on behalf of any person which are not subject to the limitations, prohibitions, and reporting requirements of this Act if such funds are for the purpose of financing any activity on behalf of a candidate for election for Federal office or any communication which refers to a clearly identified candidate for election for Federal office.

''(2) EXCEPTION FOR CERTAIN ACTIVITIES.—Paragraph (1) shall not apply to—

''(A) the solicitation or receipt of funds by an individual who is a candidate for a non-Federal office if such activity is permitted under State law for such individual's non-Federal campaign committee; or

''(B) the attendance by an individual who holds Federal office or is a candidate for election for Federal office at a fundraising event for a State or local committee of a political party of the State which the individual represents or seeks to represent as a Federal officeholder, if the event is held in such State.

''(c) PROHIBITING TRANSFERS OF NON-FEDERAL FUNDS BETWEEN STATE PARTIES.—A State committee of a political party may not transfer any funds to a State committee of a political party of another State unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) APPLICABILITY TO FUNDS FROM ALL SOURCES.—This section shall apply with respect to funds of any individual, corporation, labor organization, or other person.''.

**SEC. 102. INCREASE IN AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS TO POLITICAL PARTIES.**

(a) IN GENERAL.—The first sentence of section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''in any calendar year'' and inserting the following: ''to political committees of political parties, or contributions aggregating more than $25,000 to any other persons, in any calendar year''.

(b) CONFORMING AMENDMENT.—Section 315(a)(1)(B) of such Act (2 U.S.C. 441a(a)(1)(B)) is amended by striking ''$20,000'' and inserting ''$25,000''.

**SEC. 103. REPEAL OF LIMITATIONS ON AMOUNT OF COORDINATED EXPENDITURES BY POLITICAL PARTIES.**

(a) IN GENERAL.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by striking paragraphs (2) and (3).

(b) CONFORMING AMENDMENTS.—Section 315(d)(1) of such Act (2 U.S.C. 441a(d)(1)) is amended—

(1) by striking ''(d)(1)'' and inserting ''(d)''; and

(2) by striking '', subject to the limitations contained in paragraphs (2) and (3) of this subsection''.

**SEC. 104. INCREASE IN LIMIT ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES TO NATIONAL POLITICAL PARTIES.**

Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(B)) is amended by striking ''$15,000'' and inserting ''$20,000''.

## TITLE II—INDEXING CONTRIBUTION LIMITS

**SEC. 201. INDEXING CONTRIBUTION LIMITS.**

Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by adding at the end the following new paragraph:

''(3)(A) The amount of each limitation established under subsection (a) shall be adjusted as follows:

''(i) For calendar year 1999, each such amount shall be equal to the amount described in such subsection, increased (in a compounded manner) by the percentage increase in the price index (as defined in subsection (c)(2)) for each of the years 1997 through 1998.

''(ii) For calendar year 2003 and each fourth subsequent year, each such amount shall be equal to the amount for the fourth previous year (as adjusted under this subparagraph), increased (in a compounded manner) by the percentage increase in the price index for each of the four previous years.

''(B) In the case of any amount adjusted under this subparagraph which is not a multiple of $100, the amount shall be rounded to the nearest multiple of $100.''.

## TITLE III—EXPANDING DISCLOSURE OF CAMPAIGN FINANCE INFORMATION

**SEC. 301. DISCLOSURE OF CERTAIN COMMUNICATIONS.**

(a) IN GENERAL.—Any person who expends an aggregate amount of funds during a calendar year in excess of $25,000 for communications described in subsection (b) relating to a single candidate for election for Federal office (or an aggregate amount of funds during a calendar year in excess of $100,000 for all such communications relating to all such candidates) shall file a report describing the amount expended for such communications, together with the person's address and phone number (or, if appropriate, the address and phone number of the person's principal officer).

(b) COMMUNICATIONS DESCRIBED.—A communication described in this subsection is any communication which is broadcast to the general public through radio or television and which mentions or includes (by name, representation, or likeness) any candidate for election for Senator or for Representative in (or Delegate or Resident Commissioner to) the Congress, other than any

communication which would be described in clause (i), (iii), or (v) of section 301(9)(B) of the Federal Election Campaign Act of 1971 if the payment were an expenditure under such section.

(c) DEADLINE FOR FILING.—A person shall file a report required under subsection (a) not later than 7 days after the person first expends the applicable amount of funds described in such subsection, except that in the case of a person who first expends such an amount within 10 days of an election, the report shall be filed not later than 24 hours after the person first expends such amount. For purposes of the previous sentence, the term ''election'' shall have the meaning given such term in section 301(1) of the Federal Election Campaign Act of 1971.

(d) PLACE OF SUBMISSION.—Reports required under subsection (a) shall be submitted—

(1) to the Clerk of the House of Representatives, in the case of a communication involving a candidate for election for Representative in (or Delegate or Resident Commissioner to) the Congress; and

(2) to the Secretary of the Senate, in the case of a communication involving a candidate for election for Senator.

(e) PENALTIES.—Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this section,

shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

**SEC. 302. REQUIRING MONTHLY FILING OF REPORTS.**

(a) PRINCIPAL CAMPAIGN COMMITTEES.—Section 304(a)(2)(A)(iii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)(iii)) is amended to read as follows:

''(iii) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (i), a post-general election report shall be filed in accordance with clause (ii), and a year end report shall be filed no later than January 31 of the following calendar year.''.

(b) OTHER POLITICAL COMMITTEES.—Section 304(a)(4) of such Act (2 U.S.C. 434(a)(4)) is amended to read as follows:

''(4)(A) In a calendar year in which a regularly scheduled general election is held, all political committees other than authorized committees of a candidate shall file—

''(i) monthly reports, which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of the year, a pre-general election report shall be filed in accordance with clause (ii), a post-general election report shall be filed in accordance with clause (iii), and a year end report shall be filed no later than January 31 of the following calendar year;

''(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election; and

''(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election.

''(B) In any other calendar year, all political committees other than authorized committees of a candidate shall file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.''.

(c) CONFORMING AMENDMENTS.—(1) Section 304(a) of such Act (2 U.S.C. 434(a)) is amended by striking paragraph (8).

(2) Section 309(b) of such Act (2 U.S.C. 437g(b)) is amended by striking ''for the calendar quarter'' and inserting ''for the month''.

**SEC. 303. MANDATORY ELECTRONIC FILING FOR CERTAIN REPORTS.**

(a) IN GENERAL.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking the period at the end and inserting the following: '', except that the Commission shall require the reports to be filed and preserved by such means, format, or method, unless the aggregate amount of contributions or expenditures (as the case may be) reported by the committee in all reports filed with respect to the election involved (taking into account the period covered by the report) is less than $50,000.''.

(b) PROVIDING STANDARDIZED SOFTWARE PACKAGE.—Section 304(a)(11) of such Act (2 U.S.C. 434(a)(11)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) The Commission shall make available without charge a standardized package of software to enable persons filing reports by electronic means to meet the requirements of this paragraph.''.

**SEC. 304. WAIVER OF ''BEST EFFORTS'' EXCEPTION FOR INFORMATION ON OCCUPATION OF INDIVIDUAL CONTRIBUTORS.**

Section 302(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(i)) is amended—

(1) by striking ''(i) When the treasurer'' and inserting ''(i)(1) Except as provided in paragraph (2), when the treasurer''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply with respect to information regarding the occupation or the name of the employer of any individual who makes a contribution or contributions aggregating more than $200 during a calendar year (as required to be provided under subsection (c)(3)).''.

## TITLE IV—EFFECTIVE DATE

**SEC. 401. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall apply with respect to elections occurring after January 1999.

H.R. 2183

OFFERED BY MR. PAUL

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 9: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Voter Freedom Act of 1998''.

**SEC. 2. 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 Act 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. 3. 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. 4. RULEMAKING.**

The Attorney General shall make rules to carry out this Act.

**SEC. 5. GENERAL DEFINITIONS.**

As used in this Act—

(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 3(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.

Amend the title so as to read: ''A bill to enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections.''.

H.R. 2183

OFFERED BY: MR. PAUL

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 10: Strike all after the enacting clause and insert the folowing:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Freedom Debate Act of 1998''.

**SEC. 2. 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 Act, the term ''multicandidate forum'' means a meeting—

(1) consisting of a moderated reciprocal discussion of issues among candidates for the same office; and

(2) to which any other person has access in person or through an electronic medium.

Amend the title so as to read: ''A bill to require that candidates who receive campaign financing from the Presidential Election Campaign Fund agree not to participate in multicandidate forums that exclude candidates who have broad-based public support.''.

H.R. 2183

OFFERED BY: MR. PETERSON OF MINNESOTA

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 11: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Public Financing of House of Representatives Elections Act of 1998''.

**SEC. 2. ESTABLISHMENT OF THE HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND.**

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to Trust Fund Code) is amended by adding at the end the following new section:

**''SEC. 9511. HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND.**

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'House of Representatives Campaign Trust Fund', consisting of such amounts as may be appropriated or credited to such trust fund as provided in this section.

''(b) TRANSFER TO FUND OF AMOUNTS DESIGNATED BY INDIVIDUALS.—There is hereby appropriated to the House of Representatives Campaign Trust Fund amounts equivalent to the amounts designated under section 6097.

''(c) EXPENDITURE FROM FUND FOR PRIMARY ELECTIONS.—

''(1) IN GENERAL.—Amounts in the House of Representatives Campaign Trust Fund shall be available to provide payments with respect to a primary election to qualified House candidates under title V of the Federal Election Campaign Act of 1971.

''(2) AMOUNT.—Payments from the Fund shall be made, in such manner as the Federal Election Commission may prescribed by regulation, to each qualified House candidate in a primary election in an amount equal to the aggregate total of the first $200 in contributions from individuals.

''(d) EXPENDITURE FROM FUND FOR GENERAL ELECTIONS.—

''(1) IN GENERAL.—Amounts in the House of Representatives Campaign Trust Fund shall be available to provide payments with respect to a general election to qualified House candidates under title V of the Federal Election Campaign Act of 1971.

''(2) AMOUNT.—Payments from the Fund shall be made, in such manner as the Federal Election Commission may prescribed by regulation, to each qualified House candidate in a general election in an amount determined as follows:

''(A) In the case of a major party candidate, $500,000.

''(B) In the case of a third party or independent candidate, an amount that bears the same ratio to $1,000,000 as the total popular vote in the district for candidates of the third party or for all independent candidates (as the case may be) bears to the total popular vote for all candidates in the 5 preceding general elections.

''(3) DEFINITIONS.—In this paragraph—

''(A) the term 'major party' means, with respect to a House of Representatives general election, a political party whose candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in the preceding general election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office;

''(B) the term 'third party' means with respect to a House of Representatives general election, a political party whose candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in the preceding general election received, as the candidate of such party, less than 25 percent of the total number of popular votes received by all candidates for such office; and

''(C) the term 'independent candidate' means, with respect to a House of Representatives general election, a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is not the candidate of a major party or a third party.

''(e) LIMITATION ON TOTAL AMOUNT OF PAYMENTS.—The aggregate amount of payments made from the Fund to any candidate with respect to an election cycle may not exceed 50 percent of the expenditure limit applicable with respect to the cycle under subtitle B of title V of the Federal Election Campaign Act of 1971.

''(f) REPAYMENT OF TRUST FUND FROM EXCESS FUNDS.—(1) If at the conclusion of a primary election or general election in which a candidate who has received payments from the House of Representatives Campaign Trust Fund under this section has excess campaign funds attributable to that election, such candidate shall within thirty days refund to the trust fund the amount of the excess campaign funds which equals the pro rata share that payments provided to such candidate from the trust fund accounted for of such candidate's total aggregated receipts from all sources with respect to such election.

''(2) In no case shall the amount of refund required under paragraph (1) exceed the total aggregated payments provided to such candidate from the Trust Fund with respect to that election.

''(g) INDEXING OF AMOUNTS.—Each of the amounts provided in this section shall be subject to indexing in the same manner as amounts described in title V of the Federal Election Campaign Act of 1971.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following new item:

''Sec. 9511. House of Representatives Campaign Trust Fund.''.

**SEC. 3. PUBLIC FINANCING FOR HOUSE CANDIDATES AGREEING TO LIMIT EXPENDITURES.**

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new title:

**''TITLE V—VOLUNTARY EXPENDITURE LIMITATIONS AND PUBLIC FINANCING FOR HOUSE OF REPRESENTATIVES GENERAL ELECTIONS**

**''Subtitle A—Public Financing for Qualified House Candidates**

**''SEC. 501. PUBLIC FINANCING FOR QUALIFIED HOUSE CANDIDATES.**

''A qualified House candidate in a House of Representatives election shall be entitled to payments from the House of Representatives Campaign Trust Fund under subchapter A of chapter 61 of the Internal Revenue Code of 1986.

**''SEC. 502. PROCEDURES FOR CERTIFICATION.**

''(a) IN GENERAL.—The Commission shall certify that a candidate initially meets the requirements for a qualified House candidate under if the candidate submits to the Commission in writing a statement with the following information and assurances:

''(1) An agreement to obtain and furnish to the Commission such evidence as it may request to ensure that the candidate meets the requirements relating to limitations on expenditures under subtitle B.

''(2) An agreement to obtain and furnish to the Commission such evidence as it may request to ensure that the candidate meets the requirements relating to the receipt of matching contributions under subtitle C.

''(3) An agreement to keep and furnish to the Commission such records, books, and other information as it may request.

''(4) An agreement to audit and examination by the Commission and to the payment of any amounts found to be paid erroneously to the candidate under this title.

''(5) Such other information and assurances as the Commission may require.

''(b) AUTHORITY OF COMMISSION TO REJECT OR REVOKE CERTIFICATION.—The Commission may reject a candidate's application for treatment as a qualified House candidate or revoke a candidate's status as a qualified House candidate if the candidate knowingly and willfully violates or has violated any of the applicable requirements of this title with respect to the election involved or any previous election.

**''Subtitle B—Limitations on Expenditures by Qualified House Candidates**

**''SEC. 511. LIMITATION ON EXPENDITURES.**

''(a) IN GENERAL.—Except as provided in subsection (b), a qualified House candidate in a House of Representatives election may not make expenditures with respect to the election cycle involved in excess of $750,000, of which not more than $250,000 may be expended with respect to any primary election occurring within the cycle.

''(b) EXCEPTIONS.—

''(1) NONPARTICIPATING OPPONENT.—In the case of a qualified House candidate with an opponent who is not a qualified House candidate, the amount otherwise provided in subsection (a) shall be increased by the amount by which the amount expended by the opponent exceeds the amount under subsection (a).

''(2) CLOSELY CONTESTED PRIMARY.—In the case of a qualified House candidate in a general election who won the primary involved by a margin of 10 percentage points or less, the amount otherwise provided under subsection (a) shall be increased by 20 percent.

''(3) RUNOFF ELECTION.—In the case of a qualified House candidate in a runoff election, the amount otherwise provided under subsection (a) shall be increased by 20 percent.

**''SEC. 512. SOURCES OF AMOUNTS FOR EXPENDITURES BY QUALIFIED HOUSE CANDIDATES.**

''The only sources of amounts for expenditures by qualified House candidates in House of Representatives general elections shall be the House of Representatives Campaign Trust Fund under subchapter A of chapter 61 of the Internal Revenue Code of 1986, except that in the case of a primary election, the candidate may expend an amount not in excess of 50 percent of the applicable expenditure limit from matching contributions described in section 521.

**''Subtitle C—Matching Contribution Requirement for Primary Elections**

**''SEC. 521. REQUIRING MATCHING INDIVIDUAL CONTRIBUTIONS FOR PRIMARY ELECTIONS.**

''With respect to a primary election, a qualified House candidate shall report to the Commission that the candidate and the authorized committees of the candidate have received contributions totaling at least $25,000 in contributions of $200 or less from individual contributors.

**''Subtitle D—Miscellaneous Provisions**

**''SEC. 531. QUALIFIED HOUSE CANDIDATE DEFINED.**

''In this title, the term 'qualified House candidate' means, with respect to an election for the office of Representative in or Delegate or Resident Commissioner to the House of Representatives, a candidate in such election who is certified by the Commission under subtitle A as meeting the requirements for receiving public financing under this title.

**''SEC. 532. INDEXING OF AMOUNTS.**

''The Commission shall issue regulations providing for the biennial indexing of the amounts provided in this title.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after December 1998.

**SEC. 4. DESIGNATION OF INCOME TAX PAYMENTS TO THE HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND.**

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following new part:

**''PART IX—DESIGNATION OF INCOME TAX PAYMENTS TO BE USED FOR THE HOUSE OF REPRESENTATIVES CAMPAIGN TRUST FUND**

''Sec. 6097. Designation by individuals.

**''SEC. 6097. DESIGNATION BY INDIVIDUALS.**

''(a) IN GENERAL.—Every individual whose adjusted income tax liability for the taxable year is $5 or more may designate that $5 shall be paid over to the House of Representatives Campaign Trust Fund.

''(b) ADJUSTED INCOME TAX LIABILITY.—For purposes of this section, the adjusted income tax liability of an individual is the tax liability of such individual (as determined under subsection (b) of section 6096) for the taxable year reduced by the amount designated under section 6096 (relating to designation of income tax payments to Presidential Election Campaign Fund) for such taxable year.

''(c) JOINT RETURNS.—In the case of a joint return showing adjusted income tax liability of $5 or more, each spouse may designate that $10 shall be paid over to the House of Representatives Campaign Trust Fund.

''(d) MANNER AND TIME OF DESIGNATION.—Subsection (c) of section 6096 shall apply to the manner and time of the designation under this section.''.

(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end the following new item:

''Part IX. Designation of income tax payments to be used for the House of Representatives Campaign Trust Fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 12: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Paycheck Protection Act''.

**SEC. 2. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.**

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

''(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

''(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

''(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

''(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

''(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office, or educating individuals about candidates for election for Federal office.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

Amend the title so as to read: ''A Bill to protect individuals from having money involuntarily collected and used for political activities by a corporation or labor organization.''.

H.R. 2183

OFFERED BY: MR. SHAYS

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 13: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Campaign Reform Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Civil penalty.
Sec. 203. Reporting requirements for certain independent expenditures.
Sec. 204. Independent versus coordinated expenditures by party.
Sec. 205. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.
Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.

Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.
Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.
Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for knowing and willful violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 601. Severability.
Sec. 602. Review of constitutional issues.
Sec. 603. Effective date.
Sec. 604. Regulations.

## TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

**SEC. 101. SOFT MONEY OF POLITICAL PARTIES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

**"SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

''(a) NATIONAL COMMITTEES.—

''(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

''(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

''(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

''(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

''(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Commissioner of the Internal Revenue Service for determination of tax-exemption under such section).

''(e) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds for a Federal election activity on behalf of such candidate, individual, agent or any other person, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) STATE LAW.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for any activity other than a Federal election activity.

''(3) FUNDRAISING EVENTS.—Paragraph (1) does not apply in the case of a candidate who attends, speaks, or is a featured guest at a fundraising event sponsored by a State, district, or local committee of a political party.''.

**SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.**

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000''.

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$30,000''.

**SEC. 103. REPORTING REQUIREMENTS.**

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by inserting after subsection (d) the following:

''(e) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—A political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2)(A) and (3)(B)(v) of section 323(b).

''(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

## TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

**SEC. 201. DEFINITIONS.**

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing 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', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

''(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

''(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

''(ii) that 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;

''(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.''.

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) a payment for a communication that is express advocacy; and

''(iv) a payment made by a person for a communication that—

''(I) refers to a clearly identified candidate;

''(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

''(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

**SEC. 202. CIVIL PENALTY.**

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.''.

**SEC. 203. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.**

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

**SEC. 204. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.**

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking ''and (3)'' and inserting '', (3), and (4)''; and

(2) by adding at the end the following:

''(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

''(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

''(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

''(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

''(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.''.

**SEC. 205. COORDINATION WITH CANDIDATES.**

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.''; and

(B) by adding at the end the following:

''(C) The term 'provided in coordination with a candidate' includes—

''(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

''(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

''(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

''(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

''(v) a payment made by a person if the person making the payment has served in

any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

''(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

''(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

''(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

''(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

''(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

''(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

## TITLE III—DISCLOSURE

### SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

''(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

''(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

### SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.''.

### SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least 4 members of the Commission.

''(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

### SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking ''$200'' and inserting ''$50''; and

(2) by striking the semicolon and inserting '', except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;''.

### SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name; or

''(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

### SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after ''SEC. 322.'' the following: ''(a) IN GENERAL.—''; and

(2) by adding at the end the following:

''(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.''.

### SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c) and section 203) is amended by adding at the end the following:

''(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

''(1) IN GENERAL.—A person, other than a political committee or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

''(A) on a monthly basis as described in subsection (a)(4)(B); or

''(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

''(2) ACTIVITY.—The activity described in this paragraph is—

''(A) Federal election activity;

''(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

''(C) an activity described in subparagraph (C) of section 316(b)(2).

''(3) APPLICABILITY.—This subsection does not apply to—

''(A) a candidate or a candidate's authorized committees; or

''(B) an independent expenditure.

''(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

''(A) the aggregate amount of disbursements made;

''(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

''(C) the date made, amount, and purpose of the disbursement; and

''(D) if applicable, whether the disbursement was in support of, or in opposition to,

a candidate or a political party, and the name of the candidate or the political party.''.

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following:

''(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.''.

**SEC. 308. CAMPAIGN ADVERTISING.**

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(ii) by striking ''an expenditure'' and inserting ''a disbursement''; and

(iii) by striking ''direct''; and

(B) in paragraph (3), by inserting ''and permanent street address'' after ''name''; and

(2) by adding at the end the following:

''(c) Any printed communication described in subsection (a) shall—

''(1) be of sufficient type size to be clearly readable by the recipient of the communication;

''(2) be contained in a printed box set apart from the other contents of the communication; and

''(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a communication described in paragraph (1) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

''(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e) Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

## TITLE IV—PERSONAL WEALTH OPTION

**SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

**''SEC. 324. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.**

''(a) ELIGIBLE CONGRESSIONAL CANDIDATE.—

''(1) PRIMARY ELECTION.—

''(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible primary election Congressional candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

''(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

''(2) GENERAL ELECTION.—

''(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible general election Congressional candidate if the candidate files with the Commission—

''(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

''(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

''(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

''(i) the date on which the candidate qualifies for the general election ballot under State law; or

''(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

''(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

''(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Congressional candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

''(2) SOURCES.—A source is described in this paragraph if the source is—

''(A) personal funds of the candidate and members of the candidate's immediate family; or

''(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

''(c) CERTIFICATION BY THE COMMISSION.—

''(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Congressional candidate.

''(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Congressional candidate.

''(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

''(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

''(d) PENALTY.—If the Commission revokes the certification of an eligible Congressional candidate—

''(1) the Commission shall notify the candidate of the revocation; and

''(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).''.

**SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.**

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

''(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for Senator or Representative in or Delegate or Resident Commissioner to the Congress who is not an eligible Congressional candidate (as defined in section 324(a)).''.

## TITLE V—MISCELLANEOUS

**SEC. 501. CODIFICATION OF BECK DECISION.**

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

''(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

''(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

''(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

''(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

''(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

''(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

''(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

''(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures;

''(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

''(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.''.

**SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

**''SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.**

''(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

''(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

''(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

''(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

''(4) for transfers to a national, State, or local committee of a political party.

''(b) PROHIBITED USE.—

''(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

''(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

''(A) a home mortgage, rent, or utility payment;

''(B) a clothing purchase;

''(C) a noncampaign-related automobile expense;

''(D) a country club membership;

''(E) a vacation or other noncampaign-related trip;

''(F) a household food item;

''(G) a tuition payment;

''(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

''(I) dues, fees, and other payments to a health club or recreational facility.''.

**SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.**

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) A Member of Congress shall not mail any mass mailing as franked mail during the 180-day period which ends on the date of the general election for the office held by the Member or during the 90-day period which ends on the date of any primary election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection during that year or for election to any other Federal office.''.

**SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.**

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—

''(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value for a political committee or a candidate for Federal, State or local office from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value for a political committee or candidate for Federal, State or local office, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

''(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.''; and

(2) by inserting in subsection (b) after ''Congress'' ''or Executive Office of the President''.

**SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.**

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking ''$5,000'' and inserting ''$10,000''; and

(2) in paragraphs (5)(B) and (6)(C), by striking ''$10,000 or an amount equal to 200 percent'' and inserting ''$20,000 or an amount equal to 300 percent''.

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting '', and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).''.

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) PENALTY FOR LATE FILING.—

''(A) IN GENERAL.—

''(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

''(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

''(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

''(B) FILING AN EXCEPTION.—

''(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

''(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.'';

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: ''In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A).''; and

(B) by inserting before the period at the end of the last sentence the following: ''or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)''; and

(3) in paragraph (6)(A), by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)(A) or (13)''.

**SEC. 506. STRENGTHENING FOREIGN MONEY BAN.**

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a foreign national, directly or indirectly, to make—

''(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office, or

''(B) a contribution or donation to a committee of a political party; or

''(2) a person to solicit, accept, or receive a contribution or donation described in paragraph (1)(A) from a foreign national.''.

**SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by sections 101 and 401) is amended by adding at the end the following:

**''SEC. 325. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.''.

**SEC. 508. EXPEDITED PROCEDURES.**

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

''(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

''(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

''(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

''(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.''.

**SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.**

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking ''reason to believe that'' and inserting ''reason to investigate whether''.

**TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS**

**SEC. 601. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

**SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.**

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

**SEC. 603. EFFECTIVE DATE.**

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

**SEC. 604. REGULATIONS.**

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. SNOWBARGER

**(Amendment in the Nature of a Substitute)**

AMENDMENT NO. 14: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Fair Elections and Political Accountability Act''.

**SEC. 2. REMOVAL OF LIMITATIONS ON FEDERAL ELECTION CAMPAIGN CONTRIBUTIONS.**

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) The limitations established under this subsection shall not apply to contributions made during calendar years beginning after 1998.''.

**SEC. 3. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS; LOWERING THRESHOLD FOR COLLECTION AND DISCLOSURE OF IDENTIFICATION OF CONTRIBUTORS.**

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking ''permit reports required by'' and inserting ''require reports under''.

(b) REQUIRING REPORTS FOR CERTAIN CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 60 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 48 HOURS.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended to read as follows:

''(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution in an aggregate amount equal to or greater than $100 which is received by the committee during the period which begins on the 60th day before an election and ends at the time the polls close for such election. This notification shall be made not later than midnight of the day on which the contribution is deposited (but in no event later than 48 hours after receipt) and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

''(B) If a political committee returns a contribution for which notification is made under subparagraph (A), the committee shall notify the Secretary or the Commission, and the Secretary of State (as appropriate).

''(C) The notifications required under this paragraph shall be in addition to all other reporting requirements under this Act.''.

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of such Act (2 U.S.C. 434(a)) is amended by adding at the end the following new subsection:

''(d)(1) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.

''(2) In this subsection, the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.''.

(d) LOWERING THRESHOLD FOR COLLECTION AND DISCLOSURE OF IDENTIFICATION OF CONTRIBUTORS.—

(1) REPORTING REQUIREMENTS.—Section 304(b)(3) of such Act (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by striking ''whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year, or in any lesser amount if the reporting committee should so elect,''; and

(B) in subparagraphs (F) and (G), by striking ''in an aggregate amount or value in excess of $200'' each place it appears.

(2) INFORMATION REQUIRED TO BE FORWARDED TO POLITICAL COMMITTEES.—Section 302(b) of such Act (2 U.S.C. 432(b)) is amended—

(A) in paragraph (1), by striking ''and if the amount of the contribution is in excess of $50'' and inserting ''together with''; and

(B) in paragraph (2), by striking ''shall—'' and all that follows and inserting the following: ''shall forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.''.

(3) INFORMATION REQUIRED TO BE KEPT BY POLITICAL COMMITTEES.—Section 302(c) of such Act (2 U.S.C. 432(c)) is amended—

(A) by striking paragraph (2); and

(B) in paragraph (3), by striking ''or contributions aggregating more than $200''.

(e) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 1999.

**SEC. 4. PROHIBITING CONTRIBUTIONS BY FOREIGN NATIONALS AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE IN FEDERAL ELECTIONS.**

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended to read as follows:

''CONTRIBUTIONS BY FOREIGN NATIONALS AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE IN FEDERAL ELECTIONS

''SEC. 319. (a) FOREIGN NATIONALS.—

''(1) IN GENERAL.—It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

''(2) DEFINITION.—As used in this subsection, the term 'foreign national' means a foreign principal, as defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

''(b) INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE IN FEDERAL ELECTIONS.—

''(1) PROHIBITING CONTRIBUTIONS.—It shall be unlawful for any individual who is not qualified to register to vote in an election for Federal office directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office.

''(2) PROHIBITING SOLICITATION OR ACCEPTANCE OF CONTRIBUTIONS.—It shall be unlawful for any person to knowingly solicit, accept, or receive any contribution of money or other thing of value from an individual who is not qualified to register to vote in an election for Federal office.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 1999.

**SEC. 5. FUNDING OF POLITICAL ACTIVITIES BY CORPORATIONS AND LABOR ORGANIZATIONS.**

(a) PROHIBITING DONATION OF FUNDS TO POLITICAL PARTIES.—

(1) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

''(c)(1) No national bank, corporation, or labor organization described in this section may make any payment of any gift, subscription, loan, advance, or deposit of money or anything of value to any political committee established and maintained by a political party (including a congressional campaign committee of a political party) in support of the committee's activities.

''(2) Paragraph (1) shall not apply to a contribution or expenditure made by a separate segregated fund of a corporation or labor organization described in subsection (b)(2)(C).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to elections occurring after January 1999.

(b) PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.—

(1) IN GENERAL.—Section 316 of such Act (2 U.S.C. 441b), as amended by subsection (a), is further amended by adding at the end the following new subsection:

''(d)(1) Except with the separate, prior, written, voluntary authorization of the individual involved, it shall be unlawful—

''(A) for any national bank or corporation described in this section to collect from or assess its stockholders any dues, initiation fee, or other payment, or collect from or assess its employees any dues, initiation fee, or other payment as a condition of employment, if any part of such dues, fee, or payment will be used for Federal campaign activity in which the national bank or corporation is engaged; and

''(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for Federal campaign activity in which the labor organization is engaged.

''(2) An authorization described in paragraph (1) shall remain in effect until revoked

and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

''(3) For purposes of this subsection, the term 'Federal campaign activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office, except that such term does not include the making of any communication provided by a corporation to its employees and their families or by a labor organization to its members and their families on any subject.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

**SEC. 6. PROHIBITING CONTRIBUTIONS DURING SIX MONTHS FOLLOWING GENERAL ELECTION.**

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROHIBITING CONTRIBUTIONS DURING SIX MONTHS FOLLOWING GENERAL ELECTION

''SEC. 323. (a) IN GENERAL.—No person may make any contribution with respect to an election for Federal office to any political committee of a candidate for election for such office during the 180-day period which begins on the date of the previous regularly scheduled general election for such office, unless the election is a runoff or special election.

''(b) EXCEPTION FOR CONTRIBUTIONS IN CONNECTION WITH EXPENSES OF PREVIOUS ELECTION.—Subsection (a) shall not apply with respect to a contribution made solely in connection with the expenses of an election held prior to the date on which the contribution is made.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 1999.

**SEC. 7. INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL ELECTION COMMISSION.**

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by adding at the end the following new sentence: ''There are authorized to be appropriated to the Commission $60,000,000 for each of the fiscal years 1999, 2000, and 2001, of which not less than $28,350,000 shall be used during each such fiscal year for enforcement activities.''.

**SEC. 8. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.**

(a) MANDATORY IMPRISONMENT FOR CRIMINAL CONDUCT.—Section 309(d)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking ''shall be fined, or imprisoned for not more than one year, or both'' and inserting ''shall be imprisoned for not fewer than 1 year and not more than 10 years''; and

(2) by striking the second sentence.

(b) CONCURRENT AUTHORITY OF ATTORNEY GENERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

''(4) In addition to the authority to bring cases referred pursuant to subsection (a)(5), the Attorney General may at any time bring a criminal action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 1999.

H.R. 2183

OFFERED BY: MR. TIERNEY

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 15: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Clean Money, Clean Elections Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CLEAN MONEY FINANCING OF HOUSE ELECTION CAMPAIGNS

Sec. 101. Findings and declarations.
Sec. 102. Eligibility requirements and benefits of clean money financing of House election campaigns.

''TITLE V—CLEAN MONEY FINANCING OF HOUSE ELECTION CAMPAIGNS

''Sec. 501. Definitions.
''Sec. 502. Eligibility for clean money.
''Sec. 503. Requirements applicable to clean money candidates.
''Sec. 504. Seed money.
''Sec. 505. Certification by Commission.
''Sec. 506. Benefits for clean money candidates.
''Sec. 507. Administration of clean money.
''Sec. 508. Expenditures made from funds other than clean money.
''Sec. 509. Authorization of appropriations.''

Sec. 103. Reporting requirements for expenditures of private money candidates.
Sec. 104. Transition rule for current election cycle.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED POLITICAL PARTY EXPENDITURES

Sec. 201. Reporting requirements for independent expenditures.
Sec. 202. Definition of independent expenditure.
Sec. 203. Limit on expenditures by political party committees.
Sec. 204. Party independent expenditures and other coordinated expenditures.

TITLE III—VOTER INFORMATION

Sec. 301. Free broadcast time.
Sec. 302. Broadcast rates and preemption.
Sec. 303. Campaign advertising.
Sec. 304. Limit on Congressional use of the franking privilege.

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

Sec. 401. Soft money of political party committees.
Sec. 402. State party grassroots funds.
Sec. 403. Reporting requirements.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

Sec. 501. Appointment and terms of Commissioners.
Sec. 502. Audits.
Sec. 503. Authority to seek injunction.
Sec. 504. Standard for investigation.
Sec. 505. Petition for certiorari.
Sec. 506. Expedited procedures.
Sec. 507. Filing of reports using computers and facsimile machines.
Sec. 508. Power to issue subpoena without signature of chairperson.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Severability.
Sec. 602. Review of constitutional issues.
Sec. 603. Effective date.

**TITLE I—CLEAN MONEY FINANCING OF HOUSE ELECTION CAMPAIGNS**

**SEC. 101. FINDINGS AND DECLARATIONS.**

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Congress finds and declares that the current system of privately financed campaigns for election to the House of Representatives has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) violating the democratic principle of ''one person, one vote'' and diminishing the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(2) diminishing or giving the appearance of diminishing a Member of the House of Representatives's accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) creating a conflict of interest, perceived or real, by encouraging Members to take money from private interests that are directly affected by Federal legislation;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory outcomes shaped by unequal access to lawmakers for campaign contributors;

(5) driving up the cost of election campaigns, making it difficult for qualified candidates without personal fortunes or access to campaign contributions from monied individuals and interest groups to mount competitive House of Representatives election campaigns;

(6) disadvantaging challengers, because large campaign contributors tend to give their money to incumbent Members, thus causing House of Representatives elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING CLEAN MONEY.—Congress finds and declares that providing the option of the replacement of private campaign contributions with clean money financing for all primary, runoff, and general elections to the House of Representatives would enhance American democracy by—

(1) helping to eliminate access to wealth as a determinant of a citizen's influence within the political process and to restore meaning to the principle of ''one person, one vote'';

(2) increasing the public's confidence in the accountability of Members to the constituents who elect them;

(3) eliminating the potentially inherent conflict of interest caused by the private financing of the election campaigns of public officials, thus restoring public confidence in the fairness of the electoral and legislative processes;

(4) reversing the escalating cost of elections and saving taxpayers billions of dollars that are (or that are perceived to be) currently misspent due to legislative and regulatory agendas skewed by the influence of contributions;

(5) creating a more level playing field for incumbents and challengers, creating genuine opportunities for all Americans to run for the House of Representatives, and encouraging more competitive elections; and

(6) freeing Members from the constant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

**SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF CLEAN MONEY FINANCING OF HOUSE ELECTION CAMPAIGNS.**

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

**''TITLE V—CLEAN MONEY FINANCING OF HOUSE ELECTION CAMPAIGNS**

**''SEC. 501. DEFINITIONS.**

''In this title:

''(1) ALLOWABLE CONTRIBUTION.—The term 'allowable contribution' means a qualifying contribution or seed money contribution.

''(2) CLEAN MONEY.—The term 'clean money' means funds that are made available by the Commission to a clean money candidate under this title.

''(3) CLEAN MONEY CANDIDATE.—The term 'clean money candidate' means a candidate for Member of or Delegate or Resident Commissioner to the Congress who is certified under section 505 as being eligible to receive clean money.

''(4) CLEAN MONEY QUALIFYING PERIOD.—The term 'clean money qualifying period' means the period beginning on the date that is 180 days before the date of the primary election and ending on the date that is 30 days before the date of the general election. In the event of a special election, the clean money qualifying period shall begin on the earlier date of either the date that is 180 days before the date of the special election or on the date of announcement of such special election date if same as within 180 days of the date of the special election. It shall end on the date that is 30 days before the date of the special election.

''(5) GENERAL ELECTION PERIOD.—The term 'general election period' means, with respect to a candidate, the period beginning on the day after the date of the primary or primary runoff election for the specific office that the candidate is seeking, whichever is later, and ending on the earlier of—

''(A) the date of the general election; or

''(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

''(6) GENERAL RUNOFF ELECTION PERIOD.—The term 'general runoff election period' means, with respect to a candidate, the period beginning on the day following the date of the last general election for the specific office that the candidate is seeking and ending on the date of the runoff election for that office.

''(7) HOUSE OF REPRESENTATIVES ELECTION FUND.—The term 'House of Representatives Election Fund' means the fund established by section 507(a).

''(8) IMMEDIATE FAMILY.—The term 'immediate family' means—

''(A) a candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(9) MAJOR PARTY CANDIDATE.—The term 'major party candidate' means a candidate of a political party of which a candidate for Member of or Delegate or Resident Commissioner to the Congress, for President, or for Governor in the preceding 5 years received, as a candidate of that party, 25 percent or more of the total number of popular votes received in the State (or Congressional district, if applicable) by all candidates for the same office.

''(10) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

''(A) the personal funds of the candidate or a member of the candidate's immediate family; and

''(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

''(11) PERSONAL USE.—

''(A) IN GENERAL.—The term 'personal use' means the use of funds to fulfill a commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office.

''(B) INCLUSIONS.—The term 'personal use' includes, but is not limited to—

''(i) a home mortgage, rent, or utility payment;

''(ii) a clothing purchase;

''(iii) a noncampaign-related automobile expense;

''(iv) a country club membership;

''(v) a vacation or other noncampaign-related trip;

''(vi) a household food item;

''(vii) a tuition payment;

''(viii) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

''(ix) dues, fees, and other payments to a health club or recreational facility.

''(12) PRIMARY ELECTION PERIOD.—The term 'primary election period' means the period beginning on the date that is 90 days before the date of the primary election and ending on the date of the primary election. In the event of a special primary election, if applicable, the term 'primary election period' means the period beginning on the date that is the longer of 90 days before the date of such special primary election, or the date of establishment by the appropriate election authority of the special primary election date and ending on the date of the special primary election.

''(13) PRIMARY RUNOFF ELECTION PERIOD.—The term 'primary runoff election period' means, with respect to a candidate, the period beginning on the day following the date of the last primary election for the specific office that the candidate is seeking and ending on the date of the runoff election for that office.

''(14) PRIVATE MONEY CANDIDATE.—The term 'private money candidate' means a candidate for Member of or Delegate or Resident Commissioner to the Congress other than a clean money candidate.

''(15) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means a contribution that—

''(A) is in the amount of $5 exactly;

''(B) is made by an individual who is registered to vote in the candidate's State;

''(C) is made during the clean money qualifying period; and

''(D) meets the requirements of section 502(a)(2)(D).

''(16) SEED MONEY CONTRIBUTION.—The term 'seed money contribution' means a contribution (or contributions in the aggregate made by any 1 person) of not more than $100.

''(17) STATE.—The term 'State' includes the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, and Guam.

**''SEC. 502. ELIGIBILITY FOR CLEAN MONEY.**

''(a) PRIMARY ELECTION PERIOD AND PRIMARY RUNOFF ELECTION PERIOD.—

''(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the primary election period and primary runoff election period if the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate's principal campaign committee, that the candidate—

''(A) has complied and will comply with all of the requirements of this title;

''(B) will not run in the general election as a private money candidate; and

''(C) meets the qualifying contribution requirement of paragraph (2).

''(2) QUALIFYING CONTRIBUTION REQUIREMENT.—

''(A) MAJOR PARTY CANDIDATES AND CERTAIN INDEPENDENT CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a major party candidate (or an independent candidate who meets the minimum vote percentage required for a major party candidate under section 501(9)) receives 1,500 qualifying contributions.

''(B) OTHER CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a candidate who is not described in subparagraph (A) receives a number of qualifying contributions that is at least 150 percent of the number of qualifying contributions that a candidate described in subparagraph (A) in the same election is required to receive under subparagraph (A).

''(C) RECEIPT OF QUALIFYING CONTRIBUTION.—A qualifying contribution shall—

''(i) be accompanied by the contributor's name and home address;

''(ii) be accompanied by a signed statement that the contributor understands the purpose of the qualifying contribution;

''(iii) be made by a personal check or money order payable to the House of Representatives Election Fund or by cash; and

''(iv) be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the candidate's State.

''(D) DEPOSIT OF QUALIFYING CONTRIBUTIONS IN HOUSE OF REPRESENTATIVES ELECTION FUND.—

''(i) IN GENERAL.—Not later than the date that is 1 day after the date on which the candidate is certified under section 505, a candidate shall remit all qualifying contributions to the Commission for deposit in the House of Representatives Election Fund.

''(ii) CANDIDATES THAT ARE NOT CERTIFIED.—Not later than the last day of the clean money qualifying period, a candidate who has received qualifying contributions and is not certified under section 505 shall remit all qualifying contributions to the Commission for deposit in the House of Representatives Election Fund.

''(3) TIME TO FILE DECLARATION.—A declaration under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the primary election. With respect to any special primary election, a declaration under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the special primary election.

''(b) GENERAL ELECTION PERIOD.—

''(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the general election period if—

''(A)(i) the candidate qualified as a clean money candidate during the primary election period (and primary runoff election period, if applicable); or

''(ii) the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate's principal committee, that the candidate—

''(I) has complied and will comply with all the requirements of this title; and

''(II) meets the qualifying contribution requirement of subsection (a)(2);

''(B) the candidate files with the Commission a written agreement between the candidate and the candidate's political party in which the political party agrees not to make any expenditures in connection with the general election of the candidate in excess of the limit in section 315(d)(3)(C); and

''(C) the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate qualified to be placed on the ballot as an independent candidate, and the candidate is qualified under State law to be on the ballot.

''(2) TIME TO FILE DECLARATION OR STATEMENT.—A declaration or statement required to be filed under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the general election. With respect to any special general

election, a declaration or statement required to be filed under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the special general election.

''(c) GENERAL RUNOFF ELECTION PERIOD.—A candidate qualifies as a clean money candidate during the general runoff election period if the candidate qualified as a clean money candidate during the general election period.

**''SEC. 503. REQUIREMENTS APPLICABLE TO CLEAN MONEY CANDIDATES.**

''(a) CONTRIBUTIONS AND EXPENDITURES.—

''(1) PROHIBITION OF PRIVATE CONTRIBUTIONS.—Except as otherwise provided in this title, during the election cycle of a clean money candidate, the candidate shall not accept contributions other than clean money from any source.

''(2) PROHIBITION OF EXPENDITURES FROM PRIVATE SOURCES.—Except as otherwise provided in this title, during the election cycle of a clean money candidate, the candidate shall not make expenditures from any amounts other than clean money amounts.

''(b) USE OF PERSONAL FUNDS.—

''(1) IN GENERAL.—A clean money candidate shall not use personal funds to make an expenditure except as provided in paragraph (2).

''(2) EXCEPTIONS.—A seed money contribution or qualifying contribution from the candidate or a member of the candidate's immediate family shall not be considered to be use of personal funds.

**''SEC. 504. SEED MONEY.**

''(a) SEED MONEY LIMIT.—A clean money candidate may accept seed money contributions in an aggregate amount not exceeding $35,000.

''(b) CONTRIBUTION LIMIT.—Except as provided in section 502(a)(2), a clean money candidate shall not accept a contribution from any person except a seed money contribution (as defined in section 501).

''(c) RECORDS.—A clean money candidate shall maintain a record of the contributor's name, street address, and amount of the contribution.

''(d) USE OF SEED MONEY.—

''(1) IN GENERAL.—A clean money candidate may expend seed money for any election campaign-related costs, including costs to open an office, fund a grassroots campaign, or hold community meetings.

''(2) PROHIBITED USES.—A clean money candidate shall not expend seed money for—

''(A) a television or radio broadcast; or

''(B) personal use.

''(e) REPORT.—Unless a seed money contribution or expenditure made with a seed money contribution has been reported previously under section 304, a clean money candidate shall file with the Commission a report disclosing all seed money contributions and expenditures not later than 48 hours after—

''(1) the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b); or

''(2) the end of the clean money qualifying period,

whichever occurs first.

''(f) TIME TO ACCEPT SEED MONEY CONTRIBUTIONS.—A clean money candidate may accept seed money contributions for an election from the day after the date of the previous general election for the office to which the candidate is seeking election through the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b).

''(g) DEPOSIT OF UNSPENT SEED MONEY CONTRIBUTIONS.—A clean money candidate shall remit any unspent seed money to the Commission, for deposit in the House of Representatives Election Fund, not later than the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b).

''(h) NOT CONSIDERED AN EXPENDITURE.—An expenditure made with seed money shall not be treated as an expenditure for purposes of section 506(f)(2).

**''SEC. 505. CERTIFICATION BY COMMISSION.**

''(a) IN GENERAL.—Not later than 5 days after a candidate files a declaration under section 502, the Commission shall—

''(1) determine whether the candidate meets the eligibility requirements of section 502; and

''(2) certify whether or not the candidate is a clean money candidate.

''(b) REVOCATION OF CERTIFICATION.—The Commission may revoke a certification under subsection (a) if a candidate fails to comply with this title.

''(c) REPAYMENT OF BENEFITS.—If certification is revoked under subsection (b), the candidate shall repay to the House of Representatives Election Fund an amount equal to the value of benefits received under this title.

**''SEC. 506. BENEFITS FOR CLEAN MONEY CANDIDATES.**

''(a) IN GENERAL.—A clean money candidate shall be entitled to—

''(1) a clean money amount for each election period to make or obligate to make expenditures during the election period for which the clean money is provided, as provided in subsection (c);

''(2) media benefits under section 315 of the Communications Act of 1934 (47 U.S.C. 315); and

''(3) an aggregate amount of increase in the clean money amount in response to certain independent expenditures and expenditures of a private money candidate under subsection (d) that, in the aggregate, are in excess of 125 percent of the clean money amount of the clean money candidate.

''(b) PAYMENT OF CLEAN MONEY AMOUNT.—

''(1) PRIMARY ELECTION.—The Commission shall make funds available to a clean money candidate on the later of—

''(A) the date on which the candidate is certified as a clean money candidate under section 505; or

''(B) the date on which the primary election period begins.

''(2) GENERAL ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after—

''(A) certification of the primary election or primary runoff election result; or

''(B) the date on which the candidate is certified as a clean money candidate under section 505 for the general election,

whichever occurs first.

''(3) RUNOFF ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after the certification of the primary or general election result (as applicable).

''(c) CLEAN MONEY AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the clean money amount paid to a clean money candidate with respect to an election shall be equal to the applicable percentage of 80 percent of the base amount for the election cycle involved, except that in no event may the amount determined under this subsection for a clean money candidate for an election cycle be less than the amount determined under this subsection for the candidate for the previous election cycle.

''(2) REDUCTION FOR UNCONTESTED ELECTIONS.—If a clean money candidate has no opposition in an election for which a payment is made under this section, the clean money amount paid shall be 40 percent of the amount otherwise determined under paragraph (1).

''(3) DEFINITIONS.—

''(A) APPLICABLE PERCENTAGE.—In this subsection, the 'applicable percentage' is as follows:

''(i) 25 percent, in the case of a candidate in a primary election who is not a major party candidate.

''(ii) 40 percent, in the case of a major party candidate in a primary election.

''(iii) 60 percent, in the case of any candidate in a general election.

''(B) BASE AMOUNT.—In this subsection, the term 'base amount' means (with respect to an election cycle) the national average of all amounts expended by winning candidates during the 3 most recent general elections for Member of, or Delegate or Resident Commissioner to, the Congress preceding the election cycle involved.

''(d) MATCHING FUNDS IN RESPONSE TO INDEPENDENT EXPENDITURES AND EXPENDITURES OF PRIVATE MONEY CANDIDATES.—

''(1) IN GENERAL.—If the Commission—

''(A) receives notification under—

''(i) subparagraphs (A) or (B) of section 304(c)(2) that a person has made or obligated to make an independent expenditure in an aggregate amount of $1,000 or more in an election period or that a person has made or obligated to make an independent expenditure in an aggregate amount of $500 or more during the 20 days preceding the date of an election in support of another candidate or against a clean money candidate; or

''(ii) section 304(d)(1) that a private money candidate has made or obligated to make expenditures in an aggregate amount in excess of 100 percent of the amount of clean money provided to a clean money candidate who is an opponent of the private money candidate in the same election; and

''(B) determines that the aggregate amount of expenditures reported under subparagraph (A) in an election period is in excess of 125 percent of the amount of clean money provided to a clean money candidate who is an opponent of the private money candidate in the same election or against whom the independent expenditure is made,

the Commission shall make available to the clean money candidate, not later than 24 hours after receiving a notification under subparagraph (A), an aggregate amount of increase in clean money in an amount equal to the aggregate amount of expenditures that is in excess of 125 percent of the amount of clean money provided to the clean money candidate as determined under subparagraph (B).

''(2) CLEAN MONEY CANDIDATES OPPOSED BY MORE THAN 1 PRIVATE MONEY CANDIDATE.—For purposes of paragraph (1), if a clean money candidate is opposed by more than 1 private money candidate in the same election, the Commission shall take into account only the amount of expenditures of the private money candidate that expends, in the aggregate, the greatest amount (as determined each time notification is received under section 304(d)(1)).

''(3) CLEAN MONEY CANDIDATES OPPOSED BY CLEAN MONEY CANDIDATES.—If a clean money candidate is opposed by a clean money candidate, the increase in clean money amounts under paragraph (1) shall be made available to the clean money candidate if independent expenditures are made against the clean money candidate or in behalf of the opposing clean money candidate in the same manner as the increase would be made available for a clean money candidate who is opposed by a private money candidate.

''(e) LIMITS ON MATCHING FUNDS.—The aggregate amount of clean money that a clean

money candidate receives to match independent expenditures and the expenditures of private money candidates under subsection (d) shall not exceed 200 percent of the clean money amount that the clean money candidate receives under subsection (c).

''(f) EXPENDITURES MADE WITH CLEAN MONEY AMOUNTS.—

''(1) IN GENERAL.—The clean money amount received by a clean money candidate shall be used only for the purpose of making or obligating to make expenditures during the election period for which the clean money is provided.

''(2) EXPENDITURES IN EXCESS OF CLEAN MONEY AMOUNT.—A clean money candidate shall not make expenditures or incur obligations in excess of the clean money amount.

''(3) PROHIBITED USES.—The clean money amount received by a clean money candidate shall not be—

''(A) converted to a personal use; or

''(B) used in violation of law.

''(4) REPAYMENT; CIVIL PENALTIES.—

''(A) If the Commission determines that any benefit made available to a clean money candidate under this title was not used as provided for in this title, or that a clean money candidate has violated any of the spending limits or dates for remission of funds contained in this Act, the Commission shall so notify the candidate and the candidate shall pay to the House of Representatives' Election Fund an amount equal to the amount of benefits so used, or the amount spent in excess of the limits or the amount not timely remitted, as appropriate.

''(B) Any action by the Commission in accordance with this section shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.

''(g) REMITTING OF CLEAN MONEY AMOUNTS.—Not later than the date that is 14 days after the last day of the applicable election period, a clean money candidate shall remit any unspent clean money amount to the Commission for deposit in the House of Representatives Election Fund.

**''SEC. 507. ADMINISTRATION OF CLEAN MONEY.**

''(a) HOUSE OF REPRESENTATIVES ELECTION FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'House of Representatives Election Fund'.

''(2) DEPOSITS.—The Commission shall deposit unspent seed money contributions, qualifying contributions, penalty amounts received under this title, and amounts appropriated for clean money financing in the House of Representatives Election Fund.

''(3) FUNDS.—The Commission shall withdraw the clean money amount for a clean money candidate from the House of Representatives Election Fund.

''(b) REGULATIONS.—The Commission shall promulgate regulations to—

''(1) effectively and efficiently monitor and enforce the limits on use of private money by clean money candidates;

''(2) effectively and efficiently monitor use of publicly financed amounts under this title; and

''(3) enable clean money candidates to monitor expenditures and comply with the requirements of this title.

**''SEC. 508. EXPENDITURES MADE FROM FUNDS OTHER THAN CLEAN MONEY.**

''If a clean money candidate makes an expenditure using funds other than funds provided under this title, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 10 times the amount of the expenditure.

**''SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to the House of Representatives Election Fund such sums as are necessary to carry out this title.''.

**SEC. 103. REPORTING REQUIREMENTS FOR EXPENDITURES OF PRIVATE MONEY CANDIDATES.**

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

''(d) PRIVATE MONEY CANDIDATES.—

''(1) EXPENDITURES IN EXCESS OF CLEAN MONEY AMOUNTS.—Not later than 48 hours after making or obligating to make an expenditure, a private money candidate (as defined in section 501) that makes or obligates to make expenditures, in an aggregate amount in excess of 100 percent of the amount of clean money provided to a clean money candidate (as defined in section 501), during an election period (as defined by section 501) who is an opponent of the clean money candidate shall file with the Commission a report stating the amount of each expenditure (in increments of an aggregate amount of $100) made or obligated to be made.

''(2) PLACE OF FILING; NOTIFICATION.—

''(A) PLACE OF FILING.—A report under this subsection shall be filed with the Commission.

''(B) NOTIFICATION OF CLEAN MONEY CANDIDATES.—Not later than 24 hours after receipt of a report under this subsection, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question, of the receipt of the report.

''(3) DETERMINATIONS BY THE COMMISSION.—

''(A) IN GENERAL.—The Commission may, on a request of a candidate or on its own initiative, make a determination that a private money candidate has made, or has obligated to make, expenditures in excess of the applicable amount in paragraph (1).

''(B) NOTIFICATION.—In the case of such a determination, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question, of the making of the determination not later than 24 hours after making the determination.

''(C) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at the request of a candidate shall be made not later than 48 hours after the date of the request.''.

**SEC. 104. TRANSITION RULE FOR CURRENT ELECTION CYCLE.**

(a) IN GENERAL.—During the election cycle in effect on the date of enactment of this Act, a candidate may be certified as a clean money candidate (as defined in section 501 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), notwithstanding the acceptance of contributions or making of expenditures from private funds before the date of enactment that would, absent this section, disqualify the candidate as a clean money candidate.

(b) PRIVATE FUNDS.—A candidate may be certified as a clean money candidate only if any private funds accepted and not expended before the date of enactment of this Act are—

(1) returned to the contributor; or

(2) submitted to the Federal Election Commission for deposit in the House of Representatives Election Fund (as defined in section 501 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)).

**TITLE II—INDEPENDENT EXPENDITURES; COORDINATED POLITICAL PARTY EXPENDITURES**

**SEC. 201. REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES.**

(a) INDEPENDENT EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) by striking ''(c)(1) Every person'' and inserting the following:

''(c) INDEPENDENT EXPENDITURES.—

''(1) IN GENERAL.—

''(A) REQUIRED FILING.—Except as provided in paragraph (2), every person'';

(2) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and adjusting the margins accordingly;

(4) by adding at the end the following:

''(2) HOUSE OF REPRESENTATIVES ELECTIONS WITH A CLEAN MONEY CANDIDATE.—

''(A) INDEPENDENT EXPENDITURES MORE THAN 20 DAYS BEFORE AN ELECTION.—

''(i) IN GENERAL.—Not later than 48 hours after making an independent expenditure, more than 20 days before the date of an election, in support of an opponent of or in opposition to a clean money candidate (as defined in section 501), a person that makes independent expenditures in an aggregate amount in excess of $1,000 during an election period (as defined in section 501) shall file with the Commission a statement containing the information described in clause (ii).

''(ii) CONTENTS OF STATEMENT.—A statement under subparagraph (A) shall include a certification, under penalty of perjury, that contains the information required by subsection (b)(6)(B)(iii).

''(iii) ADDITIONAL STATEMENTS.—An additional statement shall be filed for each aggregate of independent expenditures that exceeds $1,000.

''(B) INDEPENDENT EXPENDITURES DURING THE 20 DAYS PRECEDING AN ELECTION.—Not later than 24 hours after making or obligating to make an independent expenditure in support of an opponent of or in opposition to a clean money candidate in an aggregate amount in excess of $500, during the 20 days preceding the date of an election, a person that makes or obligates to make the independent expenditure shall file with the Commission a statement stating the amount of each independent expenditure made or obligated to be made.

''(C) PLACE OF FILING; NOTIFICATION.—

''(i) PLACE OF FILING.—A report or statement under this paragraph shall be filed with the Commission.

''(ii) NOTIFICATION OF CLEAN MONEY CANDIDATES.—Not later than 24 hours, but excluding the time from 5:00 p.m. Friday through and until 9:00 a.m. the following Monday, and legal holidays after receipt of a statement under this paragraph, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question of the receipt of a statement.

''(D) DETERMINATION BY THE COMMISSION.—

''(i) IN GENERAL.—The Commission may, on request of a candidate or on its own initiative, make a determination that a person has made or obligated to make independent expenditures with respect to a candidate that in the aggregate exceed the applicable amount under subparagraph (A).

''(ii) NOTIFICATION.—Not later than 24 hours after making a determination under clause (i), the Commission shall notify each clean money candidate in the election of the making of the determination.

''(iii) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at

the request of a candidate shall be made not later than 48 hours after the date of the request.''.

**SEC. 202. DEFINITION OF INDEPENDENT EXPENDITURE.**

(a) IN GENERAL.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term ''independent expenditure'' means an expenditure made by a person other than a candidate or candidate's authorized committee—

''(i) that is made for a communication that contains express advocacy; and

''(ii) is made without the participation or cooperation of and without coordination with a candidate (within the meaning of section 301(8)(A)(iii)).

''(B) EXPRESS ADVOCACY.—The term 'express advocacy' means a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of communication and that—

''(i) advocates the election or defeat of a clearly identified candidate, including any communication that—

''(I) contains a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in (year involved)', 'vote against', 'defeat', 'reject', 'put a stop to (name of candidate)', 'send (name of candidate) home'; or

''(II) contains campaign slogans or individual words that in context can have no reasonable meaning other than to recommend the election or defeat of 1 or more clearly identified candidates; or

''(ii)(I) refers to a clearly identified candidate;

''(II) is made not more than 60 days before the date of a general election; and

''(III) is not solely devoted to a pending legislative issue before an open session of Congress.''.

(b) DEFINITION APPLICABLE WHEN PROVISION NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date of this Act in which the definition, or any part of the definition, under section 301(17)(B) of that Act (as added by subsection (a)) is not in effect, the definition of ''express advocacy'' shall mean, in addition to the part of the definition that is in effect, a communication that clearly identifies a candidate and taken as a whole and with limited reference to external events, such as proximity to an election, expresses unmistakable support for or opposition to 1 or more clearly identified candidates.

**SEC. 203. LIMIT ON EXPENDITURES BY POLITICAL PARTY COMMITTEES.**

Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(3)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''in the case'' and inserting ''except as provided in subparagraph (C), in the case'', and

(B) by striking ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking ''in the case'' and inserting ''except as provided in subparagraph (C), in the case'', and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) in the case of an election to the office of Representative in or Delegate or Resident Commissioner to the Congress in which 1 or more candidates is a clean money candidate (as defined in section 501), 10 percent of the amount of clean money that a clean money candidate is eligible to receive for the general election period.''.

**SEC. 204. PARTY INDEPENDENT EXPENDITURES AND OTHER COORDINATED EXPENDITURES.**

(a) DETERMINATION TO MAKE COORDINATED EXPENDITURES.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting ''coordinated'' after ''make''; and

(B) by striking ''(2) and (3)'' and inserting ''(2), (3), and (4)''; and

(2) by adding at the end the following:

''(4)(A) Before a committee of a political party makes a coordinated expenditure in connection with a general election campaign for Federal office in excess of $5,000, the committee shall file with the Commission a certification, signed by the treasurer, that the committee has not made and will not make any independent expenditures in connection with that campaign for Federal office. A party committee that determines to make a coordinated expenditure shall not make any transfer of funds in the same election cycle to, or receive any transfer of funds in the same election cycle from, any other party committee that determines to make independent expenditures in connection with the same campaign for Federal office.

''(B) A committee of a political party shall be considered to be in coordination with a candidate of the party if the committee—

''(i) makes a payment for a communication or anything of value in coordination with the candidate, as described in section 301(8)(A)(iii);

''(ii) makes a coordinated expenditure under this subsection on behalf of the candidate;

''(iii) participates in joint fundraising with the candidate or in any way solicits or receives a contribution on behalf of the candidate;

''(iv) communicates with the candidate, or an agent of the candidate (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising, message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics or strategy; or

''(v) provides in-kind services, polling data, or anything of value to the candidate.

''(C) For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established by State political parties shall be considered to be a single political committee.

''(D) For purposes of subparagraph (A), any coordination between a committee of a political party and a candidate of the party after the candidate has filed a statement of candidacy constitutes coordination for the period beginning with the filing of the statement of candidacy and ending at the end of the election cycle.''.

(b) DEFINITIONS.—

(1) AMENDMENT OF DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) a payment made for a communication or anything of value that is for the purpose of influencing an election for Federal office and that is made in coordination with a candidate (as defined in subparagraph (C)).''; and

(B) by adding at the end the following:

''(C) For the purposes of subparagraph (A)(iii), the term 'payment made in coordination with a candidate' includes—

''(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

''(ii) a payment made by a person for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

''(iii) a payment made based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with a view toward having the payment made;

''(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

''(v) a payment made by a person if the person making the payment has served in any formal policy or advisory position with the candidate's campaign or has participated in strategic or policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made; and

''(vi) a payment made by a person if the person making the payment retains the professional services of an individual or person who has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the payment is for services of which the purpose is to influence that candidate's election.

''(D) For purposes of subparagraph (C)(vi), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.''.

(2) DEFINITION OF CONTRIBUTION IN SECTION 315(a)(7).—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is amended by striking paragraph (B) and inserting the following:

''(B)(i) Except as provided in clause (ii), a payment made in coordination with a candidate (as described in section 301(8)(A)(iii)) shall be considered to be a contribution to the candidate, and, for the purposes of any provision of this Act that imposes a limitation on the making of expenditures by a candidate, shall be treated as an expenditure by the candidate for purposes of this paragraph.

''(ii) In the case of a clean money candidate (as defined in section 501), a payment made in coordination with a candidate by a committee of a political party shall not be treated as a contribution to the candidate for purposes of section 503(b)(1) or an expenditure made by the candidate for purposes of section 503(b)(2).''.

(c) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election

Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure (as those terms are defined in section 301) and also includes''.

## TITLE III—VOTER INFORMATION

**SEC. 301. FREE BROADCAST TIME.**

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a), in the third sentence, by striking ''within the meaning of this subsection'' and inserting ''within the meaning of this subsection or subsection (c)'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

''(c) FREE BROADCAST TIME.—

''(1) AMOUNT OF TIME.—A clean money candidate shall be entitled to receive—

''(A) 30 minutes of free broadcast time during each of the primary election period and the primary runoff election period; and

''(B) 75 minutes of free broadcast time during the general election period and general runoff election period.

''(2) TIME DURING WHICH THE BROADCAST IS SHOWN.—The broadcast time under paragraph (1) shall be—

''(A) with respect to a television broadcast, the time between 6:00 p.m. and 10:00 p.m. on any day that falls on Monday through Friday;

''(B) with respect to a radio broadcast, the time between 7:00 a.m. and 9:30 a.m. or between 4:30 p.m. and 7:00 p.m. on any day that falls on Monday through Friday; or

''(C) with respect to any broadcast, such other time to which the candidate and broadcaster may agree.

''(3) MAXIMUM REQUIRED OF ANY STATION.—The amount of free broadcast time that any 1 station is required to make available to any 1 clean money candidate during each of the primary election period, primary runoff election period, and general election period shall not exceed 15 minutes.''; and

(4) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon, and by redesignating that paragraph as paragraph (4);

(C) by inserting after paragraph (1) the following:

''(2) the term 'clean money candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;

''(3) the terms 'general election period' and 'general runoff election period' have the meaning given in section 501 of the Federal Election Campaign Act of 1971;''; and

(D) by adding at the end the following:

''(5) the term 'primary election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;

''(6) the term 'private money candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971; and

''(7) the term 'primary runoff election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971.''.

**SEC. 302. BROADCAST RATES AND PREEMPTION.**

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(2) by striking ''The charges'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the charges''; and

(3) by adding at the end the following:

''(2) CLEAN MONEY CANDIDATES.—In the case of a clean money candidate, the charges for the use of a television broadcasting station shall not exceed 50 percent of the lowest charge described in paragraph (1)(A) during—

''(A) the 30 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

''(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

''(3) OTHER HOUSE CANDIDATES.—In the case of a candidate for election for Member of, or Delegate or Resident Commissioner to, the Congress who is not a clean money candidate, paragraph (1)(A) shall not apply.

''(4) RATE CARDS.—A licensee shall provide to a candidate for Member of or Delegate or Resident Commissioner to the Congress a rate card that discloses—

''(A) the rate charged under this subsection; and

''(B) the method that the licensee uses to determine the rate charged under this subsection.''.

(b) PREEMPTION.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) (as amended by section 301) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

''(d) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Member of or Delegate or Resident Commissioner to the Congress who has purchased and paid for such use.

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.''.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ''or repeated'';

(2) by inserting ''or cable system'' after ''broadcasting station''; and

(3) by striking ''his candidacy'' and inserting ''the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee''.

**SEC. 303. CAMPAIGN ADVERTISING.**

(a) CONTENTS OF CAMPAIGN ADVERTISEMENTS.—Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever''; and

(ii) by striking ''direct''; and

(B) in paragraph (3), by inserting ''and permanent street address'' after ''name''; and

(2) by adding at the end the following:

''(c) Any printed communication described in subsection (a) shall be—

''(1) of sufficient type size to be clearly readable by the recipient of the communication;

''(2) contained in a printed box set apart from the other contents of the communication; and

''(3) consist of a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement that identifies the candidate and states that the candidate has approved the communication.

''(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

''(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

(b) REPORTING REQUIREMENTS FOR ISSUE ADVERTISEMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103) is amended by adding at the end the following:

''(e) ISSUE ADVERTISEMENTS.—

''(1) IN GENERAL.—A person that makes or obligates to make a disbursement to purchase an issue advertisement shall file a report with the Commission not later than 48 hours after making or obligating to make the disbursement, containing the following information—

''(A) the amount of the disbursement;

''(B) the information required under subsection (b)(3)(A) for each person that makes a contribution, in an aggregate amount of $1,000 or greater in a calendar year, to the person who makes the disbursement;

''(C) the name and address of the person making the disbursement; and

''(D) the purpose of the issue advertisement.

''(2) DEFINITION OF ISSUE ADVERTISEMENT.—In this subsection, the term 'issue advertisement' means a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising—

''(A) the purchase of which is not an independent expenditure or a contribution;

''(B) that contains the name or likeness of a candidate for Member of or Delegate or Resident Commissioner to the Congress;

''(C) that is communicated during an election year; and

''(D) that recommends a position on a political issue.''.

**SEC. 304. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.**

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A)(i) Except as provided in clause (ii), a Member of Congress shall not mail any mass mailing as franked mail during the period which begins on the first day of the primary election period (as described in section 501(12) of the Federal Election Campaign Act of 1971) and ends on the date of the general election for that office (other than any portion of such period between the date of the

primary election and the first day of the general election period), unless the Member has made a public announcement that the Member will not be a candidate for reelection in that year or for election to any other Federal office.

''(ii) A Member of Congress may mail a mass mailing as franked mail if—

''(I) the purpose of the mailing is to communicate information about a public meeting; and

''(II) the content of the mailed matter includes only the Representative's name, and the date, time, and place of the public meeting.''.

## TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

### SEC. 401. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

### ''SEC. 324. SOFT MONEY OF PARTY COMMITTEES.

''(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—A State, district, or local committee of a political party shall not expend or disburse any amount during a calendar year in which a Federal election is held for any activity that might affect the outcome of a Federal election, including but not limited to voter registration or get-out-the-vote activities and/or generic campaign activities unless the amount is subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

''(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

''(ii) the costs of a State, district, or local political convention;

''(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activities during the month that may affect the outcome of a Federal election), except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

''(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

''(B) FUNDRAISING COSTS.—A national, State, district, or local committee of a political party shall not expend any amount to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) unless the amount is subject to the limitations, prohibitions, and reporting requirements of this Act.

''(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party) shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(a) of the Internal Revenue Code of 1986 and that is described in section 501(c) of such Code.

''(d) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

''(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

''(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

''(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under section 315(a) (1) and (2); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

''(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of this Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate for Federal office.

''(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.

''(e) DEFINITION OF COMMITTEE.—In this section, the term 'committee of a political party' includes an entity that is directly or indirectly established, financed, maintained, or controlled by a party committee or its agent, an entity acting on behalf of a party committee, and an officer or agent acting on behalf of any such committee or entity.''.

### SEC. 402. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B) by striking ''or'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

''(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or''.

(b) LIMITS.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

''(3) OVERALL LIMITS.—

''(A) INDIVIDUAL LIMIT.—No individual shall make contributions during any calendar year that, in the aggregate, exceed $25,000.

''(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

''(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

''(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

''(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.''.

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular Federal or non-Federal candidate.

''(21) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 326(d).''.

(d) STATE PARTY GRASSROOTS FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 401) is amended by adding at the end the following:

### ''SEC. 325. STATE PARTY GRASSROOTS FUNDS.

''(a) IN GENERAL.—A State committee of a political party shall only make disbursements and expenditures from the committee's State Party Grassroots Fund that are described in subsection (d).

''(b) TRANSFERS.—

''(1) IN GENERAL.—Notwithstanding section 315(a)(4), a State committee of a political party shall not transfer any funds from the committee's State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except as provided in paragraph (2).

''(2) EXCEPTION.—A committee of a political party may transfer funds from the committee's State Party Grassroots Fund to a district or local committee of the same political party in the same State if the district or local committee—

''(A) has established a separate segregated fund for the purposes described in subsection (d); and

''(B) uses the transferred funds solely for those purposes.

''(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

''(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(d) if—

''(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A)(i); and

''(B) the State or local candidate committee—

''(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

''(ii) certifies that the requirements were met.

''(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

''(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

''(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

''(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

''(d) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

''(1) any generic campaign activity;

''(2) payments described in clauses (v), (ix), and (xi) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

''(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

''(4) voter registration; and

''(5) development and maintenance of voter files during an even-numbered calendar year.

''(e) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.''.

**SEC. 403. REPORTING REQUIREMENTS.**

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 303(b)) is amended by adding at the end the following:

''(f) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in section 324(b) (1) and (2)(A)(iii).

''(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

''(4) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for the person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(5) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods as reports are required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

''(g) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines that such reports contain substantially the same information.''.

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking ''and'' at the end of subparagraph (H);

(B) by inserting ''and'' at the end of subparagraph (I); and

(C) by adding at the end the following:

''(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;''.

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by striking ''operating expense'' and inserting ''operating expenditure, and the election to which the operating expenditure relates''.

## TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

**SEC. 501. APPOINTMENT AND TERMS OF COMMISSIONERS.**

(a) IN GENERAL.—Section 306(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) There is established'' and inserting ''(1)(A) There is established'';

(B) by striking the second sentence and inserting the following:

''(B) COMPOSITION OF COMMISSION.—The Commission is composed of 6 members appointed by the President, by and with the advice and consent of the United States Senate, and 1 member appointed by the President from among persons recommended by the Commission as provided in subparagraph (D).'';

(C) by striking ''No more than'' and inserting the following:

''(C) PARTY AFFILIATION.—Not more than''; and

(D) by adding at the end the following:

''(D) NOMINATION BY COMMISSION OF ADDITIONAL MEMBER.—

''(i) IN GENERAL.—The members of the Commission shall recommend to the President, by a vote of 4 members, 3 persons for the appointment to the Commission.

''(ii) VACANCY.—On vacancy of the position of the member appointed under this subparagraph, a member shall be appointed to fill the vacancy in the same manner as provided in clause (i).''; and

(2) in paragraphs (3) and (4), by striking ''(other than the Secretary of the Senate and the Clerk of the House of Representatives)''.

(b) TRANSITION RULE.—Not later than 90 days after the date of enactment of this Act, the Commission shall recommend persons for appointment under section 306(a)(1)(D) of the Federal Election Campaign Act of 1971, as added by subsection (a)(1)(D).

**SEC. 502. AUDITS.**

(a) RANDOM AUDIT.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), after every primary, general, and runoff election, the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

''(B) SELECTION OF SUBJECTS.—The subjects of audits and investigations under this paragraph shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.

''(C) EXCLUSION.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under chapter 95 or 96 of the Internal Revenue Code of 1986.''.

**SEC. 503. AUTHORITY TO SEEK INJUNCTION.**

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) AUTHORITY TO SEEK INJUNCTION.—

''(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

''(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

''(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

''(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

''(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or preliminary injunction pending the outcome of proceedings under paragraphs (1), (2), (3), and (4).

''(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.'';

(2) in paragraph (7), by striking ''(5) or (6)'' and inserting ''(5), (6), or (13)''; and

(3) in paragraph (11), by striking ''(6)'' and inserting ''(6) or (13)''.

**SEC. 504. STANDARD FOR INVESTIGATION.**

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437f(a)(2)) is amended by striking ''reason to believe that'' and inserting ''reason to open an investigation on whether''.

**SEC. 505. PETITION FOR CERTIORARI.**

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

**SEC. 506. EXPEDITED PROCEDURES.**

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 503) is amended by adding at the end the following:

''(14) EXPEDITED PROCEDURE.—

''(A) 60 DAYS BEFORE A GENERAL ELECTION.—If the complaint in a proceeding was filed within 60 days before the date of a general election, the Commission may take action described in this subparagraph.

''(B) RESOLUTION BEFORE AN ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that

there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

''(C) MERITLESS COMPLAINTS.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

**SEC. 507. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.**

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended by adding at the end the following:

''(5) FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.—

''(A) COMPUTERS.—The Commission shall issue a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file the designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file the designation, statement, or report in that manner if not required to do so under a regulation under clause (i).

''(B) FACSIMILE MACHINES.—The Commission shall prescribe a regulation that allows a person to file a designation, statement, or report required by this Act through the use of a facsimile machine.

''(C) VERIFICATION.—In a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying a designation, statement, or report. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

''(D) COMPATIBILITY OF SYSTEMS.—The Secretary of the Senate shall ensure that any computer or other system that the Secretary may develop and maintain to receive designations, statements, and reports in the forms required or permitted under this paragraph is compatible with any system that the Commission may develop and maintain.''.

**SEC. 508. POWER TO ISSUE SUBPOENA WITHOUT SIGNATURE OF CHAIRPERSON.**

Section 307(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(3)) is amended by striking '', signed by the chairman or the vice chairman,''.

## TITLE VI—MISCELLANEOUS PROVISIONS

**SEC. 601. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

**SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.**

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

**SEC. 603. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on January 1, 1999.

H.R. 2183

OFFERED BY MR. WHITE OF WASHINGTON

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 16: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Independent Commission on Campaign Finance Reform Act of 1998''.

**SEC. 2. ESTABLISHMENT AND PURPOSE OF COMMISSION.**

There is established a commission to be known as the ''Independent Commission on Campaign Finance Reform'' (referred to in this Act as the ''Commission''). The purposes of the Commission are to study the laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

**SEC. 3. MEMBERSHIP OF COMMISSION.**

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) APPOINTMENT.—

(1) IN GENERAL.—Members shall be appointed as follows:

(A) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives.

(B) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint 3 members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term ''political independent'' means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party office-holder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party office-holder or candidate.

(c) CHAIRMAN.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than 4 members of the Commission may be of the same political party.

**SEC. 4. POWERS OF COMMISSION.**

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least 9 members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

**SEC. 5. ADMINISTRATIVE PROVISIONS.**

(a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1) Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) STAFF DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a staff director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF OF COMMISSION; SERVICES.—

(1) IN GENERAL.—With the approval of the Commission, the staff director of the Commission may appoint and fix the pay of additional personnel. The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

**SEC. 6. REPORT AND RECOMMENDED LEGISLATION.**

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Fifth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity, including any changes in the rules of the Senate or the House of Representatives, to which 9 or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

**SEC. 7. EXPEDITED CONGRESSIONAL CONSIDERATION OF LEGISLATION.**

(a) IN GENERAL.—If any legislation is introduced the substance of which implements a recommendation of the Commission submitted under section 6(b) (including a joint resolution proposing an amendment to the Constitution), subject to subsection (b), the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of the legislation in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on House Oversight of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on Rules and Administration of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the recommendation involved is submitted under section 6(b).

(3) Notwithstanding subsection (d)(2) of section 2908 of such Act—

(A) debate on the legislation in the House of Representatives, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation;

(B) debate on the legislation in the Senate, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation; and

(C) debate in the Senate on any single debatable motion and appeal in connection with the legislation shall be limited to not more than 1 hour, divided equally between the mover and the manager of the bill (except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee), and the majority and minority leader may each allot additional time from time under such leader's control to any Senator during the consideration of any debatable motion or appeal.

**SEC. 8. TERMINATION.**

The Commission shall cease to exist 90 days after the date of the submission of its report under section 6.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this Act.

Amend the title so as to read: ''A bill to establish the Independent Commission on Campaign Finance Reform to recommend reforms in the laws relating to the financing of political activity.''.

United States of America

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# Senate

*(Legislative day of Wednesday, May 13, and Thursday, May 14, 1998)*

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

## PRAYER

The guest Chaplain, Rabbi Sidney Guthman, of V.A. Medical Center, Long Beach, CA, offered the following prayer:

Our God and God of our ancestors, we ask Your blessings for our country, for its government, for its leaders and advisors, and for all who exercise just and rightful authority.

Creator of all flesh, bless all the inhabitants of our land with Your Spirit. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our Nation.

May this land under Your Providence be an influence for good throughout the world, uniting all people in peace and freedom and helping to fulfill the vision of Your prophet: ''Nation shall not lift up sword against nation, neither shall they experience war anymore.''—Isaiah 2:4.

Sovereign of the universe, may it be Your will that our land should be a blessing to all the inhabitants of the globe. Cause friendship and freedom to dwell among all peoples. Vouchsafe unto us, O Lord, wisdom equal to our strength and courage equal to our responsibilities, to the end that our Nation may lead the world in the advancement and fulfillment of human welfare.

May all nations become aware of their common unity and may all the peoples of the world be united in the bonds of brotherhood before You, Father of all. ''All those who trust in the Lord will renew their strength.''—Isaiah 40:31.

May this be our will, and let us say Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

## SCHEDULE

Mr. ALLARD. Mr. President, for the information of all Senators, this morning the Senate will begin a period of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the Department of Defense authorization bill. It is hoped that Senators will come to the floor to debate this important piece of legislation and offer amendments under short time agreements. Members should expect rollcall votes throughout the day's session in an attempt to make good progress on the defense bill.

Also, the Senate has reached time agreements with respect to the Abraham immigration bill and the WIPO copyright treaty legislation, and those bills could be considered during today's session.

I thank my colleagues for their attention.

## MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, there will now be a period for the transaction of morning business.

The able Senator from Mississippi is recognized.

## CONGRATULATIONS THOMAS GERSTLE ABERNETHY

Mr. COCHRAN. Mr. President, often we rise on the floor of the Senate to pay tribute to a former Member of Congress or former Member of the U.S. Senate who has passed away, talking about their career and their contributions to our country.

Today I rise to pay tribute to a former Member of Congress from my State of Mississippi who will reach his 95th birthday on Saturday. Thomas Gerstle Abernethy is the last surviving member of our State's delegation of his generation that was very distinguished, indeed, and included in the House of Representatives: Jamie Whitten, Frank Smith, Arthur Winstead, John Bell Williams, and Bill Colmer. In the Senate at that time, Jim Eastland and John Stennis represented our State.

For 30 years, Thomas Abernethy was viewed as a prominent and influential Member of Congress from our State, and indeed he was. He was a member of the Agriculture Committee. He was not reticent or bashful in any way. He often spoke on the floor of the House on a wide and varied range of subjects, with intelligence, energy, and in a conscientious way to serve the interests of our State. He truly was an influence in national affairs in the Congress.

He was born in Eupora, MS, on May 16, 1903. He attended the University of Alabama and the University of Mississippi and graduated from the Law Department of Cumberland University in Lebanon, TN, in 1924. He was admitted to practice law in the State of Mississippi that same year and began practice in his hometown of Eupora in 1925. He was elected mayor of Eupora in 1927. Then in 1929 he moved to Okolona, MS. He continued to practice law there, was elected district attorney, the prosecuting attorney for several counties in that part of the State of Mississippi, in 1936. He served until he was elected to Congress in 1942. That was the 78th Congress that convened on

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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January 3, 1943, a turbulent time in the history of our country. For three decades, until his retirement in 1973, Thomas Abernethy served with distinction as a member of our House delegation.

One of the highlights of his career politically came very soon after he was elected to Congress. Our State, during the census of 1950, was reapportioned and lost a Member of Congress. He was put in a congressional district by the State legislature's reapportionment plan, with one of the most senior and best known members of the State's delegation at that time, John Rankin. Many expected that John Rankin would defeat Tom Abernethy in the Democratic primary in 1952. But as it turned out, Tom Abernethy won that race and he served for 20 more years as a member of our House delegation.

He retired the same year that I was elected to the House with two other new Members of our House delegation—David Bowen, who replaced Tom Abernethy; and TRENT LOTT, who replaced the retiring Bill Colmer.

Interestingly enough, Tom Abernethy became a close friend and advisor to me. I sought his advice on matters involving agriculture, the Natchez Trace Parkway, and other issues of importance to me and to our State. I always found his advice and counsel very valuable and helpful.

When I became a candidate in 1978 for the Senate, Tom Abernethy continued to be my friend and advisor, for which I was very grateful. I will always recall accompanying him to his hometown of Okolona during that campaign, meeting with friends of mine and his who had decided to become active in my campaign for the Senate. I could tell that he enjoyed that occasion. I enjoyed it very much too and benefited greatly from his support throughout that campaign.

Today, I'm pleased to advise the U.S. Senate that Tom Abernethy is going to be celebrating his 95th birthday on Saturday. I encourage those who remember him as I do and appreciate him as I do to wish him well on his birthday on Saturday. I congratulate him for his conscientious and effective service to our State and our Nation as a distinguished Member of Congress and as a wise and valued citizen in his role as a former Member of Congress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, it is my understanding that I have been allocated 15 minutes this morning for comments under morning business.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado, Mr. ALLARD, is recognized to speak for up to 15 minutes.

## REDUCTION IN THE CAPITAL GAINS TAX

Mr. ALLARD. Mr. President, earlier this year, I introduced S. 1635, legislation to reduce the capital gains tax to 14 percent and to provide indexing of capital gains.

This legislation builds on last year's tax bill, which moved the capital gains rate down from 28 percent to 20 percent. Last year's tax change was a good first step, but I favor a more aggressive approach to tax reform.

The U.S. level of tax on capital has been among the highest in the world. I am dedicated to seeing that it becomes one of the lowest in the world. A low rate of tax will encourage capital investment, economic growth, and job creation.

This is no time for the United States to sit on its lead; We must continue to ensure that America is the premier location in the world to do business. A low capital gains tax will help our economy, but it will also help America's families by reducing their tax burden.

Mr. President, the profile of the average stock market investor is changing rapidly. To make this point, I would like to refer now to a chart that outlines the tremendous growth in stock ownership among middle class Americans. This reflects a recent study commissioned by the NASDAQ stock market, which determined that 43 percent of adult Americans now invest in the stock market. This is double the level of just 7 years ago.

Investing is no longer the exclusive province of the elderly, affluent, or male. A majority of the investors are under 50 years of age, 47 percent of the investors are women, and half of the investors are not even college graduates. Most working-age investors describe themselves as blue- or white-collar workers rather than managers or professionals. I think that this rather dramatically reflects the change in the makeup of the investor on the stock market.

In addition to investing in the stock market, millions of Americans own small businesses and farms, and they certainly feel the impact of any tax on capital assets.

Mr. President, while a cut in the capital gains tax rate would help investors and their families, it is also likely to increase tax revenues. At first, this may seem odd, but there are two principal reasons that a cut in capital gains taxes increases revenues. First, there is the short-term incentive to sell more capital assets. Second is the long-term progrowth benefit from a capital-friendly tax policy.

Let me first discuss the short-term incentive to sell more assets. In order to understand this concept, one has to first recognize that the capital gains tax is largely a voluntary tax; the tax is only paid if the investor chooses to sell the asset. If taxes are high, the investor can hold on to the asset for years. But when taxes are dropped down, lowered, investors will often decide to sell the assets and realize the capital gain.

History confirms this pattern. In 1978, when the capital gains tax rate was reduced from 40 percent to 28 percent, capital realizations increased by 50 percent and tax receipts increased. In fact, it was done at that particular point in our country's history to stimulate the economy.

In 1981, Congress and President Reagan further reduced the capital gains tax rate to 20 percent. Once again, capital realizations increased dramatically. And by 1983, they were again up by 50 percent. In fact, during the period from 1978 to 1983, capital gains tax rates were cut in half. But by the end of the period, the Federal Government was receiving twice as much revenue from capital gains taxes.

I would like to emphasize that point by turning to a chart which compares the level of capital gains tax with tax revenue over a 20-year period, running from 1976 and projecting out to the end of 1997. As the chart clearly shows, the tax rate was cut in half between 1997 and 1983, right in this time period here, and the revenues more than doubled, from $9 billion in 1978 to nearly $19 billion by 1983. This was not a temporary blip. As the chart shows, revenues continued to rise through the 1980s.

The underlying point is proven dramatically, I think, in 1986. What happened in 1986 is this: Congress voted to increase the capital gains tax to 28 percent. This was a 40 percent increase in the tax rate then in place. But the new, higher rate was delayed until January 1 of 1987. What we saw then was a massive sale of assets through 1986, while the rate was still 20 percent. Investors rushed to sell their assets before the higher 28 percent went into effect.

If we look again at the chart, we find that capital gains revenues, after 1986, began a nearly 5-year decline. In fact, despite the much higher tax rate, by 1991, capital gains revenues were actually at their lowest level since 1984.

Mr. President, the pattern should be clear by now. But I would like us to take one more look at this issue by reviewing the revenue estimates associated with last year's cut in the capital gains tax rate. Any time Congress considers tax changes, it is required to estimate the revenue impact of those changes. This task falls principally on the Joint Committee on Taxation, which relies on data compiled by the Congressional Budget Office. Current law requires revenue estimates to stretch 10 years into the future.

Last year, when Congress proposed to cut the capital gains rate from 28 to 20 percent, the Joint Committee on Taxation submitted its revenue estimate.

Despite forecasting an initial pick up in revenue due to greater realizations, JCT forecast a 10 year revenue loss from the rate cut of $21 billion.

The JCT and CBO estimates now appear to have dramatically underestimated the strength of the economy and the positive response to the tax rate cut.

The JCT forecast last July that capital gains revenue for 1998 would be $57 billion after the rate cut.

Again, this is reflected here on the chart projecting a much lower impact, actually a loss that we will end up with. In the shaded area over here with the lines drawn we see a dramatic increase in revenue that happened to the Federal Government, just contrary to what our ''budgeteers'' were projecting when we initiated the capital gains reduction in rate.

Recently, I contacted the CBO and JCT to determine how the forecast was holding up.

The Congressional Budget Office is now anticipating that both the 1997 and 1998 capital gains realizations will be much higher than previously thought.

It is therefore reasonable to assume that even with a lower tax rate, capital gains tax revenues for 1997 and 1998 will be a good deal higher than previously forecast.

The irony here is that the entire 10 year revenue loss that was forecast may be made up for in the first several years of the rate cut.

Once again, we will have a situation where a tax rate cut leads to greater revenues.

Mr. President, what does all this tell us?

In my view, a review of the last twenty years of capital gains tax rates and the associated revenues suggests that the model used by JCT and CBO to estimate capital gains revenues is flawed.

At minimum, it would appear that when tax rates are lowered the model significantly exaggerates the revenues losses.

In fact, in no single year after a rate cut has there ever been a loss of revenue.

Conversely, when tax rates are increased, the model significantly exaggerates the level of revenue gains.

Not only do the Congressional models fail to accurately measure the response of taxpayers to changes in tax rates, they completely exclude any estimate of the impact of tax changes on economic performance.

Mr. President, up to this point we have only been discussing the short term behavioral changes that come from changes in the capital gains tax rate.

What about the longer term impact on economic growth? Congress is largely in the dark when it comes to any estimate of this benefit.

It is logical to assume that a lower tax rate on capital encourages capital formation. A higher rate of capital formation clearly benefits the economy. As a consequence the federal government will realize greater income, payroll, and excise taxes. In addition, state and local tax revenues will also rise.

Admittedly, all of this is difficult to measure. However, I would like to see some attempt made to include these factors in revenue models.

At a minimum they should be appended to the official revenue estimates. This would give Congress a more complete picture of the impact of tax changes on revenues.

As I review the issue of capital gains tax revenues I am struck by several things.

First, capital gains tax rate cuts do not appear to cost the government revenue, and may in fact increase revenue rather dramatically.

Second, the current revenue estimating model should be updated to reflect evidence that the model exaggerates losses from rate cuts, and also exaggerates the gains from tax rate hikes.

In addition, some attempt should be made to measure the impact of tax changes on the level of economic performance.

Third, less emphasis should be placed on the revenue models.

Instead, greater emphasis should be placed on the impact that changes in the tax treatment of capital gains will have on the private economy.

Economic growth, job creation, and international competitiveness should be our focus, not projections of government revenue.

This is particularly true when we know that the revenue projections are not likely to be terribly accurate.

This is not intended as a criticism of those whose job it is to make the estimates. This is difficult work. I certainly recognize this having served on the House Budget Committee for several years. And those who do the work are professionals who work hard at getting it right.

Unfortunately, this business is a bit like gazing into a crystal ball. There are just too many factors at work to think we can accurately project the revenue impact of changes in capital gains tax policy.

Mr. President, when it comes to capital gains taxes I suggest that Congress spend less time gazing into the crystal ball of revenue forecasting, and more time focusing on the real world impact of taxes on capital formation, job creation, and economic growth.

I think it will then be abundantly clear that we should continue to reduce the tax on capital to 14 percent. This will continue the good work that we began last year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. SMITH of Oregon. I also ask unanimous consent that my assistant, Lourdes Agosto, be allowed floor privileges while I give this speech.

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

Mr. SMITH of Oregon. I thank the Chair.

(The remarks of Mr. SMITH of Oregon pertaining to the introduction of S. 2079 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SMITH of Oregon. Mr. President, I thank you for the time and yield back the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, the Senator from Ohio is recognized to speak for up to 15 minutes.

## 10TH ANNIVERSARY OF DUI CRASH IN KENTUCKY

Mr. DEWINE. Mr. President, today marks the 10th anniversary of the most tragic drunk driving case in our Nation's history. Ten years ago today, on Saturday, May 14, 1988, a school bus filled with children heading home to Radcliff, KY, after having spent a day at King's Island Amusement Park in Ohio—that school bus was hit head-on by a drunk driver heading the wrong way on Interstate 71 near Carrollton, KY, 10 years ago today. The collision caused the front gas tank of the bus to explode in flames. The crash caused the death of 24 children and three adults, and left many of the 36 survivors burned and disfigured.

This crash did not just affect the 63 innocent victims who were on the bus that day. It had significant impact and changed forever many of the victims' families, friends and their community. This horrible tragedy helped fuel a nationwide movement which has helped to change our Nation's attitudes towards drinking and driving. This horrible tragedy helped spur State legislatures to enact more stronger drunk driving laws. It led to tougher enforcement and has caused people to think twice before drinking and driving. In short, it is no longer ''cool'' or ''neat'' in our society to drink and drive. And this horrible, horrible tragedy did impact people and has helped to galvanize public opinion in regard to drunken driving.

The effects of this attitude change are well documented. In 1986, 24,050 people lost their lives in alcohol-related traffic crashes. A decade later that number had dropped by 28 percent; 17,274 people lost their lives in 1995 in

alcohol-related accidents, a drop of 28 percent. This reduction is not attributable to one single event. It is not attributable just to this horrible accident, this horrible tragedy we are commemorating and thinking about today. It was a whole series of actions taken by people across this country—Mothers Against Drunk Driving, SADD chapters, grassroots efforts of survivors, grassroots efforts of victims and members of victims' families.

We have begun, over that decade, to significantly change public attitudes. Unfortunately, after 10 years of improvement, after 10 years of fewer people dying every year due to drunken driving, these trends have now been reversed. I think our Nation has lost its focus. We no longer focus on this as a national issue. From 1994 to 1995, fatalities in alcohol-related crashes rose—did not decline—rose, and they rose by 4 percent. That was the first increase in over a decade. In 1995, 41 percent of the 41,798 motor vehicle crash deaths were attributable to alcohol use. Alcohol involvement is the single greatest factor in traffic-related deaths and injuries. In short, the trend is now moving in the wrong direction. We have not done enough. We must move to reverse this trend.

I think what we have to do is to refocus and to put the emphasis back, again, and public debate, on this horrible, horrible problem. This year, Congress has the opportunity to help renew our Nation's focus on the evils of drinking and driving. During the Senate's consideration of ISTEA, we took the lead in helping our Nation refocus on the consequences of drinking and driving.

Mr. President, there is no one single thing in the Senate's version of ISTEA reauthorization which will change attitudes by itself. Rather, the Senate did a number of things which, when taken together, will help renew our Nation's focus on this effort.

First, the Senate voted to adopt an amendment which would encourage States to enact a statute that would make it illegal, in and of itself, to operate a motor vehicle with a blood alcohol concentration of .08 or higher. This amendment was adopted by a 2-to-1 margin in this Senate Chamber. This was one of the few times I stated on the floor that day that Members of the Senate could come to the Senate floor and cast their vote and know that a ''yes'' vote would, in fact, clearly save lives. The individuals we will never know, but it is clear this legislation, if enacted into law, will save hundreds and ultimately thousands of lives over the next few years. Sixty-one of our colleagues chose to take advantage of that opportunity.

Further, in the same bill, the Senate voted to adopt an amendment which would make it illegal to drive with one hand on the steering wheel and the other wrapped around a bottle of whiskey or beer. That is still legal in many places in this country. Under this legislation, it no longer would be tolerated.

Finally, we included a provision which would establish mandatory minimum penalties for repeat drunk drivers—the worst of the worst of the worst.

I can think of no better way to honor the memories of the victims of the deadliest alcohol-related traffic crash in our Nation's history, as well as the memories of all victims of drunk drivers, than to include these reasonable provisions aimed at renewing our Nation's focus on the tragedy resulting from drinking and driving in the final bill to reauthorize the Intermodal Surface Transportation Efficiency Act.

This matter is in conference committee right now. The conferees are dealing with a number of very contentious and very difficult funding issues. We all have our own opinions about those issues. They are very contentious. But there is one issue where the overwhelming majority of the American people have spoken in public opinion poll after public opinion poll, and that has to do with the .08. There is one issue where the members of the conference committee can know that their vote to include the .08 provision will, in fact, save lives.

Let me repeat, this Senate has spoken. Sixty-one of the Members of this Senate voted ''yes'' for a nationwide .08 standard. The House of Representatives did not have the opportunity to vote; they were blocked from voting on this measure. But I think anyone who has looked at this clearly understands that the House of Representatives also, if they had been permitted to vote on this, would have approved the .08.

What we are asking the conference committee to do is very simple: Include this provision, which passed so overwhelmingly in the U.S. Senate, in the final version of ISTEA. If the members of the conference committee will do that, they will save lives. It has been estimated that between 500 to 1,000 lives in this country will be saved every year by going to a .08 standard.

Mr. President, the statistics and facts are clear. The evidence is overwhelming. No one who tests .08 has any business being behind the wheel of a car. Think about it. If you were at a party at a neighbor's house or your own house, and you saw someone, an adult male weighing 160 to 165 pounds, and you watched him drink over an hour period of time—you timed it—four beers or four shots of liquor or four big glasses of wine on an empty stomach, then that person looked at you and said, ''I want to take your little girl Anna to get an ice cream cone,'' would you let your daughter get in the car with that person? We all know the answer. The answer is absolutely not—''Don't get near her; she can't go with you.''

That is all we are saying. Mr. President, it takes that much alcohol consumption to reach .08. What we are saying is, we set a nationwide standard so that, no matter where we go in this country, we have some level of assurance that the laws of whatever State we are in—in my case, whether I drive out of Ohio into Kentucky or Indiana or Michigan or West Virginia, wherever I go, when I put my family in a car, I will have an assurance there is a national .08 standard, a bare minimum standard to protect our families.

That is what we are asking for in the conference committee. I again urge the members of the conference committee to do what is right: Follow what the Senate has said, follow the vote in the Senate, and include this very reasonable measure.

For my friends, my conservative friends, such as myself—we consider ourselves conservatives—I simply point out, this is the same type legislation that Ronald Reagan approved and supported and pushed through the U.S. Congress, when he was President of the United States, to go to a nationwide standard of 21 as being the age for drinking. It is the same mechanism, the same procedure, and the same basic principle.

What Ronald Reagan said then, and I will paraphrase, is very simple: That in some areas of national importance, national concern, we can make small intrusions into States rights, small changes that will have monumental effects to save lives across the country, and in some areas we do need a national minimum standard. I urge the conferees to include this in the legislation.

I see my friend, Senator LAUTENBERG, who has been a tremendous advocate over the years for highway safety, who sponsored the bill I just referenced that Ronald Reagan pushed through and Senator LAUTENBERG pushed through. Senator LAUTENBERG was the author of that bill in the 1980s. He and I were at the White House yesterday with the Vice President. We have been there with the President to support this. This is a bipartisan effort to save lives in this country.

I yield to my colleague.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized to speak for up to 15 minutes.

Mr. LAUTENBERG. I thank the Chair. I thank my colleague from Ohio, Senator DEWINE.

Senator DEWINE has experience as a prosecutor. He has seen what happens when alcohol and driving try to mix. The result is terrible tragedy so often. His work here, together with mine, has enabled us to assemble a bipartisan group to support our effort to reduce the blood alcohol content to .08 at which point someone can be declared driving while impaired.

Today marks the 10th anniversary of the Nation's most deadly drunk driving crash. On the night of May 14, 1988, a bus packed with sleeping children was driving south on Interstate 71 to the First Assembly of God Church in Radcliff, KY. Thirty-five girls, twenty-eight boys, and four adults were returning from a day at the King's Island amusement park near Cincinnati.

According to newspaper accounts, the group said a short prayer before they began their return trip. I quote him. He said, ''Please grant us a safe trip. May God have his hand on this bus.'' That is what he prayed.

But prayers were not enough that day. At 10:55 p.m., as the bus neared the northern Kentucky town of Carrollton, the driver of the bus spotted a pickup truck barreling north in his southbound lane. Moments later a collision and the bus burst into flames.

Twenty-four children and 3 adults were killed in that devastating school-bus crash, and 30 more were injured. The lives of so many families and friends were destroyed.

The current president of Mothers Against Drunk Driving, Karolyn Nunnallee, lost her daughter Patty in that terrible crash. She was on television this morning trying to explain the impact of losing that child. This day across the Nation thousands of mothers, fathers, brothers, and sisters will join in a moment of silence to honor those thousands of victims who die on our highways each year at the hands of drunk drivers.

We will honor Patty and the others who died that night and those who were injured during this moment of silence.

Sadly, the death toll visited upon us by drunk driving mounts up each year with an appalling clock-like efficiency. Every 30 minutes a family loses a loved one to a drunk driver. That means in the decade since the Carrollton crash 175,000 people have died. That is almost twice the population of the capital of my home State of New Jersey, Trenton, NJ. These deaths need not have happened.

If we also take into consideration that each of these victims had family and friends, we are talking about more than—more than—a million people grief stricken, which is more people than who live in Washington, DC. And this grieving should never have occurred.

Drunk driving also takes an enormous economic toll, as well, on our Nation. Alcohol-related crashes cost society over $45 billion each year. One alcohol-related fatality is estimated to cost society about $950,000; and an injury averages about $20,000 in emergency and acute health care costs, long-term care and rehabilitation, police and court services, insurance, lost productivity, and social services.

Just look at this toll of needless death, needless grief, and needless spending. These facts should move us to rage. And our rage should move us to action.

Mr. President, we can act. Right now, the House-Senate conference committee is meeting to resolve the competing ISTEA reauthorization bills. I sit on that conference committee. As part of this process, the Congress is going to make one decision—will we get tougher on drunk driving and enact laws that will save lives or will we fall prey to the liquor and restaurant lobbyists?

Mr. President, this body has spoken about this issue. Two months ago, the Senate passed an amendment to prohibit open containers of alcohol in motor vehicles. It adopted a tough program to combat repeat offenders of drinking and driving. And by a 2 to 1 margin, the Senate voted to set a strict national drunk driving standard at .08 blood alcohol content. The Senate voted 62 to 32 for this life-saving measure. The House was not even able to vote on this issue. They were prevented from it.

We can ask the question, Why? But we must carry the will of the Senate—of the people—through to completion. We want ''.08 in '98.'' We are now at the crossroads, and it is time to decide. The question comes up, Why? Why aren't the House Members permitted to vote on this issue? Well, it stops at a committee over there. The process is different than it is over here, and they do not even have to let a piece of legislation come up on the floor.

And why? Why would they say no to a vote on this issue when parents lose children and children lose parents across this country in numbers that compare to our worst year in Vietnam? In full combat we lost about 17,000 of our soldiers. In our country every year we lose more than 17,000 people to drunk driving, and it does not have the same impact on our society. So we have to say, Why is it that it does not?

If after coming so close we fail to enact .08 this year, the American people should charge this Congress with something I will call ''VUI,'' voting under the influence of the liquor lobby. That is where it stops. They say, ''You're going to kill our business,'' that ''You're going to arrest social drinkers.'' No, no, no. We are not saying anybody can't drink. They can drink as much as they want. They can fall off the bar stools, as long as they don't fall on me or my kids.

The issue is whether, after having had a blood alcohol content level of .08, they ought to get behind a wheel. And we say no. I think the Senator from Ohio made it very clear. He said if he watched someone at a party or someone at a dinner, or something like that, have four drinks in an hour—a man my size would have five—on an empty stomach, to have your child get in the back seat of a car with that driver, I would say never, never. That is what we want to say across this country. Because every family is entitled to that kind of safety and security.

In 1984, President Reagan signed a bill that I wrote over here to make the national drinking age 21 and eliminate blood borders. Those are the borders between States with different drinking ages. Since then, more than 10,000 lives have been saved, enough to fill a small town. That is 10,000 families that did not have to mourn or grieve the loss of a child or a parent or a brother or a sister—10,000 people. That is a lot of people.

Now we have a different kind of blood border—the blood alcohol border. Right now a driver legally drunk in one of 16 .08 States merely has to drive over the border and—poof—he is legally sober again. We know that is wrong. And we know once you are over .08 you are too drunk to drive in any State.

Consider this: Someone, again, of my height having had four glasses of wine in an hour—five glasses of wine; again, I am a little heavier than the average; five glasses of wine in an hour —on an empty stomach. That is too much. We are not saying, again, that people cannot drink. We are saying they cannot drink and drive.

Think about the 6,000 families who will be spared the devastating loss of a loved one to a drunk driver over the course of a decade if we pass .08. Think of what it means. Thousands of parents now destined to lose a child will be able to read their little ones to sleep instead of looking at an empty bed; children now destined to lose a parent will wake up in a full and loving home.

One year ago, Randy Frazier called the Congress to action. Randy's daughter, Ashley—people from Maryland—was killed by a .08 drunk driver. Randy said, ''It is time for the leadership and action here in Congress to draw a safer, saner, and more sensible line against impaired driving at .08. If we truly believe in family values, then .08 ought to become the law of the land. Four beers in an hour''—four glasses of wine in an hour, on an empty stomach—''and getting behind the wheel of a car, in our estimation, is one definition of family violence.''

Mr. President, it is decision time. The question is whether we are going to vote with our conscience. Are we going to vote under ''VUI,'' voting under the influence of the alcohol lobby? They poured people into this town. The Restaurant Association had 130 as reported by a newspaper, 130 lobbyists come in. They swarmed all over the House, and they got people to change their minds. Then they got people, as I said earlier, to be able to hold that bill from getting consideration. That is not the way law ought to be decided when it comes to American families. And we hope we are going to stand up to our responsibility as we pause to honor the victims of drunk driving.

Let us be moved to action. We must enact tough drunk driving laws this year. It has to be ''.08 in '98.''

I yield the floor.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

## EXTENSION OF MORNING BUSINESS

Mr. TORRICELLI. Mr. President, I ask unanimous consent to extend morning business for 5 minutes.

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

Mr. TORRICELLI. Mr. President, let me first thank Senator THURMOND and Senator LEVIN for their consideration.

I will not use all the time I have yielded myself.

## THE IMPORTANCE OF THE U.S. RELATIONSHIP WITH KUWAIT

Mr. TORRICELLI. Mr. President, I rise on an issue of great importance to me, personally, and I believe many other Members of the Senate.

Winston Churchill once noted that nations whose sons fight and die together forever change their relationship. Seven years ago, the United States and Kuwait tragically shared this experience. The liberation of Kuwait forever changed the relationships between our two peoples. Though our cultures and the faiths of many are different, we share a sense of national independence and, I believe, a growing awareness of a burgeoning potential for democracy in Kuwait.

It was, therefore, extremely disturbing on November 19, 1997, when several members of the Islamic faction in Parliament in Kuwait sought the ouster of the Minister of Information, Sheikh Saud Al-Nasir Al-Sabah. It did so because of an allegation that he permitted books to be displayed at a book fair which fundamentalists deemed to be offensive. Members of this Senate—indeed, many people in the administration—not only know Sheikh Saud Al-Nasir Al-Sabah well, they consider him a friend. During the darkest days of the invasion and occupation of Kuwait, he was the voice of that Nation in the United States. We trusted him. More, perhaps, than anyone we know in Kuwaiti society, he rallied support to the liberation of his country.

These allegations against him we now recognize were little more than an effort by Islamic fundamentalists to extend their control over the Ministry of Information, which would have changed the nature of the political system in Kuwait. Judgments about Kuwait's future are for the Kuwaiti people, obviously, and entirely. But I believe as friends of that Nation who have fought and died with them, we all have a stake in the growing movement of that society for free expression.

I know my colleagues join me with some relief and considerable pride in that in a reformed Government following this incident, Sheikh Saud Al-Nasir Al-Sabah was kept as Oil Minister. Indeed, not only did he remain in the Government, therefore, but he received a promotion.

I know the people of Kuwait have been traumatized by this effort, through this emergence of Islamic factions within their political system, to extend their control and threaten rising elements of democracy in their society. I trust that Kuwaiti democracy will be the stronger for this experience, that the people of Kuwait will not only understand but appreciate the interests of the U.S. Senate in the political system of that country, since the concept of the government and free expression in Kuwait is so much a part of our mutual understanding for the defense of that society.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2057, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personal strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

### PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that a list of staff that I send to the desk, be permitted the privilege of the floor during the pendency of the Department of Defense authorization bill.

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

The list of staff follows:

ARMED SERVICES COMMITTEE STAFF MEMBERS

Les Brownlee, Staff Director
George Lauffer, Deputy Staff Director
Scott Stucky, General Counsel
David Lyles, Minority Staff Director
Peter Levine, Minority Counsel
Charlie Abell
John R. Barnes
Stuart H. Cain
Lucia Monica Chavez
Christine E. Cowart
Daniel J. Cox, Jr.
Madelyn R. Creedon
Richard D. DeBobes
John DeCrosta
Marie F. Dickinson
Keaveny Donovan
Shawn H. Edwards
Jonathan L. Etherton
Pamela L. Farrell
Richard W. Fieldhouse
Maria A. Finley
Cristina W. Fiori
Jan Gordon
Creighton Greene
Gary M. Hall
Patrick ''PT'' Henry
Larry J. Hoag
Andrew W. Johnson
Melinda M. Koutsoumpas
Lawrence J. Lanzillotta
Henry C. Leventis
Paul M. Longsworth
Stephen L. Madey, Jr.
Michael J. McCord
J. Reaves McLeod
John H. Miller
Ann M. Mittermeyer
Bert K. Mizusawa
Cindy Pearson
Sharen E. Reaves
Sarah J. Ritch
Moultrie D. Roberts
Cord A. Sterling
Eric H. Thoemmes
Roslyne D. Turner

Mr. THURMOND. Mr. President, today the Senate begins consideration of S–2057, the National Defense Authorization Act for Fiscal Year 1999. I want to thank all members of the Committee who have worked so hard this year to bring this bill to the floor. I particularly want to thank Senator LEVIN, the Ranking Member, for his cooperative support.

I also want to acknowledge the contributions of Senator COATS, Senator KEMPTHORNE, and Senator GLENN. This will be their last defense authorization bill. On behalf of the committee and the Senate, I want to thank them for their dedication to the national security of our country and their support for the young men and women who serve in our armed forces. We will miss these three outstanding Senators who have served our country and the committee so well.

Mr. President, I also want to express my appreciation to the members of the staff of the Senate Armed Services Committee. We on the Committee are very proud of our staff. I believe that we have the most competent and professional staff on Capitol Hill. They work well together in a very bi-partisan way and all of us on the Committee are indebted to them for their selfless dedication. I ask unanimous consent that a list of the members of the staff be included following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. THURMOND. This is the 40th defense authorization bill on which I have worked since I joined the Armed Services Committee in 1959. It is my fourth as Chairman of the committee and as I indicated earlier this year, while I intend to remain on the Committee, this will be my last year as Chairman. I look forward to the floor debate on this bill as well as the conference with the House. I am hopeful that we are able to complete the bill and send it to the President before the July 4th recess. It is essential that we complete floor action before the Memorial Day recess in order to meet this ambitious schedule.

We have accelerated significantly our process this year. I cannot recall ever bringing the defense authorization bill to the floor this early in the year. If we are successful in completing conference in late June, we may be setting a modern day record.

Mr. President, the Defense Authorization bill for Fiscal Year 1999 which I bring before the Senate today is only 3.1 percent of Gross Domestic Product—the lowest since 1940. Defense outlays peaked in 1986 at 6.5 percent. President Reagan's defense buildup was one of the great investments in our history. As a result of President Reagan's strong leadership and our strengthened military, we won the Cold War. Therefore, we have been able to reduce our defense force structure. These reductions enabled the Nation to reduce the

deficit and achieve a balanced budget. The victory in the Cold War and the resulting peace dividend, which began, by the way, under President Reagan, is now saving us over $250 billion per year—the major factor in achieving a balanced budget.

Mr. President, we haven't debated the levels for defense spending on the floor of the Senate for some time. Maybe its because defense doesn't rank very high these days in the polls which reflect the concerns of the American people. Or maybe it's because everyone assumes that the defense budget is adequate and there is no reason to debate it. I am concerned first of all because I believe there is a clear shortfall between the ambitious foreign policy of this Administration and the resources we are willing to provide for national defense.

The operational tempo of our military forces is at an all time high. American forces are deployed literally around the globe. The foreign policy of this Administration has raised the number of separate deployments to the highest in our history. Our servicemen and women spend more and more time away from their homes and families on more frequent and extended deployments. As a result, recruiting grows more difficult and retention is becoming an extremely serious problem—especially for pilots.

We are also beginning to see increasing indicators of readiness problems. Spare parts shortages, increased cannibalization, declining operational readiness rates, cross-decking of critical weapons, equipment and personnel foretell a potential emergence of readiness difficulties that could seriously cripple our military forces in the very near future. The Chiefs of the military services indicate that they are on the margin in readiness and modernization. The Chief of one of our military services has recently stated orally as well as in writing that his budget for fiscal year 1999 is, for the third year in a row, inadequate.

While, at the present time, the American people may not be expressing concern about threats to our national security or the readiness of our armed forces, we in the Senate are not relieved of our responsibilities to ensure that we have capable, effective military forces ready to defend our nation's vital interests. It is our job in the Congress to examine the readiness and capability of our armed forces and ensure that we have provided adequate resources and guidance to the Secretary of Defense so that he can carry out his mission to protect our national security. I believe, as I have stated so many times on this floor, that nothing that we do here in the Congress is as important as providing for our national security. I intend to continue to make this point whenever I believe that we in the Senate may not be paying enough attention to this most critical issue.

Mr. President, the Congress has endeavored over the past several years to shore up our defense budgets with annual add-ons. However, reductions in the defense budgets over the last 3 years to pay for Bosnia have denigrated the effect of those Congressional plus-ups. Almost half of the $21 billion we added to the defense budgets over the last 3 years, which was intended to enhance readiness and modernization, was spent instead for operations in Bosnia. The maintenance of our forces in Bosnia and in the Persian Gulf, places great strain on our military forces and budgets.

As many of you are aware, we have been forced to cope with a $3.6 billion outlay shortfall in the defense budget resulting from scoring differences between the Office of Management and Budget and the Congressional Budget Office. The Chairman of the Budget Committee, Senator DOMENICI has been very helpful in working out a solution to help alleviate this problem. I am sure the Chairman of the Appropriations Committee joins me in thanking Senator DOMENICI and his staff for their assistance.

Under the budget agreement, we have not added funds to the defense budget this year. I do not believe that a majority of Senators would support adding funds to the defense budget in violation of the budget agreement. Therefore, we have conducted our markup consistent with the budget agreement. However, I have stated in the past and I say again, I believe that we are not providing adequate funds for defense. The Chairmen and Ranking Members of the House National Security Committee have also called for increases in the defense budget. It remains my firm belief that we should provide additional funds for our national security.

In this bill, the Committee has achieved a balance among near-term readiness; long-term readiness, through investments in modernization infrastructure and research and development; force levels; quality of life and ensuring an adequate, safe and reliable nuclear weapons capability. The Committee modified the budget request to improve operations and achieve greater efficiencies and savings and to eliminate spending that does not contribute directly to the national security of the United States.

The Committee recommended provisions to provide a 3.1 percent pay raise for the uniformed services; to enhance the ability of the services to recruit and retain quality personnel; and to restore appropriate funding levels for the construction and maintenance of both bachelor and family housing. The bill recommends increased investment in research and development activities to ensure that the Department of Defense can leverage advances in technology.

The Committee remains concerned about the level of resources available for the reserve components and the continued lack of a spirit of cooperation between the active and reserve forces. The Committee recommended a number of policy initiatives and spending increases intended to continue the improvement of the readiness of the reserve forces and to permit greater use of the expertise and capabilities of the reserve components. One such measure is the authority for the reserve components to prepare to respond to domestic emergencies involving the use or intended use of a weapon of mass destruction. I am proud to be able to recommend this important legislation which will enable the Nation to be prepared for the most unimaginable terrorist incident.

I do want to tell my colleagues that this defense bill does not include a long list of new major projects or new initiatives. Quite simply, there is no money to support new major projects or new initiatives. However, I should note that over the past three or four years, the Committee on Armed Services has produced defense bills with major new program starts, reforms of the acquisition process, initiatives related to missile defense and counter proliferation, and programs to achieve efficiencies and enhance readiness. The Secretary of Defense must now implement these major programs. As the Department of Defense executes the programs we enacted over the past several years, I anticipate that they will come back to the Congress to suggest modifications addressing areas in which they believe they need additional flexibility.

Mr. President, I would like to remind my colleagues that any amendments to the defense authorization bill that would increase spending should be accompanied by offsetting reductions.

Mr. President, this is a sound bill. It provides a road map to take our Nation's Armed Forces into the 21st century. I urge my colleagues to join the Members of the Armed Services Committee and pass this bill with a strong bipartisan vote.

I yield the floor.

EXHIBIT I

ARMED SERVICES COMMITTEE STAFF MEMBERS

Les Brownlee, Staff Director
George Lauffer, Deputy Staff Director
Scott Stucky, General Counsel
David Lyles, Minority Staff Director
Peter Levine, Minority Counsel
Charlie Abell
John R. Barnes
Stuart H. Cain
Lucia Monica Chavez
Christine E. Cowart
Daniel J. Cox, Jr.
Madelyn R. Creedon
Richard D. DeBobes
John DeCrosta
Marie F. Dickinson
Keaveny Donovan
Shawn H. Edwards
Jonathan L. Etherton
Pamela L. Farrell
Richard W. Fieldhouse
Maria A. Finley
Cristina W. Fiori
Jan Gordon
Creighton Greene
Gary M. Hall
Patrick ''PT'' Henry
Larry J. Hoag
Andrew W. Johnson
Melinda M. Koutsoumpas

Lawrence J. Lanzillotta
Henry C. Leventis
Paul M. Longsworth
Stephen L. Madey, Jr.
Michael J. McCord
J. Reaves McLeod
John H. Miller
Ann M. Mittermeyer
Bert K. Mizusawa
Cindy Pearson
Sharen E. Reaves
Sarah J. Ritch
Moultrie D. Roberts
Cord A. Sterling
Eric H. Thoemmes
Roslyne D. Turner

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased to join the chairman of our committee in bringing the defense authorization bill for fiscal year 1999 to the floor. As we all know, as Senator THURMOND has so eloquently reminded us, this is the last year that he will be chairman of the Senate Armed Services Committee, through his choice. Therefore, it is the last year that he will be bringing an authorization bill to the floor. I just want to thank him and commend him for the commitment that he has made to our Nation's defense. It has been longstanding, it has been a matter of keen devotion. It is really a significant moment for me to be here with him as this defense authorization bill comes to the floor. I know I am thanking him on behalf of all of the members of our committee and the Senate for the energy he has placed into this issue of defense, security, and this bill itself.

Mr. THURMOND. Thank you very much.

Mr. LEVIN. Mr. President, this is also the final defense authorization bill for three other members of our committee—Senators GLENN, COATS and KEMPTHORNE. They will be leaving us this year, also through their choice. We will miss them keenly. They have all made tremendous contributions to the work of the Armed Services Committee and to the national security of our country. Sometimes their ways were similar and sometimes they were different, but we are grateful for their contributions. I wanted to note that as we get to work on the defense authorization bill.

The bill that we bring to the floor this morning is the product of several months of hard work by the Armed Services Committee. It is a large and complicated bill that could not have been produced without the dedicated effort of our chairman, the other members of our committee and our staffs. I join Senator THURMOND in thanking our staffs for their work.

While I don't agree with everything in this bill—none of us do or ever can in a bill this big and complicated—I think it will improve the quality of life for the men and women in uniform and for their families. It will continue the process of modernization of our Armed Forces to meet the threats of the future.

Senator THURMOND has already summarized the provisions of the bill. I will just highlight a few provisions that will make a significant contribution to the national defense and to our men and women in uniform.

The bill contains a 3.1 percent pay raise for military personnel and authorizes a number of bonuses to enhance our ability to recruit and retain quality men and women for our armed services.

The bill would authorize three health care demonstration projects that would address concerns about gaps in the military health care system by requiring the Department of Defense to provide health care to retired military personnel and their families who are over 65 and Medicare-eligible.

The bill contains a bipartisan Defense Commercial Pricing Management Improvement Act, which would require the Department to address management problems in sole-source buying practices.

The bill would provide funding for the U.S.-Canada environmental cleanup agreement, and for a new $24 million initiative for the development of pollution prevention technology.

Finally, the bill includes a series of other provisions that are designed to assist the Secretary of Defense in his effort to streamline our defense infrastructure and improve the Department's so-called ''tooth-to-tail'' ratio. These provisions would require reductions in DOD headquarters staff; extend current personnel authorities available to the Department to assist in downsizing; encourage public-private competition in the provision of support services; require improvements in the Department's inventory management and financial management systems; enable the Department to undertake needed reforms in travel management and the movement of household goods; and require the Department to streamline its test and evaluation infrastructure.

Mr. President, the committee was presented with a dilemma on the Air Force's F–22 fighter program. Although there is broad support for achieving the revolutionary capability the F–22 program promises, a number of us remain concerned about the degree of overlap between development, testing, and production in the program. Four years ago, we expected that 27 percent of the flight testing hours would have been completed before the Air Force signed a contract for the first production aircraft. Last year, that number had fallen to 14 percent. This year, the committee was faced with the Air Force's plan of signing a production contract with only four percent of the flight testing completed.

The bill would address this problem by making the long-lead funding for the six F–22 aircraft in FY 2000 contingent upon certifications by the Secretary of the Air Force that: (1) adequate flight testing has been conducted to address technical risk in the program; and (2) the financial benefits of going forward with the program exceed the financial risks.

I am also pleased that the bill contains a provision to encourage and facilitate organ donation by service men and women. Organ donation represents, in my view, one of the most remarkable success stories in the history of medicine. Over the past several years, the Department of Defense has made some strides in increasing the awareness among service members of the importance of organ donation. With our encouragement, DOD has included organ donation decisions in their automated medical databases, and established policies that give service members regular opportunities to state a desire to become organ donors upon their deaths.

In an effort to enhance the value of these initiatives, the bill provides the framework in which DOD will provide each new recruit and officer candidate information about organ donation during their initial weeks of training, and will include organ donation procedures in the training of medical personnel and in the development of medical equipment and logistical systems. This initiative is likely to have a vital impact on the survival of countless individuals who will, one day, benefit from organs donated by service men and women.

From the beginning of the year, Secretary Cohen and the Joints Chiefs of Staff have stressed three things that they would like to achieve in this bill:

First, they have requested authority to close excess military bases in order to fund their modernization priorities in the next decade;

Second, they have urged us not to undermine military training and readiness by reducing operations and maintenance budgets; and

Third, they have urged us to provide the necessary funding to support U.S. military operations in Bosnia during FY 1999 in a manner that does not cut into current levels of DOD funding.

I would say that the committee has achieved roughly one and a half of these three goals.

First, the bill before us would authorize $1.9 billion for continued U.S. military operations in Bosnia, in the manner requested by the Department. I am sure that many Members will want to be heard on this subject as we debate this bill. At the appropriate time I intend to offer my own amendment, which would ensure that the President reports to the Congress on progress toward achieving benchmarks toward implementation of the Dayton Accord with an exit strategy and that the Congress has an opportunity to vote on the continued presence of U.S. ground combat forces in Bosnia beyond June 30, 1999.

Second, the Armed Services Committee did a reasonable job of funding training and readiness, given the budgetary constraints under which we were

operating. Overall, the bill would reduce operations and maintenance funding by roughly $300 million, but these cuts would be achieved through reductions for fuel savings, foreign currency fluctuations, and civilian underexecution—which, if DOD's and CBO's predictions prove right, should not have a significant negative impact on military training and readiness.

On the other hand, the Secretary has asked us not to cut operations and maintenance accounts at all, because any cuts to these accounts pose some risk of a negative impact on training and readiness. We have been hearing complaints for several years now that the Administration has not provided adequate funding for military training and readiness. If we are not able to increase the level of O&M funding in conference, the cuts in this bill mean that Congress must share responsibility with the Department of Defense for any training and readiness problems resulting from O&M funding shortfalls that DOD may experience in the next year.

On the third point, I am deeply disappointed that the Armed Services Committee has again filed to authorize a new base closure round, as requested by the Secretary of Defense, the Joint Chiefs of Staff, the Quadrennial Defense Review, and the Joint Chiefs of Staff. The Secretary's Report on Base Closures from Secretary Cohen contains almost 1,800 pages of backup material. It is responsive to those who said last year that we need a thorough analysis before we can reach a decision on the need for more base closures.

The Report reaffirms that DOD still has more bases than it needs. From 1989 to 1997, DOD reduced total active duty military endstrength by 32 percent, a figure that will grow to 36 percent by 2003. Even after 4 base closure rounds, the reduction in DOD's base structure in the United States has been reduced only 21 percent.

DOD's analysis concluded that DOD has about 23 percent excess capacity in its current base structure. For example, by 2003:

The Army will have reduced the personnel at its classroom training commands by 43 percent, while classroom space will have been reduced by only 7 percent.

The Air Force will have reduced the number of fighters and other small aircraft by 53 percent since 1989, while the base structure for those aircraft will be only 35 percent smaller.

The Navy will have 33 percent more hangars for its aircraft than it requires.

Secretary Cohen's report also documents the substantial savings that have been achieved from past base closure rounds. Between 1990 and 2001, DOD estimates that BRAC actions will produce a total of $13.5 billion in net savings. After 2001, when all of the BRAC actions must be completed, steady state savings will be $5.6 billion per year.

Based on the savings from the first four BRAC rounds, every year we delay another base closure round, we deny the Defense Department, and the taxpayers, about $1.5 billion in annual savings that we can never recoup by studying to death the question of savings from previous rounds. In his report on base closures last month, Secretary Cohen stated: ''More than any other initiative we can take today, BRAC will shape the quality and strength of the forces protecting America in the 21st century.'' General Shelton told our committee: ''I strongly support additional base closures. Without them we will not leave our successors the warfighting dominance of today's force.''

Admiral Jay Johnson, the Chief of Naval Operations, stated:

> This is more than about budgeting. It's about protecting American interests, American citizens, American soldiers, sailors, airmen, and Marines. We owe them the best force we can achieve. Reducing excess infrastructure will help take us there and is clearly a military necessity.

Mr. President, closing bases is a painful process. I know that as well as anyone. All three Air Force bases in my state have been closed, and we are still working to overcome the economic blow to those communities. We have heard a lot of complaints in the last year about inadequate funds for modernization or for readiness. I am sure that we will hear more such complaints in the next year. But we don't have much standing to be critical of DOD for underfunding important defense needs if we don't allow them to do what Secretary Cohen and the Chiefs have repeatedly said they need to do—close unneeded bases.

There are several other issues in the bill that concern me. I am disappointed by the committee's cuts in the Department of Energy's stockpile stewardship program, which Secretary Peña says will have a real and dramatic impact on our ability to maintain the safety and reliability of our nuclear weapons stockpile and undermine confidence in our nuclear deterrent. I am disappointed by the cuts we have made in the chemical demilitarization program, which may make it impossible for the United States to comply with our obligations under the Chemical Weapons Convention. And I am disappointed that we have funded several weapons systems for which the Department of Defense says that it has no current need. I look forward to amendments that will improve the bill in these and other areas in the course of our debate.

Mr. President, I know that there will be some vigorous debate on this bill, and I hope Senators will come to the floor and offer their amendments so that we can complete Senate action on the bill in a timely manner then go to conference with the House.

I must leave here for perhaps a half hour to an hour. I note that Senator CLELAND will be floor managing the bill for this side of the aisle. This is an important day for us. I know it is meaningful for him, but it is an important day for us and for this institution, and for this country to note that Senator CLELAND, who is truly a hero for all of us, is now managing this bill. I can't think of anyone I would rather have do that, anyone in whom I have greater confidence to protect this Nation's interest, as he always has, than Senator CLELAND.

I yield the floor.

AMENDMENT NO. 2399

(Purpose: To increase the amount for classified programs by $275,000,000, and to offset the increase by reducing the amount for Air Force procurement for the Advance Medium Air-to-Air Missile System program by $21,058,000, and by reducing the amount for Defense-wide research, development, test, and evaluation for engineering and manufacturing development under the Theater High Area Defense program by $253,942,000)

Mr. THURMOND. 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 South Carolina [Mr. THURMOND], for himself and Mr. LEVIN, proposes an amendment numbered 2399.

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

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

The amendment is as follows:

> In section 103(2), strike out ''$2,375,803,000'' and insert in lieu thereof ''$2,354,745,000''.
>
> In section 201(3), strike out ''$13,398,993,000'' and insert in lieu thereof ''$13,673,993,000''.
>
> In section 201(4), strike out ''$9,837,764,000'' and insert in lieu thereof ''$9,583,822,000''.

Mr. THURMOND. Mr. President, I rise to offer an amendment on behalf of the Armed Services Committee.

This amendment implements an agreement between the Armed Services Committee and the Intelligence Committee. Pursuant to this agreement, the Armed Services Committee has agreed to reduce by $275 million funds in the pending bill for nonintelligence programs and to increase by $275 million funds for the next Foreign Intelligence Program, which is also part of this bill.

The Armed Services Committee has considered the range and options for implementing this agreement, all of which involve making difficult choices to cut defense programs. After considerable deliberation, the committee has decided to reduce funding for the Theater High Altitude Area Defense Program by $250 million and the Advanced Medium Range Air-To-Air Missile System by $21 million. These funds are now assigned to these two programs.

Mr. LEVIN. Mr. President, the DoD authorization bill, as reported, includes a cut of some $550 million in classified intelligence programs. I serve on both the Armed Services and the Intelligence Committees. I am very aware of the tough choices that members of both committees have to make in discharging our respective responsibilities. However, I must say that the

magnitude of this cut to intelligence programs disturbed me, as it did other members of the Committee.

Based on these concerns, the Committee agreed during the markup of the Defense Authorization Bill to try to come to some compromise with the Intelligence Committee that would reduce the magnitude of this reduction. This amendment restores $275 million of the original reduction made by the Committee. I am glad that we have worked together to achieve this outcome.

The bulk of the funds to increase the level of intelligence programs in this amendment comes from one particular program, the Theater High Altitude Area Defense, or THAAD program. The THAAD program is designed to meet a theater missile defense requirement. I have supported theater missile defense programs like THAAD because we have a clear requirement for theater missile defense systems.

The THAAD program has had a number of testing failures, and two days ago, there was another unfortunate test failure in the program. Mr. President, this failure led the Committee to the conclusion that it would be appropriate to adjust the fiscal year 1999 funding for the THAAD system. While we do not know the full implications of this test failure, it is clear that it would now be premature for the THAAD program to move from the demonstration/validation phase of the program to engineering and manufacturing development (EMD) next year as proposed in the fiscal year 1999 budget. The Committee amendment to the bill implementing the agreement with the Intelligence Committee eliminates EMD funding for THAAD in fiscal year 1999, since it is unrealistic to expect THAAD to enter EMD during that period.

I must point out that the Committee is proposing that the Senate make this adjustment without prejudice to the THAAD program. I believe that the Committee will need to follow this program as we proceed to conference with the House on this bill. If it turns out that we need to adjust this position to one that is better for the underlying THAAD program, I will work with Chairman THURMOND to do just that.

Mr. SMITH of New Hampshire. Mr. President, I rise to address the committee amendment offered by the Senator from South Carolina and the Senator from Michigan. This amendment implements agreements made between the Armed Services Committee and the Intelligence Committee. Pursuant to this agreement, the Armed Services Committee has agreed to reduce by $275 million funds in the pending bill for non-intelligence programs, and to increase by $275 million funds for the National Foreign Intelligence Program, which is also part of this bill.

The Armed Services Committee has considered a range of options for implementing this agreement, all of which involve making difficult choices to cut defense programs. After consideration deliberation, the committee has decided to reduce funding for the Theater High Altitude Area Defense (THAAD) program by $254 million and the Advanced Medium Range Air-to-Air Missile system by $21 million. The $21 million in AMRAAM is now excess to program requirements as a result of contract negotiations between the Air Force and the contractor. The funding issue related to THAAD is more complex.

We have all heard the news of Tuesday's THAAD test failure. This was the fifth time in a row that THAAD has filed to intercept a target. Although we don't have the details, we know that there was an electrical failure in the booster which caused the missile to self-destruct early in flight. Whatever impact this may have on the long-term prospects for THAAD, judging by what we now know it appears that the THAAD program will not be able to enter engineering and manufacturing development (EMD) during fiscal year 1999.

In its markup of the Defense Authorization Bill, the committee expressed concern that THAAD might not be able to spend all of its EMD budget during fiscal year 1999 even if the recent flight test was a success. Therefore, the markup included a reduction of $70 million in THAAD EMD. This left $254 million in the THAAD EMD budget, $498 million in the THAAD Demonstration and Validation (Dem/Val) budget, for a total of $752 in fiscal year 1999 for THAAD.

With the recent test failure, however, it will be virtually impossible for THAAD to enter EMD during fiscal year 1999, which means that the remaining $254 million of THAAD EMD money cannot be spent.

I am very disappointed by the results of the THAAD test, but I continue to believe that this program is important and must be permitted to proceed. Therefore I believe that the Senate should support the full budget request of $497 million for THAAD demonstration and validation. Nonetheless, due to the circumstances that the THAAD program is now in, I believe the best course of action to take now is to disapprove funding for THAAD to enter EMD during FY99. I would remind the Senate that this would leave almost $500 million in the THAAD program overall.

I would like to emphasize that I fully support the THAAD program and I would not have supported this reduction if I felt it would in any way hinder current progress on the program. The THAAD program is a critical upper-tier theater missile defense program that has encountered a setback, but I have full confidence these programs can be corrected and the program can move forward to its next test.

Mr. THURMOND. Mr. President, this amendment has been agreed to on both sides of the aisle. I now ask for a vote on this amendment.

The PRESIDING OFFICER (Mr. ENZI). Is there further debate on the amendment?

Mr. CLELAND. Mr. President, our side supports the amendment. We think it is a good compromise. We think the staff and the committee did an excellent job of putting this together. It was a difficult choice. But we support the amendment.

I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2399) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I now turn to Senator COATS for recognition.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I thank the chairman for his recognition.

I want to also thank Senator LEVIN for the kind remarks he made about my service on the committee. It has truly been an honor for me and a privilege to serve for 10 years on the Armed Services Committee. I say without reservation that my service on that committee is the most enjoyable aspect of anything I have done in the U.S. Senate. It is a truly bipartisan committee working for one purpose: To strengthen our Armed Forces, and to strengthen our national security, and to provide our men and women in uniform with the very best that we can under obviously difficult budget conditions.

It is the first responsibility of government to provide for the common defense. We are proud of the work that our men and women in uniform have done—their dedication, their commitment, their sacrifice, their loyalty, their duty, their honor—all virtues which are in short supply in this country today. There are few institutions left that honor those virtues. The military is one of them.

It has been a great pleasure for me over the past 10 years to be a part of that, to help shape those forces to address the needs and concerns, to look to the future to see what is needed, and to hopefully put in place those programs and policies that will address those needs in the future. It has not been easy.

The decade of the 1980s was clearly a great time to be serving on that committee. We had a challenging and important time. We had a demonstrated need. We had a demonstrated bipartisan commitment to address that need, and we had the resources to accomplish that. It all culminated in the most extraordinary and outstanding victory in the history of warfare. The United

States' and the allies' performance in Desert Shield and Desert Storm was revolutionary in terms of the way warfare is dictated.

I will never forget the debate that we had both in committee and on the floor regarding what our participation should be in that situation, and the authorization for use of force, if necessary. Those were difficult times. We feared significant loss of life. And yet, the magnificent synergy of quality personnel, quality leadership, quality weapons, quality training, doctrine and command resulted in something that was truly extraordinary: A decisive victory in a very short period of time with minimal loss of life and injury—creating a dominant military the world has seldom witnessed in its history.

However, that was the culmination of the decade of the 1980s. Those were decisions that were made during the 1980s in terms of how we structure our forces, what kind of training and equipment we provide them, how we develop our leadership, and how we bring all of that together. The 1990s have been a different story. It has been a time of budget constraints. It has been a time of very significant cutbacks, a time of rejoicing over the fall of the Berlin Wall, over the fall of the Iron Curtain, the demise of a nuclear superpower that was challenging us for world superiority, not that we were looking for that, but that it was a triumph of an idea, a triumph of an idea of freedom, the concept of freedom, and an economic concept of free enterprise over totalitarianism and Marxism. That, obviously, led to major changes in the way we structured our defense.

The decade of the 1990s has been a transition period, a period in which budget limitations have driven very significant changes, a period in which the Department of Defense has contributed more to the elimination of deficit spending than perhaps all of the other aspects of Government combined. The little-told story about why we now have a surplus with our budget, why we have been able to control Government spending, is the contribution of the Department of Defense to that achievement. That contribution has overwhelmed all other contributions put together. The roughly 30-percent to 40-percent declines in spending in real dollars, the substantial downsizing of the military, the substantial downsizing in procurement, the substantial savings that have been achieved over what we would have had to spend had we maintained our military defense spending at the level of the 1980s, has made the most significant contribution to deficit reduction. And we shouldn't forget that fact. That has happened with a truly bipartisan effort.

So it has been a joy for me to work with my colleagues, Republican and Democrat, on these issues. Have we had differences of opinion? Yes. Have we had difficult debates? Closed-door debates? Yes. But in the end we have always forged a consensus, and we have done so because foremost in our minds was providing for the common defense in an effective way and looking out for the needs and the interests of our service personnel.

Mr. President, let me just briefly comment on the fiscal year 1999 defense authorization bill that has just come out of committee and that we are addressing here on the floor. First of all, I want to start with quality of life and briefly touch on that.

I served for 4 years as ranking member and 2 years as chairman of the Personnel Subcommittee.

While I still serve on that committee, I no longer am chairman. I will leave much of the details of what that committee has done to Senator KEMPTHORNE and the ranking member. However, I view this as the No. 1 priority of the committee in establishing our budget because no weapon, no doctrine, no training manual, nothing can take the place of quality personnel. And so our goal has been to attract the very best we can, to retain those personnel, and to provide them with the essentials of what they need, and to provide for them a standard of living that is commensurate with their sacrifice.

Let me say that no standard of living that we can provide is commensurate with the kind of hours and the kind of sacrifice and the kind of commitments that are made by our military personnel, but we try to do the best we can. Over the years they have been shortchanged in terms of housing. They have been shortchanged in terms of pay. And they have been shortchanged in terms of benefits. We have tried to make up for some of that. It is certainly better than it was but nowhere equal to the kind of commitment and the demands that we ask of our military personnel. Yet, day after day, year after year, they continue to provide the kind of effort and the kind of service that is unheard of in the private sector, and we owe them a great debt of gratitude as a Nation. It means that we need to keep their pay consistent with pay on the outside.

Today, we are attempting to attract people who are skilled in technical areas, who have the capacity and the capability and the training and the experience to employ today's modern military equipment using today's advanced operational concepts. It is not just simply foot soldiers carrying heavy loads, walking through the mud, although that will always be an essential part of our military as it needs to be. But it is that foot soldiers and everyone else involved in our military are today operating very sophisticated, modern equipment. They need to think on their feet. They need to have capabilities in terms of information processing, in terms of utilizing the latest in technologies, in weapons and computers and information sources that are commensurate with what is needed in the private sector.

And so we have to have the incentives in place, and pay in place to allow us to compete, and to attract and to retain these personnel.

In that regard, we have provided in this bill a 3.1-percent pay raise for military personnel. We also provide an increase of $500 million in military construction projects, $164 million of which will fund barracks, dining facilities, and military housing. If there is a shortfall in terms of what we have done for our troops over the years, it is military housing. Much of it, nearly two-thirds of military housing is substandard, substandard by military code, military, not commercial standards —and the military standards in many cases are not up to the same level as private standards—and yet year after year we ask our military families to live in this housing. It is inadequate housing, it is substandard housing, and they do so without complaint. We owe it to them, to the single soldiers and airmen and marines, men and women, and to their families. We owe it to them to give them affordable, decent housing.

We are underway with an initiative that was started by Secretary Perry to, in many cases, privatize or leverage the ability of the Department of Defense to utilize private contractors to provide military housing in arrangements which allow us to make maximum use of the funds we have, to leverage those funds in the way that the private sector leverages their money to address this housing shortfall, and so we are underway with that.

Health care is another major issue. I won't go into that. I will let Senator KEMPTHORNE address that. This is a major concern of our military personnel, something that needs to be addressed. We are in the transition period with that also, and there are many questions that need to be answered. We attempt to do some of that in this bill including the direction of three health care demonstrations for our military retirees who are Medicare eligible: one related to FEHBP; one related to TRICARE; and one related to mail order pharmacy benefits. I support these initiatives, but more needs to be done.

Let me now talk about readiness. The bill also adds over $400 million to the readiness account levels requested in the President s budget for our Active and Reserve Forces. We are all aware of the demand on readiness with our commitments overseas—Bosnia and the Persian Gulf, to name just two, and there are many, many more. These are stretching our capacity. These are costly. They affect our readiness and our ability to sustain the preparedness of the force. And we need to understand that this is a major concern which should be continually monitored and addressed by the Congress.

I want to focus most of my comments, though, Mr. President, on the modernization question. For years we have deferred modernization of our

weapons systems and of our equipment—trucks, radios, and basic equipment. We have deferred that modernization because we have not had the resources available to fund quality of life, readiness, all other aspects of our national defense such as research and development, as well as the modernization of weapon platforms and systems.

Now, this underfunding of modernization was done with the understanding that by fiscal year 1998, which we are now in, and we are dealing with the 1999 fiscal year with this budget, we will have ended this pause where we have downsized our modernization spending by as much as 70 percent over previous levels. And the understanding, the promise, was that this administration would bring procurement back to at least a $60 billion a year procurement level in fiscal year 1998 in order to replace aging tanks, aging planes, and aging equipment. This is what was originally programmed and projected. Not all of us thought that was attainable. We thought that we were doing less than we should. We were able to secure some funds to plus-up some of that modernization in the past but at levels far below what was recommended to us by experts outside the military and by military personnel who were looking at this question.

Well, here we are with an increased modernization budget but still at a $50 billion level, not the $60 billion level we were supposed to have achieved last year. So, again, modernization accounts remain on the margin. We are unable to modernize in a way that we believe is most effective from a cost standpoint and from a requirements standpoint. We have increased procurement in some areas. And I think we appreciate the ability to gain some extra funds for that, but I just want our colleagues to know there is no basis on which to come to this floor and criticize the Armed Services Committee for spending too much on new systems. We are still spending too little on the modernization of our military forces. We are below what the Department of Defense has told us, well below what they have told us is required to replace the aging weapons systems that we currently use, and recapitalize our joint warfighting capabilities.

Several of these modernization issues come through my committee. I am privileged to chair the Airland Committee. Let me just talk about some of these major procurement items.

First, the land portion of this—land power. The committee has held hearings on land power, and we are pleased to note that the Marine Corps advances in urban warfare experiments and revolutionary expeditionary capabilities with the MV22 and the AAAV seem to be on schedule. They are important in the future.

We are also pleased that the Army is moving forward to consolidate gains it has learned from its Force XXI process. And that the Army says it is investigating the transformation to the faster, smaller, more lethal and more deployable force structure it will need in the 21st Century. But the Army's modernization strategy to pursue this modernization is short particularly in some of the less glamorous areas of aviation, armored vehicles, and trucks. The committee has added provisions which address these issues. Again, there is not as much procurement for landpower as we would like, but at least we are moving in the right direction.

I want to say, Mr. President, that we have also made some very significant progress in this whole question of addressing Reserve component modernization. Thanks to the fine work of Senator GLENN in particular, and committee and staff, we have for the very first time structured what I believe is a coherent process in determining Guard and Reserve procurement. For the first time, the budget request by the Department has included a substantial amount of funds for National Guard and Reserve procurement—a $1.4 billion level, which is a 50-percent increase over last year. Our mark adds to this another $700 million.

But the important point to note here is that all of the additions that we have added for the Army Guard were requested by the Army Chief of Staff, including Blackhawk helicopters to enhance tactical airlift, new and remanufactured trucks that improve our transportation capabilities and reduce operating costs, and radios that enable the Guard to integrate with the Active Army's tactical internet. Clearly, the Senate's bipartisan efforts in this regard have had a very positive effect on the whole concept of total force integration.

As we look at limited defense budgets on and over the horizon, and as we look at ways in which we assess the threats of the future, and at our ability to deploy, and at the cost of those overseas deployments, and at our ability to preposition equipment, and at, perhaps, the denial of access to facilities overseas—to landing strips, sea ports, and bases—we need total force integration across our Active Army, and our Army Reserves, and our Army National Guard. And in order to accomplish that, we need to dispense with the former practice of making the Guard and Reserve budget requests a secondary priority to that of the Active Army, but to make them an integral part of the budget request sent over from the Department of Defense. The Department needs to assess what the Reserve components need, and they need to tell us that in the budget request, and then we need to look at that as an integrated requirement, rather than as two separate entities.

We have begun, under the prodding of the SASC, that process of total force integration and taken a significant step forward this year. I commend the Department for doing that and we need to do more for total force integration in the future.

Let me talk about TACAIR, tactical aircraft. We have held a number of hearings on TACAIR to assess the status of the F/A18–E/F, Super Hornet and the F–22 Raptor. The Navy and the Director for Operational Test and Evaluation provided their assessment that the Super Hornet's, the F/A18–E/F, the wing-drop and buffeting issues have been fixed, and that the program should proceed with production as planned. This authorization supports those funds requested for the F/A18–E/F.

These issues with the Super Hornet were not as serious as many had thought. They were, really, reported as being more serious than they were. However, they were issues that needed to be addressed. The Department of the Navy and the contractors have successfully addressed these issues, and I am pleased that the F/A18–E/F program will proceed as planned.

Now, let me speak about the F–22. Last year I spoke on the floor at length about my concerns with F–22 cost overruns and demonstrated performance. And I want to state for the record here, up front, I address these issues as a supporter of F–22 development, not as a critic of the F–22. And I spoke last year because was concerned that if we don't keep our arms around this issue and keep a good, clear oversight of the issue, the F–22 may run into very serious problems in terms of funding and in terms of support for that funding. And I don't want to jeopardize that. Based on the testimony of the Air Force and the assessment of the General Accounting Office and other entities, there are many who share a deep concern over whether or not we can maintain support for the F–22 if costs continue to escalate toward $200 million per aircraft. So we need, and we ask for, adequate demonstration of performance and cost control.

The bill that is before us authorizes the requested F–22 funding levels. I want to repeat that. The bill before us, for those who are supporters of F–22—and there are many here, because it is a marvelous new leap-ahead technology that is important for our national security and our national defense in the future—many support this marvelous new development in technology that is going to provide the basis for Air Force air dominance capabilities in TACAIR for many, many years in the future. We have authorized every penny that has been requested for next year's budget in order to continue developing the F–22. But we have put some key oversight provisions in place that will help the Congress and help the administration keep the program on track. And the reason we have done this is because there is a great deal in jeopardy if we don't do that.

Several things could happen if we cannot control F–22 costs, none of which are good. One, we could end up treating F–22 as we ended up treating B–2, another leap-ahead technology that provided us with one of the most

amazing developments in long-range strategic aircraft that any nation has ever enjoyed. But we ended up producing far fewer than what we had planned because the cost per copy had escalated so high we just simply couldn't afford to produce more. While the threat today doesn't necessarily justify additional B–2s, the threat of tomorrow could and we won't have those planes. We don't want that to happen to the F–22.

Second, we could lose support for other key systems that are necessary to provide for our future defense needs, such as carriers, Comanche, V–22. We could jeopardize those systems if the cost overruns for F–22 escalate to the point where we are spending more money on that program, and we have to take it from somewhere else. And I am afraid we would have to take it from these key and necessary weapons platforms that we require in the future.

Or third, we could lose the ability to produce what we need of the Joint Strike Fighter. The Joint Strike Fighter is the complement to the F–22 that is coming on at a later date. It is currently in its early stages of its engineering and manufacturing development, and we could jeopardize this program if F–22 costs grow. The reason why we cannot allow that to happen is that the Navy and the Marines are absolutely depending on the Joint Strike Fighter to provide stealth and to address their other TACAIR needs for the future, just as the Air Force is depending on F–22 to address their needs.

In fact, the Marine Corps has staked their entire TACAIR future on Joint Strike Fighter. So we have to be careful that we preserve our ability to go forward with the conventional variant, the carrier variant, and the short takeoff / vertical land (STO/VL) variant of the JSF. And that is why we have placed some prudent oversight provisions on F–22.

Here is what we have done and here is why we did it. When we reviewed the F–22 program, the Air Force planned F–22 flight tests beginning in May of 1997 with a contract award for the Lot I production scheduled in June 1999. Lot 1 is the first two production planes, which are followed by a Lot 2 of six aircraft. And this gets a little esoteric here—they planned for that contract award for June of 1999 when there would be 601 hours of flight testing complete, which is 14 percent of the total flight-test program.

The 14 percent is an important threshold because the Defense Science Board Report of 1995 on the F–22 production noted that most of the ''program killer''—how they describe it, ''program killer'' problems are usually discovered in the first 10 to 20 percent of developmental flight tests.

Our experience in the past has demonstrated that somewhere in that 10- to 20-percent range we find the kind of problems that can potentially terminate or cause major modifications to the technical specifications of the program that are so significant they don't justify the expense to go forward and fix the problem. You almost have to go back to page 1 of the program, and obviously that puts it in great jeopardy. So we were concerned that before we execute a contract for production, we reach a threshold level of testing, flight testing that would give us some assurance that executing that contract would be wise—a wise business decision, and a decision in the best interests of our taxpayers, but also in line with our defense needs before we executed that contract.

Unfortunately, this F–22 flight testing program has had to slip. The first flight was nearly 4 months late. Instead of May of 1997, it was in September 1997. Another test flight had to be canceled. To date, only 3 hours of flight time have been accumulated. In addition, the program is experiencing manufacturing delays of up to five months. And we have already had the previous assessment of a Joint Evaluation Team of Air Force and industry experts that concluded the F–22 program would significantly exceed its cost estimates and that it should be restructured to reduce risk. This caused us to reallocate a very significant amount of funds, $2.2 billion, to get the program back on sound footing.

Yet, despite all these problems, the Air Force wants to move the contract award not back, not to keep it at the same level, but to move it forward 6 months when the program hopes to have only 4 percent of its flight testing

We have had a lot of debate about this. We have had hearings. We have heard from the contractors. We have heard from the Air Force. We have heard from outside witnesses. We have heard from experts. We have debated among ourselves. And I believe we have reached an acceptable consensus as to how we ought to address this particular problem.

We need to address it because the obvious answer, the first answer that comes to mind, is, ''Well, let's just delay; let's just delay until they get to 14 percent.'' I wish it were that easy. Delay means that the prime contractors have to cease a schedule of lining up subcontractors, of establishing production lines, of hiring workers—a myriad of tasks that have to be accomplished, people who have to be hired, procedures that have to be put in place—and that delay costs a great deal of money and can break the production base of the program.

We have had this very complicated schedule to put together. We are talking about one of the most complex and difficult development processes and production processes that anybody can imagine. This involves a great deal of effort, time, and cost. To delay that incurs considerable risk and considerable cost.

By the same token, going forward without adequate testing produces a great deal of risk—risk that the F–22 will not turn out as we hope it turns out, risk that the flight testing between the current level, the 4-percent level, or the 14-percent level will turn up something that is a showstopper, that is a ''program killer.'' So we are trying to balance this risk against the cost of delay.

In addition to this, there has been a very complex set of negotiations that have taken place with the Air Force and the contractor, in particular, that imposes a fixed-price contract for these initial production aircraft. The Air Force states: ''This is all the money you are going to get. No matter what problems come up, we're not going to give you more, so you have to operate under the fixed-price contract.''

The contractor comes back and says: ''Well, if we have to operate under the fixed-price contract, you can't delay the contract, because there is no way we can meet the goal of producing what you want us to produce at the time you want us to produce it under the cost cap that you have imposed on us if you delay the contract and production process.''

So all of this has to be put into the mix and a decision must be made in terms of how we proceed.

This is what we decided to do: No. 1, we are going to approve the budget request for the full funding of continued development for the F–22. However, we are going to put what we call a fence—that is, we are going to put some of the what we call long lead money, money that is going to be spent in the future on items that allow us to prepare for production—we are going to put that money in a category which says it will not be released for expenditure until a couple of things happen.

First of all, I need to point out, we are going to go ahead and produce and buy the Lot I series of F–22 which consists of two aircraft. We are going to keep that on schedule. There are no restraints on that, no holds, no fences, no conditions. This is underway. We need to proceed. We are going to buy those first two planes.

Lot II consists of the next six planes. What we are going to do is say that advance procurement of lot II F–22s, the next six aircraft, cannot commence until we reach a threshold level of 10 percent of testing, which is the minimum that was specified by the Defense Science Board back in 1995—not the 14 percent, but the 10 percent. Remember, they gave us the range of 10 to 20 percent. We thought 14 percent was an adequate number. We are going to drop that down to 10 percent. That is the minimum. So there is still risk, and we are trying to minimize risk and balance risk against cost.

We are going to fence that money until 10 percent of testing is complete or until the Secretary of Defense certifies to us that a lesser amount of flight testing is sufficient and provides his rationale and analysis for that certification. And we are also requiring the Secretary to certify that it is financially advantageous to proceed to

Lot II production, aircraft three through eight, rather than wait for completion of the 10 percent of the currently planned test schedule.

That last portion is something Senator LEVIN suggested. The first portion is what I suggested. The two together, I believe, form a good basis for us to impose upon the Secretary of Defense a certification and verification process that provides us the necessary assurance that they have kept their eyes on the program, have determined through testing that if that level is 8, 8½, 9 or 9½, that is sufficient. There is no magic to the 10-percent number. Again, it was selected because the Defense Science Board set it as its minimum. However, we have new production techniques, we have new manufacturing processes in place for this plane, which have never been done before. And if we can, through simulation, if we can, through other procedures, determine that we have adequate information relative to the performance and capabilities of this plane to go into production at a lower level of demonstrated performance, then the Secretary can certify that for us.

He can't do that if the flight testing is less than 4 percent. We have to get to at least that level. Of course, that is the level suggested to us by the Air Force as necessary, and that is the level they currently plan to achieve before contract award. Those are the necessary flight test hours that are required to move up the contract award 6 months.

Those are the committee's efforts to try to balance risk with excess cost for delay and put in place a process that will give us the opportunity to have the oversight and to force the Secretary of Defense to keep his focus on the F–22 program and on any kind of cost escalation that might jeopardize the program.

We have reached this accord with the significant help of members on both sides of the committee. The committee was unanimous, Republicans and Democrats—unanimous—that this is the procedure that we ought to put in place. So there is complete bipartisan support for this effort.

I am urging my colleagues, and I have already had discussions with some of our House colleagues about why this is important. This should not be an item for compromise. We have made some very, very tough decisions here.

Mr. President, in moving away from TACAIR, let me talk for a moment about defense transformation, something Senator LIEBERMAN and I have worked on diligently in the past several years. I am pleased he has joined me on the floor, and I know we will hear from him about this when I am finished.

Defense transformation is, I think, a necessary process to address the threats of the future and to have the capability to deal with those threats. What happens under defense transformation will bear fruit 10 or 15 or 20 or more years from now. Just as the astounding success of Desert Storm was the result of decisions made in the late seventies and throughout the eighties, the successes that we can achieve in addressing threats of the future in the year 2014 or the year 2020 or beyond will be determined by the decisions that are made today, and in 2001, and 2003, and 2007.

Those decisions—in terms of the kind of platforms and equipment that we purchase, in terms of the kind of doctrine that we develop to address those new threats, in terms of the kind of forces that we structure, in terms of the kind of assessments that we make of those threats and the response to those threats —those decisions will be made now and in the next several years. And we will understand the significance of that well beyond the time that most of us will still be in the U.S. Senate.

But we owe it to the future—just as those who made the decisions in the late 1970s and in the 1980s provided for the future success of our national defense strategy in the late 1980s and 1990s—we owe it to the future and future generations to make the right decisions now.

We know that the threats of the future will be different than the threats of the past. Few, if any, tyrants or dictators or world leaders will ever again amass forces in a desert situation and line them up in traditional warfare and take on the capabilities that the United States demonstrated during the Gulf War.

No dictator is going to pour tens and hundreds of billions of dollars into building the kind of defense structure that the United States annihilated in Desert Storm. They are going to be looking at different types of threats, threats that we call asymmetric, not what is typical, not what we expect, not the war of the past, but the war of the future.

Historians will tell you that those who fight wars based on the last war lose the next war—because their adversaries are always adjusting, always evaluating and transforming. We saw that with Blitzkrieg; we saw that in naval aviation and a number of ways throughout history. The last thing we want to do is maintain the status quo, because the status quo will not be adequate to address threats of the future. So defense transformation is necessary. It is necessary to prepare us for the future. But how do we transform our military capabilities?

The Armed Services Committee has focused on this issue. A couple of years ago we authorized what we call the Quadrennial Defense Review (QDR). It simply means once every 4 years there is a review of the threats, and the processes and capabilities we have put in place as the means by which we address those threats. This QDR was an internal process. It was a process that takes place within the Department of Defense.

We believe there needs to be an ongoing, continuing process, a continual update and assessment of the threat, and how we address that threat, and what changes need to be made, and what structures need to be imposed in order to successfully address those threats in the future.

With that, we combined the QDR with a process which we labeled the National Defense Panel (NDP). It was a selection of outside experts who took a look at the same situation, a second opinion, if you will. Faced with a serious disease, people should—and I think in most cases do—get a second opinion. We don't just go to the very first doctor and say, ''Well, that sounds good. Let's go ahead.'' And we should treat our national security the same way. ''This is so serious, potentially life threatening, I want a second opinion before I make a decision.'' The NDP was our second opinion, but it was an outside opinion.

We worked closely with Secretary Perry, Deputy Secretary White, and others to fashion how we select these individuals for the NDP, and how we put this process together. It was led by Phil Odeen, chairman of the National Defense Panel, and with distinguished and recognized outside thinkers, experts, and experienced people with military background and training.

That panel produced an extraordinary report which ought to be one of the blueprints for the future. We have combined this external NDP process with the internal QDR process to try to lay out an assessments of where we are, where we are going, and how we will get there. Our defense authorization bill this year includes a sense of the Congress on a key process at the foundation of fulfilling some of these requirements—the designation of a combatant commander who has the mission of developing, preparing, conducting, and assessing a process of joint warfare experimentation.

This joint warfighting experimentation is at the foundation of this whole defense transformation. Basically, what this process says is that before we rush into what Senator COATS or Senator LIEBERMAN or the Armed Services Committee, or even the Chairman of the Joint Chiefs or the Secretary of Defense, thinks is the direction we ought to go, let us test it, let us test some ideas, let us experiment, let us look at how we develop all of this, let us take the good ideas and throw out the bad, let us not just commit to something that turns out 4 or 5 years from now to be the wrong item or the wrong direction.

Secretary Cohen is reviewing currently, for his signature, a charter which would assign the mission of joint warfighting experimentation to a combatant commander, the Commander in Chief of US Atlantic Command (USACOM) in Norfolk. We have met with Secretary Cohen. And we met with General Shelton and Admiral Gehman, the CINC of USACOM. They

have worked with us to craft this language. We have their full support.

We are not going forward here thinking that we know all the answers to these issues. We are not the experts. We have some ideas and we would like to move them forward. And we have bounced them off the Department. And we have worked together. And we have structured something which we agree on. I visited USACOM. I visited their joint training and simulation center, and their joint battle lab. And I can report, Mr. President, that progress is being made to develop the foundation for this joint experimentation process.

The Senate, I believe, has been keenly aware of the need to transform our military capabilities to address the potentially very different challenges we are going to face in the future. The National Defense Panel report argues that these challenges—which include things such as challenges in power projection, information operations, and weapons of mass destruction—can place our security at far greater risk than what we face today.

Correspondingly, the NDP recommended establishing this combatant command which will drive the transformation of our military capabilities through this process of joint experimentation. The NDP testified that the need for this joint experimentation process is ''absolutely critical'' and ''urgent.'' I am pleased that the Department of Defense has been so cooperative in working with us in helping to establish this new mission for a command and this new process. The resounding consensus from several hearings on defense transformation that we have held in the committee support the combination of joint and service experimentation as the foundation for the transformation of military capabilities to address the operational challenges of the future.

So we are taking joint and service experimentation, and combining our efforts, those best efforts and forces of our services and of our unified commanders, along with individual service experimentation initiatives—Force XXI, Sea Dragon—and a whole number of other joint and individual service processes, and looking at ways in which we take the very best insights as the basis for developing our capabilities for the future.

This process of experimentation is designed to investigate the co-evolution of advances in technology, with changes in the organizational structure of our forces, and with the development of new operational concepts. The purpose of joint experimentation is to determine those technologies, those organizations, and those concepts which will provide a leap-ahead in joint warfighting capability. Just as we are looking to leap-ahead technologies in platforms, aircraft carriers, joint strike fighters, et cetera, we are looking for leap-ahead development in concepts, and in doctrine, and in force structure.

As I said earlier, it is just as important to select winners as it is to determine losers. Under joint experimentation, failure can be a virtue. We know everything will not be a success. We do not want to reward failure, but we want to recognize failure as important to determining what works and what does not. The worst thing we could do is make a commitment to a major change in doctrine, operational concepts, weapon systems, or force structure only to find out that it does not address the relevant threats of the future. It is through experimentation that we can distinguish the true leap-aheads in capability, from those that fall short.

Identifying these failures will be just as important to our achieving success in transformation, as identifying the leap-aheads themselves because it will allow us, in a time of limited budget, to deploy and to utilize our resources in the most effective way.

We cannot afford to do what we did in the 1980s. The threat was so great, the work that we had to do was so needed, the status of our defense forces and our national security was so at risk, that we had to risk failure to determine success. But we had the budget to accommodate this failure if we had to. We had the budget to experiment and still develop all the potential systems. We don't have that luxury anymore. We don't have the kind of funds that were available in the 1980s. Therefore, we must be selective. And therefore we must have a process which allows us to determine what is the wisest course of action to take.

Mr. President, previously in our history this country has found itself unprepared for the threats we have faced at the outset of war. With God's grace and with the magnificent commitment and response of the American people, we have always rallied to eventually overcome these threats to our freedom.

That was always done at a cost, not only the fiscal cost to the taxpayer, but the cost in terms of the lives of young people who made the ultimate sacrifice for our country. We are currently contemplating the construction of a World War II memorial down on The Mall. It will join the Vietnam memorial. It will join a tribute to the Korean war. It will join other monuments to wars that this country has fought which ought to sober all of us and remind us of the tremendous cost we had to pay in order to secure and maintain our freedom, and to provide freedom for millions of people around the world.

Previously in this nation's history, we have found ourselves unprepared for the threats we faced at the outset of war. Because we were unprepared, we were vulnerable. Because we were vulnerable, we were exploited. And we had no choice but to respond. We did so, but we did so often at a terrible cost. It was worth the cost because we have maintained our freedom and we enjoy that freedom today. But we desperately want to learn from our history how to avoid those circumstances. And the tragedy that we should have learned is that being unprepared for the threats we face at the outset of conflict results in the need to build significant memorials to those who sacrifice their lives, and to those whose lives were correspondingly changed forever—those families, those relatives, those friends. All this because we failed to prepare for the relevant threats that confront us.

We desperately want to avoid this situation. We know we will be facing different threats in the future. We know that the way we are currently constituted doesn't necessarily prepare us to address those threats successfully. Obviously, the most successful thing we can do is ensure we are never vulnerable to be exploited in the first place—to be so prepared and to be so strong that no adversary desires to take us on. For us to achieve this preparedness, it is going to take a transformation in thinking. And it is going to take a transformation in structuring our military forces and in our operational concepts for us to be prepared to address the threats of the future. The joint experimentation program is one piece of the puzzle in terms of how we transform our capabilities to do that, and this bill supports that effort. In short, joint experimentation is essential to ensuring that our Armed Forces are prepared to address the security challenges of the 21st century.

In conclusion—I have taken a long time—the bill makes great strides in improving quality of life, readiness, and modernization of the force. And this bill also lays the framework for the transformation of defense capabilities to address the operational challenges envisioned in the 21st century.

I want to acknowledge and thank the distinguished service of our chairman, Senator THURMOND, who has provided such diligence and tremendous effort as chairman of this committee. He has been a member of the Senate Armed Services Committee for nearly 40 years. This will mark his last defense authorization bill as chairman of the committee. He will always be chairman in our hearts, and chairman emeritus of that committee, and will continue to make significant contributions. What a privilege it has been for this Senator to serve under this distinguished leadership of this distinguished member who has given so much to this committee!

I also thank Senator GLENN for his support and stewardship of defense issues in this, our last defense authorization bill. People have said, ''What has happened to our heroes in this country?'' JOHN GLENN is a genuine American hero—first to orbit the Earth, and now, at the age of 77, at the termination of a distinguished Senate career, he will climb back in the shuttle and orbit the Earth once again. I think that is one of the most remarkable achievements of this century. And we recognize him for that.

Senator LEVIN, as ranking member, has made an outstanding contribution

to our efforts. Many others, up and down the committee, have also played very significant roles in this. Again, I say this is a truly bipartisan effort.

Finally, without the support of our staff, this could not have been accomplished: Les Brownlee, staff director; and his counterpart David Lyles as minority staff director; our committee staff, Steve Madey and John Barnes who have been so helpful to me on the Airland Subcommittee; Charlie Abell, who I think is on the floor here, was so helpful to me during my time as Personnel Subcommittee chairman.

My personal staff—Frank Finelli, Pam Sellars, Bruce Landis, Sharon Soderstrom, and others—has been so helpful. I couldn't do it without their help.

And in closing, I wish to state that this defense bill has my full support, and I strongly encourage all members to support it.

PRIVILEGE OF THE FLOOR

Mr. COATS. Mr. President, in that regard, I ask unanimous consent Bruce Landis, a fellow in my office, be granted floor privileges throughout the consideration of this bill.

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

The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Indiana. First, he has delivered a magnificent address on the importance of the Armed Services Committee work and defense in general.

Next, I want to commend him for the long, faithful service he has rendered to this committee. I don't know of any member of the committee that has worked harder and has stood stronger for defense and has been more knowledgeable in accomplishing what we have been able to do than the able Senator from Indiana. He is truly an expert on armed services matters. I wish him well in all that he does in the future.

I regret that he has seen fit not to run again. We will miss him here. A vacuum will be created. It will be hard to fill. He is such a fine man, such a knowledgeable man, and such a dedicated man. I want him to know that our country appreciates what he has done.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent floor privileges be granted to John Jennings, a fellow in my office, during the pendency of this defense bill.

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

The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise today in support of the fiscal year 1999 defense authorization bill.

I do want to add my own voice to those who have offered thanks and praise to the leadership of our committee, the distinguished chairman, the Senator from South Carolina, the Senator from Michigan, who have worked together as chairman and ranking member to do exactly what Senator COATS said earlier, which is to build a strong, bipartisan—in many ways, nonpartisan—effort to meet the defense national security needs of our country.

We used to say, and sometimes we are still able to, that partisanship stops at the Nation's borders, at the water's edge, when we enter foreign policy, defense policy. It could also be said in good measure that partisanship stops when we enter the rooms of the Senate Armed Services Committee. I thank the leadership of this committee for making that possible.

I want to pay particular tribute to Senator THURMOND, who is an American institution, a figure that looms large in our history, who, as we all know from personal service with him, manages to do what they used to say only about wine, which is that he gets better as he adds years. He is not only informed and experienced and committed; the truth is, he is a great patriot. In so many ways that will never be visible, his leadership has strengthened the security of the United States of America in the world. It has been a great honor to get to know him at this stage of his career, to work with him, particularly on the Armed Services Committee, to thank him on this historic occasion as he manages the last of these armed services bills through the Senate. The nation is in his debt, deep debt. I think all of us who have served with him are very proud that we have.

This is a person who, in the hurly-burly and sometimes mean-spirited world of politics, never seems to have anything but a positive word to say—certainly, toward his colleagues. In addition to all of the substance that I have talked about, that notion of spirit is one that I deeply appreciate.

Mr. President, while we are talking about members of the committee, I do want to thank Senator COATS, the Senator from Indiana, for the remarkable statement he has just made—eloquent, thoughtful, informed. He has made a tremendous contribution on this committee. It has been a real pleasure to work with him on a host of issues. In our case, it almost seems that I don't have to say ''across party lines,'' because we never thought about that; we were focused on common interests.

We got interested in this business of the military transformation when we were both invited, on the same day, to a day-long seminar that a think tank in town was holding on national security. We spoke at different times during the day. We had not talked to each other about the fact that we were on the same program, and we both essentially gave the same speech about the challenges facing our military—that in a world where we have faced a remarkable range of challenges, post-cold war revolution, technology, and fiscal resources constraint we had to begin to think about how to stay with it and produce the most cost-effective defense we could. From that coincidence, we began to work together on some of the elements of this authorization bill that Senator COATS has spoken of and which I will get back to in a moment. I wanted to thank him, while he was on the floor, for his tremendous contributions, and in a personal way, thank him for the partnership that we have had, which has also become a friendship. I hate to see him leave; I am going to miss him, and the Senate will miss him. I know that wherever he is, by his nature, he will be involved in public service. I wish him Godspeed in that work.

Mr. President, I rise to support the bill before us because I believe it is a very responsible bill. It is a bill that adequately provides for our Armed Forces, which is our constitutional responsibility, fully in accord with our duty of raising Armed Forces to protect our Nation. After all, it is one of the primary responsibilities that motivates people to form governments, and I think this bill continues to carry out that responsibility, uphold that duty in a way that is measured and as best we could do under the circumstances. It has never been easy to make the choices that are necessary to make when one deals with national security. I would say, having been honored to be part of this process on the committee, that it has been even harder than normal this time, because we have been working with very severe fiscal constraints.

Senator COATS made the important point—one that I think is little appreciated here in Congress and, more broadly, around the country—that as we have worked very hard to bring our Federal Government books into balance, the real contributor to that balance in reduced spending has been the defense side of the budget. That is the fact. Sometimes people look at the amount of money we are authorizing and appropriating for national security and say, ''You folks don't understand that the cold war is over.'' Believe me, we understand, and the programs have been constricted, have been in some ways squeezed, and even strangled occasionally to live within the constraints, to give what we have been asked to give to help in this great effort that is now successfully achieved—to balance our budget.

Lets talk specifically. By my reckoning, this is the 14th straight year in which our defense authorization and the spending to follow has declined in real dollars. We are spending a smaller percentage of our gross domestic product on defense today than at any time since prior to the beginning of the Second World War. I know the cold war is over, but the reality is that the world not only remains an unsettled and dangerous place—as we have seen in the last few days with the nuclear explosions in India—but that our military, in many ways, is operating at a more

intense and faster up-tempo than it did during the cold war. And the limitation on funding that we have imposed on ourselves has made it difficult to do all that we need to do, has made it difficult to provide for our personnel as we want to provide for them, and has put us in a position to push them at a very intense level, leading some to leave.

As is well known, Mr. President, the Air Force particularly is seeing a significant departure of pilots. They have invested a lot of money in training, pushing them at a very hard pace, and more and more of them are just reaching the conclusion that, well, I love my country, I love to serve, I have been trained to do this, I love being a pilot for the U.S. military, but my family can only take so much; it is time to leave and get a much higher-paying job in commercial airlines and have more time with my family.

So this steady constriction of our spending on the military has had an affect on us. This budget is 1.1 percent below the rate of inflation. The budget that we put before you, the authorization bill, S. 2057, is 1.1 percent below the rate of inflation. That means more pressure to get more out of what is being provided. It is having an affect.

Let me describe one area I am particularly interested in, because I have had the privilege of serving as the ranking Democrat on the Subcommittee of Armed Services on Acquisition and Technology. It is a pleasure to serve with the Senator from Pennsylvania, Mr. SANTORUM, who has done a superb job as chairman of the subcommittee. There are no partisan differences here. We both agree that there is a dangerous trend in our investment in science and technology. It has often been said, but it bears repeating, that we are some distance from the great victory we achieved in Desert Storm and the Gulf war. The remarkable technologically and sophisticated weapons system that so dominated the enemy in that war didn't just spring out of nowhere a year or two before the war; they are the result of investments in science and technology that occurred in the 1970s, which came to maturation in the 1980s, which produced the systems and the equipment that we used so successfully in the early 1990s in Operation Desert Storm.

The Department of Defense's science and technology budget has three basic elements: basic research, applied research, and advanced technology development. The total science and technology budget, comprised of these components just mentioned, has declined from $9.5 billion in fiscal year 1993 to $7.7 billion last year, and to somewhat over $7.1 billion this year. These are the investments we are making in the brilliant ideas that lead to the remarkable weapons systems that we are going to need in the future to defend ourselves.

No business would do this. Today, in fact, private business, understanding how important innovation and knowledge are, are investing more and more. The best businesses constantly reinvest in basic research technology and creative development. This is an alarming trend, and I point it out on the floor here this morning with the hope that we will see it, come to understand, and turn it around. I am encouraged to believe that my colleague from New Mexico, Senator BINGAMAN, will, at some point, be offering an amendment to this bill, if not a freestanding bill, which would set some higher standards and goals for increasing our support of the science and technology aspect of the defense budget.

Incidentally, Mr. President, there is a bright story to be told here. The investments we make in defense technologies have produced enormous benefits for civilian and commercial technology, and for our world, our economy. Most people, if you ask them what the most exciting technological development of recent years is, would say personal computers, the Internet—the unprecedented ability we have to communicate with each other and the people around the world to gain knowledge rapidly.

The Internet is the result of investments that the Defense Department—DARPA, the research agency—made years ago for its own original military uses. Then it spun off and become the Internet. You could mention one after another of the remarkable developments that make our lives more exciting and make it easier to be educated but in effect make us safer but healthier. They came from science and technology budgets of the DOD. We cut that. We are again down from $9.5 billion in 1993 to almost $7.2 billion in 1999, the next fiscal year. That is a problem. We are all going to pay for it.

Mr. President, overall when we look at the various factors that create the environment for security and international security, when we look at the effect that these technological changes are having in creating what the experts call a revolution in military affairs, we can do things we could never do before. Commanders are able to see the entire battlefield before them in real time, not only on the battlefield. We have the ability now to send a picture of real time back to somebody at a base, or even at the Pentagon thousands of miles away from the battlefield, to see what is happening and sight the enemy. We have the ability to strike an enemy from standoff positions, exposing our own personnel to no danger, with remarkable accuracy. And it is changing constantly.

So we have the revolution in military affairs. We have the global changes that are occurring: The end of the cold war; breakouts in some places of nationalistic and ethnic rivalries; and the spread of technology so that nations that are less wealthy than we are can focus their energy into, unfortunately, lower priced means of not only defense but offense—weapons of mass destruction, chemical, biological, and nuclear; the means to deliver those weapons with the unprecedented ability from standoff positions and with great accuracy.

Ballistic missiles: I voted yesterday for cloture on the measure introduced by the Senator from Mississippi, Senator COCHRAN, and the Senator from Hawaii, Senator INOUYE, on the policy of creating a national missile defense and stating that clearly here in the Senate. I didn't agree with every provision of the bill. To me, it is an urgent national problem that deserved our debate. When we got to it, I was going to prepare some amendments. I hope eventually we do get to it and we can have an agreement across not only the aisles here but between the Congress and the administration to state clearly that the development of a national missile defense is a national priority and here is the way we ought to go at it.

Incidentally, when we go at it, we ought to begin to negotiate it with our friends in Russia about how it affects the Anti-Ballistic Missile Treaty, not to do it by way of surprise or antagonism. But the Anti-Ballistic Missile Treaty was negotiated and signed more than a quarter of a century ago. The world is a very different place. In many ways, the strategic interests of Russia and the United States are comparable certainly on this ground: Common concerns about being affected by the spread of technology and ballistic missiles delivering weapons of mass destruction.

So put that together—revolution of military affairs, global changes—and add to that the fiscal restraints that I have described, and you have a tough situation, one that falls on us here in Congress and on those who serve our Nation in uniform and as civilian leaders in the Pentagon, to not accept the status quo, to stick with it. Everything is changing. You can't succeed and stay static, stay the way you have been doing. You have to keep moving. You have to keep looking for better ways for doing what you are doing. You have to keep looking for efficiencies and finding ways to save money so you can use that money to invest in other areas that help you with your future defense.

There is a great company headquartered in the State of Connecticut. Awhile back, I was reading in one of our newspapers that they were about to achieve record profits in a quarter, that they were going to go well over a couple of billion dollars on an annual basis, I believe, in profits. What is the story? The CEO of the company is calling in all of the division heads and pushing them for how they are going to find new efficiencies in the company—What are the market opportunities of the future? What are their competitors going to be doing?—knowing that, as great as things are now, unless they keep asking those questions, they are not going to stay on top 5 years from now or 10 years from now.

That is exactly the way I think we have to approach our national security. We are the strongest nation in the world; unrivaled. Yet the world is changing. We have to keep focusing on those changes.

General Shalikashvili a while ago, when he was Chairman of the Joint Chiefs of Staff, informed us and warned us about what we call—as Senator COATS mentioned today—''asymmetric warfare.'' Yes, we are the superpower, but a much lesser power, much less wealthy, less technically developed, smaller military can focus its investment of funds into an area where they see some vulnerability in us, asymmetric, and strike at that vulnerability—perhaps our capacity to forward deploy our troops, perhaps using weapons of mass destruction, chemical warfare; or, noting how dependent we are now on space-based assets for navigation, for surveillance, targeting, for communications, perhaps to try to develop systems that would focus on that dependence and try to incapacitate some of those systems, hurting us in a conflict.

So we have to look at that wide range of threats and protecting our assets in space, developing our ability to defend against weapons of mass destruction delivered by ballistic missiles.

That is why we have to continue to find within a budget that is going to be constrained—I don't see in the near future, certainly barring the kind of international crisis that none of us wants, hope and pray never occurs, a great public support, a support here in Congress, for the kinds of increases in our military spending that we truly need.

So we are going to have to squeeze more out of the rock. That means tough questions. It means, in my opinion, that we are going to have to go back and do another look at our infrastructure. It is controversial; I understand. But all of the statistics tell us that we have more infrastructure than we need, that we have reduced our personnel and other expenditures much more than we have reduced the spending we are doing on our bases. We have to come back to that and acknowledge that maybe we have to find a better way to do it, but somehow we have to do it because we need that money. As I say, we have to continue the work we have done on acquisition reform as a way to find more funds for these programs that we need to support.

It is in this context that I come to two amendments that are in this bill, in which I think we have, as a committee and hopefully now as a full Senate, stepped up to our responsibility to oversee the transformation of our military to the future course that will not only protect our security better in the 21st century but will do it in a more cost-effective fashion.

There are two provisions in this bill that I think are very important for our execution of this oversight responsibility. I want to speak about them. The first supports the Chairman of the Joint Chiefs of Staff, our current chairman, General Shelton—doing a superb job—in his decision to establish a joint experimentation process. The second requires on a regular basis a Quadrennial Defense Review and a National Defense Panel assessment be done every 4 years—the experience we have been through in the last couple of years not to be a one-time experience but it continue on.

Let me talk about the first. And, again, I see this not only as a move to jointness, not only as a way to better take advantage of the revolution of military affairs, but to be more efficient. We have developed a force service. They are remarkable centers of excellence and purpose, patriotism, but no one would want to diminish the unique contributions each one of them makes; and yet there are redundancies and we have to find ways while preserving the uniqueness of each service—and the special edge that some of that competition among them brings—to also bring them together more in joint requirements, joint experimentation because our premise is—and the experts tell us this, the National Defense Panel told us this—that more and more war fighting of the future will be joint war fighting.

During the 1980s it became clear that we needed to change the way our military was organized, with more joint planning, more joint conduct of military operations. The Congress of the United States in that period of time stepped up to the responsibility when, frankly, the Pentagon would not and responded with the Goldwater-Nichols act, which I would say that most everybody today in Congress and outside says was right and necessary.

The collapse of the Soviet Union and the unprecedented explosion of technological advances that could fundamentally redefine military threats and military capabilities in the future, once again, have generated the need this bill responds to to examine the suitability of our defense policies, our strategy, and our force structure to meet future American defense requirements. Several assessments have been done but the rapid pace of change, I think, outstripped the ability of these assessments to give us durable and continuing relevant answers.

General Shalikashvili, the former Chairman of the Joint Chiefs of Staff, reacted to this changing environment and published Joint Vision 2010 in May of 1996 as a basis for the transformation of our military capabilities. I think this was a brilliant and farsighted document which embraced the improved intelligence and command and control available in the information age, and also developed the operational concepts of dominant maneuver, precision engagement, full-dimensional protection, and focused logistics to achieve the objective of the widest spectrum, full spectrum dominance in war fighting—a very important step forward.

We in Congress have also been concerned about the shortcomings in defense policies and programs derived from some of the earlier assessments. In 1996, we passed the Military Force Structure Review Act. That act required the Secretary of Defense to complete in 1997 a Quadrennial Defense Review of our programs to include a comprehensive examination of our defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

That Military Force Structure Review Act of 1996 also established a National Defense Panel, a team B, a group of outside experts, many of them with active military experience, to assess the Quadrennial Defense Review and to conduct their own independent, nonpartisan review of the strategy force structure and funding required to meet anticipated threats to our security through the year 2010 and beyond—an attempt to force the process to do what our colleagues in the private sector do, try to look out beyond the horizon, make some reasoned and informed judgments as best we could about what threats we face, what competition we face, and then come back and decide where should we be investing, how should we be restructuring and reorganizing to be in the best possible position to meet those threats of the future.

I appreciate the bipartisan, unanimous support that was given to that Military Force Structure Review Act of 1996, and I believe it resulted in two reports that have had a very important effect on our military and how we view our future needs.

The QDR, as it is called, the Quadrenniel Defense Review, completed by the Secretary in May 1997, defined the defense strategy in terms of shape, respond and prepare now—three cardinal principles. The QDR placed greater emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology and transforming our forces toward Joint Vision 2010. It concluded that our future force will be different in character than our current force.

Then came the National Defense Panel. Its report, published in December of 1997, concluded that ''the Department of Defense should accord the highest priority to executing a transformation strategy for the U.S. military starting now.''

Let me just repeat those words. A transformation strategy, broad, bold transformation strategy to the next era of threat and opportunity, offense and defense, and the final words ''starting now.'' It is timely. It is important. It recommended the establishment of a joint forces command with responsibility as the joint force integrator and

provider, a center of activity to meld the services together in some joint experimentation, investments, requirements, training.

Also, the NDP recommended that this joint forces command have the responsibility and budget for driving the transformation process of U.S. forces, including the conduct of joint experimentation. If we are not experimenting together, how are we going to really be prepared for the joint war fighting that the experts tell us will dominate the future?

Admiral Owens, former Vice Chairman of the Joint Chiefs of Staff, said to us on many occasions to look around and note that we don't have joint bases, and that is something to think about. That may be one.

Both of these assessments, the QDR and the NDP, provide Congress with a compelling argument that the future security environment and the military challenges we will face will be fundamentally different from today's. They also reinforce the fundamental principle, the underpinning of the Department of Defense Reorganization Act of 1986, the so-called Goldwater-Nichols act, and that fundamental principle was that warfare in all its varieties will be joint warfare requiring the execution of joint operational concepts.

As a result of these two assessments, the Chairman of the Joint Chiefs of Staff, General Shelton, and the Senate Armed Services Committee certainly have concluded that a process of joint experimentation is required to integrate advances in technology with changes in the organizational structure of the Armed Forces and the development of joint operational concepts which will be effective against the wide range of anticipated threats, and will not just be effective, but will be cost effective because they will achieve efficiencies of scale; they will eliminate redundancies; they will pool resources for maximum results.

It is necessary to identify and assess independent areas of joint warfare which will be key to transforming the conduct of future U.S. military operations. To do this, U.S. Armed Forces must innovatively investigate and test technologies, forces and joint operational concepts in simulation, war game and virtual settings, as well as in field environments under realistic conditions against the full range of future challenges. The Department of Defense, I am pleased to note, is committed to conducting aggressive experimentation as a key component of its transformation strategy. Service experimentation and the resultant competition of ideas is vital in this pursuit. To complement the ongoing service experimentation, it is essential that an energetic and innovative organization be established within the military and empowered to design and conduct this process of joint experimentation to develop and validate new joint warfighting concepts aimed at transforming the Armed Forces of the United States to meet the anticipated threats of the 21st century.

Mr. President, in this regard I refer my colleagues to title XII of this defense authorization bill, S. 2057, which sets this out in the form of a sense of the Senate, in a quite detailed form and, in my opinion, quite progressively, as a result of very constructive discussion among the Senate Armed Services Committee, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. I think we have a blueprint here which expresses the transformation that our military is now undergoing, led by the Secretary and the Chairman of the Joint Chiefs of Staff, and sets down a mark that is an expression of the policy desires of the Congress in this regard, that we not only appreciate that the military move in this direction; dispatching our constitutional responsibility, we urge them to do just that. And we require, here, a series of reports to tell us how they are doing. The joint experimentation provision in the bill, title XII, is our statement of support to General Shelton, as he designs and executes his plans for joint experimentation, to select a command, the Atlantic Command, presumably, to carry out this important responsibility.

Title XII does not dictate either the method that the Chairman of the Joint Chiefs should choose nor the outcomes that he should arrive at. It is a sense of the Congress. It helps establish a framework for us to explore the options for our future security in the hard light of tests on the ground, the only place where these arguments can begin to be settled objectively and where these theories can be tested realistically. And this provision in title XII offers a mechanism for us to get a report about the process, about the results, that is detailed enough for us to provide the kind of oversight we should and must provide if we are going to make the right decisions about our national security in the coming years.

Finally, the provision that requires a quadrennial defense review and national defense plan to be conducted every 4 years is equally important. The assessments that were conducted and the debate they have engendered within the Congress, within the inner community of active defense thinkers, and hopefully increasingly within the country, has been very useful. But the valid criticism by some, of both of these studies, and the conflicting ideas that they have raised make it obvious that a one-time assessment is not going to provide us all the answers we need.

We also know that the world is not going to stop changing, and just as that CEO of that large private company headquartered in Connecticut that I described who, at the moment of greatest historic success, was pressing his managers to review where they were, look forward, decide what they had to do so they would stay on top, 5, 10, 15, 20 years from now—the repetition of these two reports, the QDR and the Inside the Pentagon Review, and the NDP, a nonpartisan, independent review, offer that same hope of constant reevaluation, sometimes provocation, and hopefully, some good, solid ideas. That kind of formal review of our national security posture every 4 years will permit the needed look at where we have been and what course corrections we need to make without the disruption of too frequent interference, with the certainty that we will not slide into destructive or unproductive or irrelevant paths because we simply haven't stopped to look at what we are doing and where it is taking us.

Mr. President, I thank the Chair, I thank my colleagues. Bottom line, this is a balanced bill, the best I think this committee could offer the Senate, Congress, and the Nation, to protect our national security in a time of restraint on resources that is greater than I think is really in our national interest. But we have done the best we could. Again, I thank the leadership of the committee for the purposive, cooperative and informed way they have led us through the exercise that has produced this bill.

I yield the floor.

If there is no one else on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. 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 distinguished Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I thank the able Senator from Connecticut for the kind remarks he made about me. I also wish to thank him for the great service he renders as a member of the Armed Services Committee. He is one of the most valuable members of our committee.

I also thank him for the great service he renders this Nation. He has taken sound positions and he has followed a course of action that our Nation would be well to follow. I appreciate all he does for his country and want him to know his colleagues hold him in high esteem.

Mr. WARNER. 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. 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.

The Senator is recognized.

AMENDMENT NO. 2387

(Purpose: Relating to commercial activities in the United States of the People's Liberation Army and other Communist Chinese military companies)

Mr. HUTCHINSON. Mr. President, I have an amendment No. 2387 which I call up at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. HUTCHINSON), for himself and Mr. ABRAHAM, proposes an amendment numbered 2387.

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:

Add at the end the following new title:

**TITLE ____—COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY**

**SEC. ___. FINDINGS.**

Congress makes the following findings:

(1) The People's Liberation Army is the principal instrument of repression within the People's Republic of China, responsible for occupying Tibet since 1950, massacring hundreds of students and demonstrators for democracy in Tiananmen Square on June 4, 1989, and running the Laogai (''reform through labor'') slave labor camps.

(2) The People's Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced official figures for military spending by the People's Republic of China.

(3) The People's Liberation Army is engaging in a major ballistic missile modernization program which could undermine peace and stability in East Asia, including 2 new intercontinental missile programs, 1 submarine-launched missile program, a new class of compact but long-range cruise missiles, and an upgrading of medium- and short-range ballistic missiles.

(4) The People's Liberation Army is working to coproduce the SU–27 fighter with Russia, and is in the process of purchasing several substantial weapons systems from Russia, including the 633 model of the Kilo-class submarine and the SS–N–22 Sunburn missile system specifically designed to incapacitate United States aircraft carriers and Aegis cruisers.

(5) The People's Liberation Army has carried out acts of aggression in the South China Sea, including the February 1995 seizure of the Mischief Reef in the Spratley Islands, which is claimed by the Philippines.

(6) In July 1995 and in March 1996, the People's Liberation Army conducted missile tests to intimidate Taiwan when Taiwan held historic free elections, and those tests effectively blockaded Taiwan's 2 principal ports of Keelung and Kaohsiung.

(7) The People's Liberation Army has contributed to the proliferation of technologies relevant to the refinement of weapons-grade nuclear material, including transferring ring magnets to Pakistan.

(8) The People's Liberation Army and associated defense companies have provided ballistic missile components, cruise missiles, and chemical weapons ingredients to Iran, a country that the executive branch has repeatedly reported to Congress is the greatest sponsor of terrorism in the world.

(9) In May 1996, United States authorities caught the People's Liberation Army enterprise Poly Technologies and the civilian defense industrial company Norinco attempting to smuggle 2,000 AK–47s into Oakland, California, and offering to sell urban gangs shoulder-held missile launchers capable of ''taking out a 747'' (which the affidavit of the United States Customs Service of May 21, 1996, indicated that the representative of Poly Technologies and Norinco claimed), and Communist Chinese authorities punished only 4 low-level arms merchants by sentencing them on May 17, 1997, to brief prison terms.

(10) The People's Liberation Army contributes to the People's Republic of China's failure to meet the standards of the 1995 Memorandum of Understanding with the United States on intellectual property rights by running factories which pirate videos, compact discs, and computer software that are products of the United States.

(11) The People's Liberation Army contributes to the People's Republic of China's failing to meet the standards of the February 1997 Memorandum of Understanding with the United States on textiles by operating enterprises engaged in the transshipment of textile products to the United States through third countries.

(12) The estimated $2,000,0000,000 to $3,000,000,000 in annual earnings of People's Liberation Army enterprises subsidize the expansion and activities of the People's Liberation Army described in this subsection.

(13) The commercial activities of the People's Liberation Army are frequently conducted on noncommercial terms, or for noncommercial purposes such as military or foreign policy considerations.

**SEC. ___. APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO CHINESE MILITARY COMPANIES.**

(a) DETERMINATION OF COMMUNIST CHINESE MILITARY COMPANIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall compile a list of persons who are Communist Chinese military companies and who are operating directly or indirectly in the United States or any of its territories and possessions, and shall publish the list of such persons in the Federal Register. On an ongoing basis, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall make additions or deletions to the list based on the latest information available.

(2) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1), the term ''Communist Chinese military company''—

(A) means a person that is—

(i) engaged in providing commercial services, manufacturing, producing, or exporting, and

(ii) owned or controlled by the People's Liberation Army, and

(B) includes, but is not limited to, any person identified in the United States Defense Intelligence Agency publication numbered VP–1920–271–90, dated September 1990, or PC–1921–57–95, dated October 1995, and any update of such reports for the purposes of this title.

(b) PRESIDENTIAL AUTHORITY.—

(1) AUTHORITY.—The President may exercise the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) with respect to any commercial activity in the United States by a Communist Chinese military company (except with respect to authorities relating to importation), without regard to section 202 of that Act.

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issued under paragraph (1).

**SEC. ___. DEFINITION.**

For purposes of this title, the term ''People's Liberation Army'' means the land, naval, and air military services, the police, and the intelligence services of the Communist Government of the People's Republic of China, and any member of any such service or of such police.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that my good friend and colleague, Senator ABRAHAM of Michigan, be added as an original cosponsor of the amendment.

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

Mr. HUTCHINSON. Mr. President, today's debate is about the security of the United States. The underlying question in the debate today on the Defense Department authorization bill concerns the safety and security of the citizens of the United States, and that is why I am offering an amendment that will give the President increased powers to confront America's greatest threat, or certainly America's greatest external threat, and that is the People's Liberation Army of the People's Republic of China.

My amendment mirrors exactly the language that passed overwhelmingly on the floor of the House of Representatives last November. This language, in bill form, in the House passed by a vote of 405 to 10.

The amendment would do two things: First, it would require the Secretary of Defense, in consultation with the Attorney General, the Director of the Central Intelligence and the Director of the FBI, to maintain a current list of Chinese military firms operating directly or indirectly in the United States. This list, consisting strictly of PLA-owned companies, would be updated regularly in the Federal Register.

Secondly, the amendment would give the President enhanced authority under the International Emergency Economic Powers Act to take action against Chinese military-owned firms if circumstances warrant, including the President would have the authority to freeze assets or otherwise regulate these firms' activities. Thus, if a PLA-owned firm is found to be shipping missile-guidance components to a rogue state like Iran, the President would have the authority to take immediate action against a United States subsidiary of that firm which might, for example, be selling sporting goods in the United States.

I should note that this amendment would not require the President to take any action whatsoever. It would simply enhance his ability to do so should he believe that the circumstances warrant that action.

Let me explain the reasoning behind this amendment and why it is so critical, I believe, that the Senate adopt this amendment.

Mr. President, last week I came to this floor to discuss the growing threat that the People's Republic of China poses to the citizens of the United States. I discussed the recent CIA report covered in the Washington Times on May 4, 1998, under the headline, ''China Targets Nukes At U.S.'' This article and this CIA report noted that 13 of China's 18 long-range strategic missiles, with ranges exceeding 8,000 miles, have single nuclear warheads aimed at the United States of America.

These missiles, which are under the control of the PLA, with PLA officers manning their nuclear buttons, are in addition to China's 25 CSS–3 missiles, with ranges of more than 3,400 miles; its 18 CSS–4 missiles, with ranges exceeding 8,000 miles; and its planned DF–31, with a range exceeding 7,000 miles.

Until last year, China lacked the military intelligence necessary to manufacturer boosters that could reliably strike at such long distances.

Unfortunately, the Pentagon has reported that two U.S. companies—Loral Space and Communications and Hughes Electronics—illegally gave China space expertise during cooperation on a commercial satellite launch which could be used to develop an accurate launch and guidance system for ICBMs. This issue is still under investigation. But while it was still under investigation, in February, Loral launched another satellite on a Chinese rocket and provided the Chinese with the same expertise that is at issue in the criminal case.

The chairman of the House Science Subcommittee on Space and Technology has received word from an unnamed official at Motorola that they, too, have been involved in ''upgrading'' China's missile capability. Interestingly, this executive claims that the work is being done under a waiver from this administration, thus circumventing all bans and restrictions on such technology transfers.

The People's Liberation Army is engaged in a massive military buildup which has involved a doubling since 1992 of announced official figures for military spending by the PRC. We do not know how much may be spent, how much investment there may be in their military establishment that is not released for official consumption, but the official public figures indicate a doubling of that expenditure since 1992.

The PLA is working to coproduce the SU–27 fighter with Russia and is in the process of purchasing several substantial weapons systems from Russia, including the 633 model of the Kilo-class submarine and the SS-N–22 Sunburn missile system specifically designed to incapacitate U.S. aircraft carriers and Aegis cruisers.

So the question arises, Mr. President, how does the People's Liberation Army fund the ongoing arms race? By selling its technology to rogue states is one means by which they do it, selling arms, or at least attempting to sell arms, to U.S. gangs in our inner cities and selling CDs, socks, consumer electronics, and scores of other commercial items to U.S. consumers.

For example, the People's Liberation Army has contributed to the proliferation of technologies relevant to the refinement of weapons-grade nuclear material, including transferring ring magnets to Pakistan. Additionally, the PLA and its associated defense companies have provided ballistic missile components, cruise missiles, chemical weapons ingredients, to Iran, a country that the executive branch has repeatedly reported to this Congress is the greatest sponsor of terrorism in the world today.

I point to this chart. The source is the Office of Naval Intelligence, March of 1997. They reported:

> Discoveries after the Gulf War clearly indicate that Iraq maintained an aggressive (W)eapons of (M)ass (D)estruction procurement program.

And then they point out:

> A similar situation exists today in Iran with a steady flow of materials and technologies from China to Iran. This exchange is one of the most active weapons of mass destruction programs in the Third World, and is taking place in a region of great strategic interest to the United States.

So we have, I think, very clear, overwhelming evidence that China continues to export technology, nuclear technology as well, and in so doing places at risk the national security of the United States.

They also are funding the arms buildup in China, not only by selling weapons to rogue states like Iraq and Iran, but also there is evidence that they are trying to actually sell weapons produced in the People's Republic of China to gangs in the United States.

In May 1996, the U.S. authorities caught the People's Liberation Army enterprise entitled Poly Technologies—a PLA-owned and operated enterprise—they were caught by U.S. authorities, and the civilian defense industrial company, Norinco, that is also involved, the U.S. authorities caught these two companies attempting to smuggle 2,000 AK–47s into Oakland, CA, and offering to sell urban gangs shoulder-held missile launchers capable of taking out a 747.

Communist authorities, upon capture of these individuals, punished only four of them—four low-level arms merchants—and they did so, sentencing them May 17, 1997, to brief prison terms.

I would suggest and I suspect that the prison terms given to these merchants of arms to the young people of this country were far less than the prison terms that have been exacted upon those prisoners of conscience, those who dared to speak up against the oppressive regime that controls the largest nation in the world. Eight years was given to Wang Dan for his support of the demonstrations in Tiananmen Square almost 9 years ago in addition to the 12 years that he was recently serving for supporting democracy in China.

It is estimated that the PLA earns $2 billion to $4 billion a year in earnings through the many enterprises that it operates that deal in nonmilitary commodities and that these enterprises profit handsomely from their activities in the United States. A report released earlier this year indicated that vast quantities of goods, as varied as toys, skis, garlic, iron weight sets, men's pants, car radiators, glassware, swimming suits, and many more such commercial domestic items are being sold to U.S. consumers by PLA-owned firms.

This chart indicates—and I will quote from this chart regarding the PLA-affiliated companies and their operation in the United States. This comes from the Institutional Investor, July of 1996: ''And we find that military-affiliated companies can be found in virtually every part of the Chinese economy with the most rapid expansion occurring in the lucrative service industries. Though the PLA enterprises are scattered throughout the economy, they have carved out niches in the eight areas to the right''—including transportation, vehicle production, pharmaceuticals, hotels, real estate development, garment production, mining and communications.

Some of these products are being exported—which becomes a rich source of revenue for the People's Liberation Army. Even those products and those services that are sold domestically to the Chinese people become an unaccounted for subsidy, if you will, for the arms race, in the development of the PLA military strength and might. So I believe this should be of great concern to us as we continue to see the PLA fund the arms race.

I point out that the Chinese defense industrial trade organizations have a broad, broad interrelationship with the industries in China. This chart shows the web of PLA-owned enterprises that operate in the United States and around the world.

All of the companies on the left, in the peach color, are companies that have been documented by our Defense Intelligence Agency as being directly owned by the People's Liberation Army. The ones to the other side, in the yellow, are their defense industrial base. Some of them have indirect connections also, but they are not directly owned by the People's Liberation Army.

This next chart I believe shows the chain of command for companies like China Poly Group, China Carrie Corp., and other well-known Chinese companies and their interrelationship with the government and the PLA and the Communist Party. In fact, the Communist Party Central Military Commission is right at the top of the chain of command—going down to these various companies, including the China Poly Group, and the 999 Enterprise Group, and so forth. I think the American people would be shocked to see the companies listed on this chart. This, I

might add, is a very incomplete list, which is why I emphasize again the need for this amendment which would require a listing to be published of all PLA-owned enterprises that are buying and selling and doing business in the United States.

It is well documented that the PLA violates international intellectual property rights by running factories which pirate videos, compact discs, and computer software that are products of the United States. This is the main reason the People's Republic of China failed to meet the standards of the 1995 memorandum of understanding with the United States on the protection of intellectual property rights. During my trip to China in January, I saw firsthand the evidence of the pirating of videos and CDs and the selling of those pirated products on the market, on the streets of Shanghai and Beijing.

In violation of a February 1997 agreement with the United States, the People's Liberation Army continued to operate enterprises which engaged in the transshipment of textile products through third countries, thus thwarting tariffs and restrictions on illegally produced items from China.

With all but five of China's long-range nuclear missiles pointed at the citizens of the United States, it is obvious that the increasingly aggressive People's Liberation Army views the United States as its most serious adversary. My colleagues have said they would like China as an ally. We would all like to have China as an ally. But let us not fool ourselves. When our Central Intelligence Agency tells us their missiles—13 of 18 of their long-range nuclear missiles—are pointed at the citizens of the United States, it is clear they view us as an adversary. It is a sad paradox that U.S. consumers, American consumers, purchasers of products in retail stores across this country, are the unwitting supporters of and funders of the military that has their hand on the nuclear button that threatens cities in the United States.

Now, as we talk about the response of this amendment, of letting the American people know what companies are owned directly and indirectly by the military of the Chinese communist government, it seems to me to be a very basic freedom-of-information kind of issue, the right-to-know kind of issue.

We talk about the response of the President, having the enhanced authority to deal with those PLA-owned companies that might be subsidizing the military buildup in China. It is important for us to remember the ongoing human rights violations that are occurring in China. Not only are they increasing their threat internationally, but within their own borders they continue to oppress their own people. This is not some human rights watchdog group that I am going to cite. It is our own State Department which each year issues a report from various countries around the world on human rights conditions. The latest State Department report on human rights in China shows that China is still one of the major offenders of internationally recognized human rights standards. This report notes that China is continuing to engage in ''torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in Tibet and Xinjiang, and absolute intolerance of free political speech or free press.''

To visit Shanghai, to visit Beijing, some of the largest cities in the world, the most populous cities in the world, and to realize there is not one free newspaper in those cities—in northwest Arkansas, in a two-county area, population of 200,000, we have half a dozen competing newspapers. These are free voices—free to criticize me, free to criticize this U.S. Senate, free to criticize our President—and in the largest cities in the world in China, not one voice of freedom, not one voice to reflect the values of democracy.

So let us in this China debate, and as we look at amendments to the Department of Defense authorization bill, remember the ongoing human rights abuses that are taking place. Furthermore, that the current policy that we have pursued has so dismally failed.

According to a recent report in the Washington Post entitled ''U.S.-China Talks Make Little Progress on Summit Agenda,'' the United States is getting very few concessions from China relating to the inspection of the technology we share with them, concessions on limiting proliferation of technology to third parties like Iran, or concessions on human rights conditions, particularly in Tibet.

So our President is preparing to go to China next month, negotiations going on. We would hope they would be positive in light of our so-called policy of constructive engagement, yet we find our policy is one of give and give and give. We are not seeing corresponding concessions on the part of the Chinese Government. In fact, we are continuing to see these horrible human rights abuses taking place.

We have provided key technology that puts our own country at risk. We have set up a hotline that reaches from the White House to China. We have begun assisting China on its efforts to gain membership in the World Trade Organization. We dropped, to the consternation of many Members of this body, we dropped our annual push for a resolution condemning China's human rights record at the United Nations, something this country has done year after year as part of our foreign policy. We dropped that resolution so as not to offend the Chinese Government. We continue to allow PLA-owned companies to operate unregulated in the United States, and we continue to provide China most-favored-nation status. In return, we have witnessed the release of four, in return for all of these concessions that we have granted, we have seen the Chinese Communist government release four prominent prisoners out of the thousands upon thousands of political and religious dissidents being held today in Chinese prisons.

So I say to my colleagues, the American people have a right to know they are funding the People's Liberation Army. I believe the American consumers ought to know whether the products they are buying—including things like toys, sweaters and porcelain that they might purchase for the upcoming holidays—are supporting the People's Liberation Army and the kind of activities that I have identified today. The American people have a right to know. It may not be possible for American consumers to go into a Wal-Mart or Kmart or Target store and to identify all of the Chinese-produced products and to decide voluntarily they are not going to support that. But at least they ought to know which of those companies are controlled, directly or indirectly, by a military establishment in China that has targeted American cities with its missiles.

This amendment will help to do just that. It is needed both to shed light on the PLA's activities in the United States and to ensure that the President has the latitude and has the authority he needs to take appropriate actions when the evidence of wrongdoing arises. I hope my colleagues will support this amendment.

Again, this amendment merely requires the Secretary of Defense to document and list PLA-owned companies operating in the United States and provides the President with the power, authority, and discretion to take action against these companies, should circumstances so warrant. It does not require the President to do anything. I believe it is a commonsense amendment that, once again, passed by an overwhelming margin in the U.S. House of Representatives. I ask for my colleagues' support.

I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. SNOWE). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Madam President, the Senator brings to the attention of the Senate through this amendment a very important subject, one which is currently before the Senate in a number of committees—Foreign Relations Committee, Banking Committee, and in all probability the Commerce Committee has an interest in it. I say to my colleague that the Armed Services Committee, indeed, would have an interest, of course, because it goes to the fundamental proposition of national security.

But I have to say in total candor that this amendment would require consideration by at least the three enumerated committees as well as ours. What I am asking of my colleague, and I

want to ask a few questions about it, is that I hope the Senator would be agreeable to laying this amendment aside so that the Senate would proceed with other amendments, and within that period of time it would be the pending amendment, within that period of time, we will get the expression and the views of colleagues serving on those other committees.

Mr. HUTCHINSON. I thank the chairman for his consideration, and I would not object to laying it aside so long as I will be assured there will be a rollcall vote if I so request it.

Mr. WARNER. Madam President, he has requested and gotten his rollcall vote.

Mr. HUTCHINSON. Madam President, I only point out that I think it would be very appropriate to consult with and visit with the appropriate chairman. I remind my distinguished colleague that this is the exact language that passed by a 405–10 vote in the House, and I would regard that as pretty bipartisan and noncontroversial. That language passed out of the House last November and has been referred to the appropriate committees, where it has—if I might use the word—''languished'' for several months without any action. So it is for that reason I think it is imperative that the Senate have an opportunity to express its will on something the House expressed its opinion on months ago.

Mr. WARNER. I thank my colleague.

At this time, Madam President, I ask unanimous consent that this amendment be laid aside but that it remain as the pending business on this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Madam President, I see other colleagues here who may wish to continue with opening statements on the bill.

Mr. LEVIN. I wonder if my friend from Virginia would yield to me so I could ask the Senator from Arkansas a question?

Mr. WARNER. Yes, I yield the floor.

Mr. LEVIN. Madam President, on the matter that was set aside, I wonder if the Senator could tell us whether or not there have been any discussions between you and those committees that we have now asked their reaction from relative to holding hearings on that amendment. Could he give us a little background on that?

Mr. HUTCHINSON. I think there were 10 bills that passed out of the House regarding China policy as a block, separate bills, but that was last November. Two of those have passed, in various forms, in the Senate. Six of those bills were referred to the Foreign Relations Committee. The other two—the two I am now offering—one was referred to Banking and the other to Finance. I have had ongoing discussions with Senator HELMS of the Foreign Relations Committee. It is my understanding that they will address these bills this coming week. Therefore, I defer taking any action upon those because of the committee's anticipation of looking at these next week.

The ones in Banking and Finance I thought were important to move ahead on. This was the most appropriate vehicle before us. I am not aware that there were any plans for hearings. Since so much time had elapsed since they were referred to the Senate, it would seem to be the appropriate time to move them.

Mr. LEVIN. If I could ask the Senator an additional question. I am not familiar with his amendment. Is this particular amendment—has this been introduced as a bill in the Senate separately, or was it a House bill that came over and was referred? And, if so, was it referred to Banking or Foreign Relations?

Mr. HUTCHINSON. This particular bill was referred to Banking.

Mr. LEVIN. Has the Banking Committee indicated that they are likely to hold a hearing and have a markup on this bill?

Mr. HUTCHINSON. They have not indicated to me their intent to hold hearings or move on this bill.

Mr. LEVIN. Have there been discussions between you and the chairman?

Mr. HUTCHINSON. I have not talked to Senator D'AMATO about the bill.

Mr. LEVIN. I thank my friend.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I rise to talk not so much about this bill but the bills that have been talked about here that passed in the House last year. Many of them were referred to the Foreign Relations Committee, of which I happen to be chairman of the Subcommittee on Asia and the Pacific Rim. These were not heard because the committee did not choose to hear them. Now we find ourselves having a hearing this morning on China. We find the President preparing to go to China.

So this bill, of course, as the Senator pointed out, was referred to Banking. I am not familiar with that one. I am here to tell you that I don't think this is the appropriate procedural place to deal with these bills. There are committees that have jurisdiction over them. They have been referred to those committees. They can be referred to those committees, and, in my view, they should be referred to those committees. So if we are going to extend the length of this debate by having each of 10 bills discussed here and voted on, then I think we need to prepare ourselves for a rather long time.

Furthermore, I think we talked at great length this morning about China and about these kinds of issues. The point of the matter is that nobody disagrees with some of the issues that are to be done here; the disagreement is how they should be handled. To send the President off to China with language of this kind doesn't seem to be a proper thing to do. They were talking about it when Jiang Zemin came here last time.

So I am prepared to talk about these bills if that is what we are going to do. But, procedurally, it doesn't seem to me that this is the appropriate place to deal with the bills. We can go on for a very long time if that is what is going to take place on this authorization bill.

I yield the floor.

Mr. ABRAHAM. Mr. President, I rise to support the amendment to the National Defense Authorization bill offered by the Senator from Arkansas to address what is clearly a national defense issue—the conduct of Chinese companies, owned and operated by the People's Liberation Army, in the United States. It is based on a provision in a comprehensive bill I introduced last year, the China Policy Act.

I believe that this bill is not only an appropriate place to consider this issue, it is the most appropriate, and is indeed an issue of supreme national security interest. Furthermore, Mr. President, if I thought the original bill that was passed by the House by a vote of 405–10 would actually be considered by the Banking Committee, it may be appropriate to wait. But it has been over six months, Mr. President, and no action has been taken. Given this is a national security issue, we need to discuss this here and now.

Therefore, Mr. President, I wish to outline some of my specific national security concerns regarding these People's Liberation Army companies. First, we are all familiar with the well publicized examples of Polytech and Norinco, two companies caught trying to smuggle fully automatic AK–47 assault rifles, along with 4,000 clips of ammunition, valued at over $4 million, to supply street gangs and drug runners in the United States. During the course of this undercover sting operation, U.S. agents were offered a slew of other heavy ordinance, including shoulder-fired surface-to-air missiles.

Now Mr. President, these two companies are effectively controlled by the People's Liberation Army. In fact, the head of the Polytech parent company, Poly Group, is Major General He Ping, the son-in-law of Deng Xiao-ping. He heads Poly Group, a company that reports directly to the Central Military Commission of the People's Liberation Army. At the same time, Norinco is the parent company of 150 businesses, including the largest motorcycle maker in China and one of the country's most successful automakers.

As state-owned enterprises, PLA companies frequently operate on noncommercial terms, conducting their affairs for such non-market reasons as military espionage and prestige considerations. Critics have also contended that the China Ocean Shipping Company, otherwise known as COSCO, have offered transoceanic shipping at well below market rates because of state subsidization and extremely low crew costs, in order to penetrate markets and further develop a strategic lift capability.

Last, Mr. President, the profits from these companies will end up financing

the Chinese military. Karl Schoenberger, writing in Fortune Magazine, estimated that the profits from these PLA activities is conservatively estimated at $2 to $3 billion. Based in part on this purchasing power and the Chinese military establishment's considerable use of off-budget financing, the Arms Control and Disarmament Agency estimated that Chinese military spending is nine times what it announced.

The question therefore becomes, Mr. President, do we want to know which companies in the United States are financing Chinese military expansion? Do we want to know which companies are financing the arm of repression in the PRC that has been extensively detailed on this floor over the past year? Do we want to give the American consumer the opportunity to know whether the product they are buying will help finance the oppression in Tibet? I believe that is our responsibility, Mr. President, and that this amendment will provide that vital information for our national security, by mandating that the Director of Central Intelligence and the Director of the FBI compile a list of these PLA companies operating in the United States.

Finally, Mr. President, the President of the United States needs the additional authority to take decisive action against those companies that do threaten our national security. This amendment provides that economic authority to stop the operation of these front companies, and provides the only effective tools in this economic warfare—the prohibition of economic activity.

Therefore, Mr. President, I urge my colleagues to support this amendment as necessary, germane to the Defense Authorization bill, and vital to our national security.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Madam President, I rise as chairman of the Strategic Subcommittee of the Armed Services Committee to focus on some areas that are very critical to our Nation's defense. Certainly, ''strategic'' takes on a new meaning as we hear news in the last few days of what is happening in India.

We tried, in our subcommittee, to continue initiatives that have been started in previous years. At the same time, because of overall funding reductions, we were forced to make some substantial cuts, cuts that I did not want to make. But as part of the overall budget, we felt we had to do it. So we do have a budget cap, and that issue, in and of itself, is somewhat controversial.

I think it is time, as we look at the reduction in defense spending, to begin to look at that cap and, in my opinion, remove the cap. We must recognize that the defense budget has been cut deeply, and these cuts are beginning now to affect the effectiveness of our military force.

The budgets of both DOD and DOE, which are in my Strategic Subcommittee, had to be reduced. I tried to do that as fairly as I possibly could. Let me just outline some of the tough choices that we had to make. Missile defense, of course, is an area that I care deeply about. But there is some redundancy in some of the programs that we have. We have to begin to set some priorities.

The budget, as it was presented to us by the President, had some areas in it that were funded in this budget but not in future years. So the question is, If a program such as MEADS—Medium Extended Air Defense System—is not funded beyond 1999, what is the purpose of providing funding for it in fiscal 1999? So I tried to look at this. If I could not get a commitment from the administration to fund beyond fiscal year 1999, then I, for the most part, reduced or eliminated the funds for next year. In the case of MEADS, our intent is to encourage DOD to find alternative approaches to meeting the requirement. But we cannot support the program if DOD has no budget for it in the future.

Another very controversial reduction, which I was not happy about, was our cut of $97 million from the Airborne Laser Program. Because this was a tough decision, I want to explain what happened.

There were a lot of news reports that said we ''slashed'' the Airborne Laser Program, that we ''ruined'' the program, that we ''killed'' the program, that we have made it impossible for the program to recover, and so on. This is unfair and inaccurate. I simply felt that we had an obligation to review the technical and operational viability of the program.

Two years ago, our Committee included report language which basically called on the Air Force and Airborne Laser Program advocates to come forward and justify the program. I do not believe that they have done so.

So we withheld funds for placing this very complex technology on an actual aircraft, a 747, until the capability is more fully tested and the operational concepts are better defined by the Air Force. I do not want to go into great detail; to some degree I cannot because it is classified. But let me be clear—we only cut the dollars intended for integrating this technology on an aircraft. This does not destroy the Airborne Laser Program, nor does it make any comment, subtle or otherwise, by anyone on the committee that somehow this program is not worthy. It does require the Secretary of Defense, with the help of outside experts, to review the program's technology and concept of operations, and show us how this technology will work when it is placed upon an aircraft. I don't think it destroys the program to delay the purchase of an airplane for a year or two while we find out whether the technology and the operational concept is valid. This is what congressional oversight is all about.

We have increased funding for Navy Upper Tier, another missile defense program, and the space-based laser readiness demonstrator, which is the ultimate step, I think, in missile defense—the space-based laser.

We tried to reduce as much of the risk as possible in the NMD Program by encouraging the Department to modify the program. Currently the so-called 3+3 program is extremely high risk. To deploy a complex system in 3 years is very, very difficult. It is an artificially compressed date and an artificially compressed program. It requires us to do everything at once instead of running a low-risk program to ensure everything fits together first. There is no margin for failure or problems. If one thing goes wrong, the whole program could collapse. It needs to be run like any other defense acquisition program, with the objective of reducing the program risk.

With the Administration's 3+3 program, we must first decide that there is a missile threat to the United States. Then we assume that in 3 years we can deploy a system to intercept that missile. I think that assumption just does not make sense.

Can we depend on our intelligence to give us that information? I draw my colleagues' attention to what happened in the last few days with India's nuclear tests. We didn't, frankly, know what was happening until it happened. We either did not have that information, or we did not heed it.

I am not trying to fault the intelligence community, other than to say that intelligence is not always objective. It is not always thorough. It is not always timely. It is not always heeded. The question we have to ask is, Are we willing to take the risk once we know that somebody has the capability and the intent to use a missile against us, and are we then prepared to say that in 3 years we will have the technology deployed to intercept that missile? I am not prepared to take that kind of chance, which is why I was very disappointed in the vote in the Senate yesterday on Senator COCHRAN's legislation, which would have established a policy to deploy a national missile defense system when it becomes technically feasible. That wise legislation was rejected; it did not get enough votes to bring it to cloture. So the current administration plan for NMD 3+3 means an NMD system will be developed in 3 years, and when a threat is acknowledged this system will be deployed in 3 years.

This just does not make a lot of sense. It naively assumes that we will see all emerging threats, and that if and when we see one, we can confidently deploy a complex system in just 3 years.

So I hope my colleagues in the Senate sometime sooner rather than later

will come to the realization of how dangerous this 3+3 approach really is. Perhaps a few more unforseen nuclear tests will convince them. If not, this extremely naive and extremely dangerous complacency could cost us dearly in years to come. We are seeing proliferation of missiles, and of the technology to develop missiles, all over the world—China, North Korea, India, Pakistan, Iran. And, yet, we were denied the opportunity yesterday on the Cochran proposal to get going on a national missile defense system.

It is extremely disturbing. As one who deals with these issues every day on the Armed Services Committee, and specifically as the chairman of the Strategic Subcommittee, I know full well that this is a naive policy. It is well intended—there is no question there—but naive.

Colin Powell, former National Security Adviser to President Reagan and the Chairman of the Joint Chiefs of Staff under Presidents Bush and Clinton, used to say we have to be concerned first and foremost about the capability of an enemy because we never know what his intent will be. The intent tomorrow might be good. It might be bad. But what is the capability? We all know that the Chinese, and the Russians, have the capability to fire a missile at the United States of America. Do they have the intent? Maybe not today. But what about tomorrow?

So we have to deal with capability. If we deny that, if we look the other way, we are really putting our heads in the sand.

In space programs, the committee increase funding for a range of activities: space control technology development; the enhanced global positioning system; the microsatellite program and the space maneuver vehicle. The budget for those programs were increased. These efforts are critical for the future exploitation and use of space by the United States.

Another area of the strategic forces subcommittee budget concerns weapons and other activities of the Department of Energy. We tried there to stabilize the core mission funding for weapons activities and environmental cleanup. As you know, we have a lot of environmental cleanup to do as a result of DOD and DOE activities over the past several decades, especially during the cold war.

So we tried in our budget to maintain the capability to remanufacture and certify enduring U.S. nuclear warheads. We tried to maintain the pace of cleanup at DOE facilities with our funding, and though the overall DOE budget was reduced, a number of funding increases were authorized for programs critical to achieving these goals.

Increases include additional funding for the four weapons production plants, tritium production, and environmental management technology development. Some will criticize these DOD cuts. But it is a matter of balance. If you look at the budget in real terms, since 1996, DOD funding has decreased by 5.2 percent, and DOE has increased by 7.7 percent.

We did the best we could. I hope that my colleagues will be supportive of the recommendations that we have made, not only in the Strategic Subcommittee but in other subcommittees as well. It is a tough job. I don't think there is a member of the committee who doesn't feel that we have gone probably too far, that we need to, perhaps, remove that budget firewall and begin to put more dollars into defense. But given the constraints of the budget agreement, we had to do with what we had.

In conclusion, I thank Senators THURMOND, LEVIN, and BINGAMAN for the cooperation that we have had together, especially Senator BINGAMAN on the subcommittee who has always been courteous to me.

I want to thank Eric Thoemmes, Paul Longsworth, and Monica Chavez of the Armed Services Committee staff, and John Luddy, Brad Lovelace, and Steve Hellyar of my own staff as well.

I would be happy to yield the floor, Madam President. I see others who wish to speak.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Madam President, I ask unanimous consent that privileges of the floor be granted to Adam Pawluk, Chrissie Timpe, and Meg Dimeling for today's session of the Senate.

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

Who seeks recognition?

Mr. SMITH of New Hampshire. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HAGEL. Mr. President, I rise this afternoon to reflect on the business at hand today; that is, our Department of Defense authorization bill.

Three hours ago, I had the privilege of joining a couple of my colleagues at the Tomb of the Unknown Soldier during a very somber, serious ceremony to exhume the remains of the unknown Vietnam veteran from the Tomb of the Unknown Soldier. If you have followed this, as all of our colleagues in this body and most of America have, you are aware that through sophisticated, primarily DNA testing—and you, Mr. President, of all people understand this very well—we now are going to be able to identify almost all remains from the Vietnam war.

I begin my remarks this afternoon with that reflection because what we are about here today is serious business. It is about the business of national defense—defending America's interests in the world. It is costly, it is serious, and at some times it is devastating. It is devastating for the families who lose loved ones in crisis, in war, in conflict.

But when I say it is costly, Mr. President, I mean costly. As one who has spent some time in the Armed Forces, who is somewhat familiar with the sacrifices that we ask of our men and women and their families, I am as concerned today about the defense capabilities of our armed services as I have been since the late 1970s. Not that our men and women, our warriors, are not up to the task, but I fear what we are doing to our men and women who have committed their lives to the defense of freedom and the defense of this Nation is that we are not providing them, we are not making to them, the kind of commitment in the resources they need to do their job.

We are asking—and this has been the case over the last 10 years—our Armed Forces to do more with less—more deployments, longer deployments. And as you look at our Defense Department budgets, this fiscal year 1999 budget represents the 14th consecutive year of decline in defense spending. In real dollars, I think the American public should know that this budget represents $3 billion less than current levels and about a 40-percent drop from the spending levels of the mid to late 1980s.

I compliment my colleagues on the Armed Services Committee for dealing with a difficult issue. I especially compliment Chairman THURMOND, who, I understand, will lead this authorization bill fight for the last time. His commitment to his country is not only exemplary but it is truly unmatched in this Chamber. There is no one who understands this business better than Chairman THURMOND and who understands what I am talking about today.

I will jump to the conclusion of my remarks by saying this. It is time the Congress of the United States be direct and honest with the American public and say what needs to be said, and that is, we need to increase spending for our Defense Department. We need to increase spending. Any measurement you take of where we are in inflation-adjusted dollars, this year's defense budget represents the smallest, in real dollars, the smallest Defense Department budget since the beginning of the Korean war. We have the smallest military in nearly 50 years.

I am astounded that the President of the United States comes before the Congress and the American public and says we have the smallest Government ever. First of all, we don't have the smallest Government ever; a $1.7 trillion Government is rather significant. But he is half right; we have a military that we have continued to hollow out over the last 10 years. We will pay a severe price for what we are doing to our Armed Forces capability.

About 3 percent of our gross domestic product today, less than half of what we had in the 1980's, goes to defense

spending. By any measurement you take of this issue of research, acquisition, and deployment of new weapons systems, we are relying on aging and older equipment.

I had an interesting conversation over the weekend at the airport in Omaha, NE. It was with two DOD auditors who have been with the DOD, auditing systems equipment, for almost 30 years. Each of them told me independently that they have never seen such a situation since the late 1970s. When they are auditing military orders to cannibalize equipment in order to get spare parts off of our jets, off of our ships, off of our military vehicles, something is drastically wrong when that happens, drastically wrong.

I hear very interesting commentary from the Secretary of Defense, whom I admire greatly, about, if you would just close more bases, that would give us more money and free up the resources. Well, that may do some of that, but what is interesting is that it does not give you any more manpower, and in fact in the President's budget this year he calls for cutting 36,000 uniformed men and women from military service, 12,000 Reserve men and women. How can we, in fact, focus the resources and make the commitment we need to make to our men and women who defend this Nation?

Let's remember something. National defense is the guarantor of our foreign policy. Without a national defense, we have no foreign policy. Yet we continue to ask our men and women in uniform to do more. Since 1990, our Armed Forces have been used in 36 foreign missions compared to 22 from 1980 to 1989. The Army decreased its manpower by 36 percent while increasing the workload by over 300 percent. Since 1989, the Air Force personnel have been cut by one-third yet the number of missions has quadrupled. From October to January of last year, we lost over 600 Air Force jet pilots. The Army estimated in 1997 that its deployable units spent 180 to 190 days away from home each year. This was before—before—the recent escalation of our forces in the Persian Gulf.

The Army Chief of Staff, General Dennis Reimer recently said, ''Our requirements exceed our people to man those requirements.''

Let's look at the quality of life. Let's ask what we are doing for the men and women we are asking to commit, in some cases, their lives; what we are asking them to do and what we are giving in return—not only the increasing rate of deployment, longer deployment, cutting their time with families, impacting their quality of life, but what about housing? It is disgraceful. Last year, the outgoing Chairman of the Joint Chiefs of Staff, General John Shalikashvili, said that, ''* * * we have family housing that we ought not be asking our folks to live in.''

In the Air Force alone there are over 41,000 families on waiting lists for decent housing. In my State of Nebraska, at Offutt Air Force Base alone, there is a terrible need for decent housing. When I say decent housing, I don't mean villas, I mean running water, hot water, plaster not falling from the ceiling, windows not broken out. These people in our Armed Forces are not asking for palaces. How do we expect the men and women in our Armed Forces, as we send them, deploy them all over the world, to concentrate on the serious business before them if they are worried about their families at home because we in the Congress and the President are not paying attention to focusing on the resources that our men and women need?

Military pay lags 13 percent behind that of the private sector. By the Department of Defense's own estimates, more than 23,000 men and women in uniform, and their families, are eligible for food stamps. What does this do to retention, recruitment and readiness? That is the essence of a capable military. The Army has fallen short of its recruitment goal for the first time since 1979—the first time. And the percentage of recruits in the United States Army with high school diplomas is declining. Since Desert Storm, the percentage of Navy petty officers who say they intend to make the Navy a career has dropped by 10 percent.

Look at the world today. Is it getting safer? Need we really look beyond what happened earlier this week with the atomic testing done by India? We have major troop deployments around the world today: 37,000 troops in South Korea, major deployments of forces in the Middle East, Japan, Europe, Bosnia. And what about the flash points that are there today, the real possibilities of conflict south of Bosnia, Kosovo? What is yet to happen on the subcontinent of Asia with Pakistan and India? I will be in the Caspian Sea region in 2 weeks—a tinderbox. Are we prepared?

The end of the cold war has reduced some threat. But now is no time to not only withdraw American leadership but to withdraw the commitment to our Armed Forces. Our armed services are the capability that we are relying on to protect our national interests, our role in the world, to guarantee our foreign policy. That will not be done by hollowing out our military. Today we see a world that is shifting globally in its geopolitical, economic, and military power structures. We cannot allow America to become weaker, or withdraw from that world. Now is not the time. Now is the time for America to project its leadership and help form and help craft and help incentivize and lead the world to more freedom. You cannot accomplish that with an unprepared military.

I looked at the President's budget again this week, his fiscal year 1999 budget. The President proposes $123 billion in new domestic programs, but again proposes to cut our military budget. Surely now—surely America's national interests and our national security has some priority in this budget.

As we step back for a moment and survey the world as it is—not as we hope or wish it will be, but as it is—if we in fact are, and I believe we are, capable of taking advantage of the tremendous opportunities and hopes and the series of historical consequences and events that have come together in a rather magnificent way to make the world better, it is going to require American leadership. Not that we need to shoulder all the burden—of course not. But part of that American leadership is a national security worthy of who we are and a commitment to the people that we ask daily to defend our Nation—a commitment to give them the resources they need.

I would say finally, Mr. President, to me a part of that commitment is not to underfund our military but, in fact, it is to start rebuilding our military. I hope as this issue develops and debate develops, that the issue we are about today will extend far beyond the narrowness of the focus that we debate today, but interconnects with the future and our leadership, and much of that future resides at the core of our national defense capabilities.

I thank my colleagues who serve on the Armed Services Committee for their efforts, their leadership, and their lives that many have devoted to making this a more secure world and helping our military.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank my able colleague from Nebraska for his kind words about me. I also wish to thank him for the great service he has rendered this country here in the Senate. He is an expert on defense matters and his opinions are certainly worth the consideration of every Senator here.

Again, it is a pleasure to serve with him. I wish him continued success.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. LEVIN. Mr. President, I wonder if the Senator will yield just for one moment?

Mr. THOMAS. Certainly.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I simply want to add my thanks to the Senator from Nebraska. Every year when this bill comes up, he is here. It is a very important contribution which he is making to the national defense. We on the Armed Services Committee do the best we can, but we have colleagues such as the Senator from Nebraska who add their immense expertise and passion and feeling about these issues, and it is significantly important to us and I thank the Senator for doing that.

The PRESIDING OFFICER. The Senator from Wyoming.

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

The PRESIDING OFFICER. The pending business is the Hutchinson amendment.

AMENDMENT NO. 2401 TO AMENDMENT NO. 2387

Mr. THOMAS. Mr. President, I send an amendment to amendment No. 2387 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 2401 to amendment No. 2387.

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

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

The amendment is as follows:

In the pending amendments, on page 1, strike lines 5 through page 5, line 4.

Mr. THOMAS. Mr. President, I simply send the amendment which will deal with the findings of this bill and eliminate them in a second-degree amendment.

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. THURMOND. 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. THURMOND. Mr. President, I ask unanimous consent that Mr. Ed Fienga, a Department of the Air Force fellow in the office of Senator KAY BAILEY HUTCHISON be granted the privilege of the floor during the consideration of S. 2057.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. 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.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the pending business be set aside so that I can offer a second amendment.

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

AMENDMENT NO. 2388

(Purpose: Relating to the use of forced labor in the People's Republic of China)

Mr. HUTCHINSON. Mr. President, I call up amendment No. 2388 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. HUTCHINSON), for himself and Mr. ABRAHAM, proposes an amendment numbered 2388.

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:

Add at the end the following new sections:

**SEC. ___. FINDINGS.**

Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, and indentured labor in several countries.

(2) The United States Customs Service has actively pursued attempts to import products made with forced labor, resulting in seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

(4) The United States Customs Service does not currently have the tools to obtain the timely and in-depth verification necessary to identify and interdict products made with forced labor that are destined for the United States market.

**SEC. ___. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED LABOR.**

There are authorized to be appropriated for monitoring by the United States Customs Service of the importation into the United States of products made with forced labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, $2,000,000 for fiscal year 1999.

**SEC. ___. REPORTING REQUIREMENT ON FORCED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.**

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall prepare and transmit to Congress a report on products made with forced labor that are destined for the United States market.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor in manufacturing products destined for the United States market.

(2) The volume of products made with forced labor, destined for the United States market, that is in violation of section 307 of the Tariff Act of 1930 or section 1761 of the title 18, United States Code, and is seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor that are destined for the United States market.

**SEC. ___. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.**

It is the sense of Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade which involves goods made with forced labor is frustrating implementation of the memorandum. Should an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor, including improved procedures to request investigations of suspected prison labor facilities by international monitors.

**SEC. ___. DEFINITION OF FORCED LABOR.**

As used in sections ___ through ___ of this Act, the term ''forced labor'' means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to add my good friend and colleague, Senator ABRAHAM of Michigan, as an original cosponsor of this amendment.

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

Mr. HUTCHINSON. Mr. President, this amendment is simple and, again, it was noncontroversial when it was voted on in the House of Representatives. In fact, the language in this amendment passed the House with almost unanimous support. Having served in the House 4 years, I know this happens rarely. It was a 419-to-2 vote. So, it had overwhelming bipartisan support.

This amendment will simply do two things: First, it will express the sense of the Congress that the President should replace any memorandums of understanding on prison labor that lack effective monitoring procedures like the one negotiated with the People's Republic of China and replace the agreement with a stricter monitoring system.

Second, the bill authorizes $2 million in additional funds for the U.S. Customs Service to monitor the importation of slave-labor-produced goods. As everyone in this body knows, the importation of goods made by convicts has been banned for more than a half a century. This law underscores Americans' firm conviction that such products produced by coerced and forced labor should not be sold in this country. I believe Americans are repulsed by the very thought of benefiting from cheap prices on products produced by the sweat and blood of foreign prisoners.

Despite this ban, products made in Communist China's vast archipelago of slave labor camps, known as the laogai, continue to flow into this country unabated. This system of laogai, a word meaning reform through labor, was designed for the dual purposes of political control and forced economic development. Interestingly, this system is modeled on Stalin's Soviet Gulag, which we all remember was exposed most graphically by Alexander Solzhenitsyn.

This system of forced labor, slave labor, has been an integral part of Chinese totalitarianism since the inception of the People's Republic of China in 1949. Harry Wu, a survivor of the laogai, and a friend of mine, has estimated that some 50 million Chinese men and women have passed through these camps, of whom 15 million have perished. Today, anywhere from 6 to 8 million people are captive in the 1,100 camps of laogai, held and forced to work under grossly inhumane conditions.

According to official statistics, the laogai operate 140 export enterprises selling products to over 70 nations abroad, including the United States. These enterprises are responsible for producing key commodities, including uranium, graphite, rubber, cotton, asbestos, and one-third of Chinese tea is produced in these slave labor camps, as well as a huge array of consumer goods, including toys, artificial flowers and, ironically, Christmas lights and rosaries.

When I went to China in January, I asked to visit a laogai prison. In fact, I asked every day. I asked repeatedly, and repeatedly, but my requests to visit a laogai prison were denied. Fortunately, one of my colleagues in the House on an earlier trip, Representative FRANK WOLF, was able to visit Beijing Prison No. 1. This is the exterior of that prison camp that Congressman WOLF visited, a prison camp that includes a slave labor industry.

This second photo shows us the picture of the Beijing hosiery factory. This is located inside of that prison camp.

The third photo actually shows the assembly line where these products are made.

In this prison, Mr. WOLF found slave laborers producing socks on this assembly line. I have some of the very socks produced on that assembly line which Mr. WOLF brought back. You can see the socks. This particular pair was determined to be for export. This is not just a matter of laogai slave labor prisons, which would be horrific enough, that would be bad enough, but these particular products were made for export to other countries.

When I was in China, I saw many things. One thing I did not see was any golf courses, but the logo on these socks is a person swinging a golf club, obviously not intended for sale within China but for sale on the foreign market.

Although the United States entered into binding agreements with China in 1992 and 1994 to bar trade in prison labor products and to allow inspection of its forced-labor camps, the Chinese Government has frustrated their implementation, both by using dual names to disguise camp products and by denying access to those slave labor camps.

In 1996, the Chinese Government granted access to just one prison labor camp. Out of the whole laogai system, access in 1996 was granted to only one that had been requested by the U.S. Customs Service.

Mr. President, the following two charts show examples of laogai prison camps that have never been inspected, though the request has been made to visit. These photos were taken, obviously, outside the camp. This is laogai slave labor camp No. 5 and Zhejiang laogai slave labor camp. Both of these labor camps—we have a second picture as well—show individuals going into the camp. These pictures were obtained by the Laogai Research Foundation.

Mr. President, the two most recent State Department human rights reports on China state that ''Repeated delays in arranging prison labor site visits called into question the government's intention regarding the implementation of the two agreements.''

So we have two agreements with China which were to provide for inspections of these camps in which these kinds of products are made to compete with American workers. According to our State Department, we have found, instead of cooperation, obstructionism and delays in arranging for visits to those labor camps.

Obviously, I think this indicates that the Chinese Government is not intent on cooperating with us on trying to ensure that the products produced are not being sold domestically or to the foreign market and that humane conditions prevail in these camps.

The U.S. Customs Service has already banned 27 different products of laogai camps. Unfortunately, in testimony before the Senate Foreign Relations Committee, on May 22, 1997, the Customs Commissioner George Weise noted that the Customs Service is too weak and understaffed to monitor China's slave labor enterprises.

Specifically, he said:

> We simply do not have the tools within our present arsenal at Customs to gain the timely and in depth verification that we need.

I want to say I do not know whether he is accurate in that contention or not. I would not presume to say whether or not the Customs Service actually has the resources to do the job or not. But I want them to have no excuse; I do not want them to be able to come to the House or to the Senate, to our committees, our oversight committees, and say, we simply cannot do the job that we are mandated to do in ensuring that these products are not being sold in the United States of America that are being produced in these slave labor camps.

These expansive forced-labor camps operate at very low costs even in relation to China's lower wage scale, thus providing them a competitive advantage over other firms and giving them sizable profit margins that help to fund the Chinese Government. The laogai are in a win-win situation. It is a win-win for China. They help maintain their political control and indoctrination of the citizenry, and they funnel money into their treasury through these slave labor enterprises. American businesses that use wage-earning employees are being placed at a competitive disadvantaged by less scrupulous competitors who use this illegal source of artificially cheap labor.

These socks are the kind of thing they are producing. And they are producing them with slave labor, prisoners who are being paid little, if anything. And those laborers are competing with American workers, placing our workers at an incredible disadvantage. As more businesses rely on Chinese slave labor and slave-labor-produced goods, U.S. employment in these industries fall. Thus, despite the productivity advantage of U.S. labor—and I do not believe there is a better worker in the world; I do not believe there are harder workers in the world than the American worker—but in spite of that high productivity, how can we ask them to compete? And, in fact, they cannot compete against low- or no-cost employment in the People's Republic of China.

Mr. President, I doubt American consumers would knowingly fund a Stalinist system of forced labor and repression. That is why they support laws banning this practice and expect the U.S. Government to do everything possible to ensure that such products are not sold in the United States. Yet because of the lax enforcement and the open Chinese disregard for United States law, Americans are being duped into buying products made by slave laborers. I think that is unfortunate. I think they are doing so unwittingly. But I think we have to do a better job to ensure, in monitoring those products that are coming into this country, that they are not made in inhumane, slave labor conditions that exist in hundreds of prisons in China today.

That is why this is a modest—what I would call a baby step, this is a minimalist approach. This is the least we can do, to simply give $2 million to the Customs Service and say we have to have better monitoring of these products. We have a moral obligation to do everything in our power to stop slave labor and to end the flow of slave-labor-produced goods in this country which will stop the flow of profits or at least slow the flow of profits into the PRC. I think it is a rational first step, a small step but a rational step.

I urge my fellow Senators to join 419 Members of the U.S. House of Representatives by passing this amendment to increase the Customs Service enforcement funding and to reach agreements that give the Customs Service the powers they need to end this bloody trail.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Is there a sufficient second?

There is not a sufficient second.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I would like to inquire of the Senator, here he provides $2 million to be used to handle this situation. Will that come out of the defense bill?

Mr. HUTCHINSON. I say to the chairman, I would presume that the $2 million—this is an amendment to the Department of Defense bill, so I would assume the $2 million would come out of the defense bill. And $2 million, I might add—if I might inquire of the chairman, the total budget, the total amount authorized in the defense bill, is how much?

Mr. THURMOND. If that comes out of defense, then I will have to oppose the amendment.

Mr. HUTCHINSON. I simply say that the national security of the United States—part of that is ensuring that the People's Liberation Army and the Chinese Government not receive resources and revenues through products produced by slave labor.

Mr. HARKIN. Will the Senator yield?

Mr. HUTCHINSON. I am glad to.

Mr. HARKIN. To answer the chairman's point, it does not come out of defense. It just authorizes the Department of Treasury to allocate $2 million.

Mr. HUTCHINSON. Two million dollars.

Mr. HARKIN. For this purpose.

Mr. HUTCHINSON. I thank my colleague for that clarification.

Mr. HARKIN. It does not come out of this.

Mr. HUTCHINSON. I say to the chairman, may I clarify my previous response that in fact it would not come from the Department of Defense, not come from the defense budget, but authorizes $2 million from the Department of Treasury. So it would not in any way intrude upon that which your committee has sought to ensure adequate defenses for the country.

Mr. THURMOND. Thank you for the clarification.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2402 TO AMENDMENT NO. 2388

(Purpose: To increase monitoring of imported products made with forced or indentured labor and forced or indentured child)

Mr. HARKIN. Mr. President, I have an amendment to the Hutchinson amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. WELLSTONE, proposes an amendment numbered 2402 to amendment No. 2388.

Mr. HARKIN. Mr. President, I ask that reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

**SECTION 1. FINDINGS.**

Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, or indentured labor, in several countries.

(2) The United States Customs Service has made limited attempts to prohibit the import of products made with forced labor, resulting in only a few seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

(4) However, the United States Customs Service has never formally investigated or pursued enforcement with respect to attempts to import products made with forced or indentured child labor.

(5) The United States Customs Service can use additional resources and tools to obtain the timely and in-depth verification necessary to identify and interdict products made with forced labor or indentured labor, including forced or indentured child labor, that are destined for the United States market.

(6) The International Labor Organization estimates that approximately 250,000,000 children between the ages of 5 and 14 are working in developing countries, including millions of children in bondage or otherwise forced to work for little or no pay.

(7) Congress has clearly indicated in Public Law 105–61, Treasury-Postal Service Appropriations, 1998, that forced or indentured child labor constitutes forced labor under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

**SEC. 2. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED OR INDENTURED LABOR.**

There are authorized to be appropriated $2,000,000 for fiscal year 1999 to the United States Customs Service to monitor the importation of products made with forced labor or indentured labor, including forced or indentured child labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code.

**SEC. 3. REPORTING REQUIREMENT ON FORCED LABOR OR INDENTURED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.**

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Customs shall prepare and transmit to Congress a report on products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor or indentured labor, including forced or indentured child labor in manufacturing or mining products destined for the United States market.

(2) The volume of products made or mined with forced labor or indentured labor, including forced or indentured child labor that is—

(A) destined for the United States market,

(B) in violation of section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, and

(C) seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

**SEC. 4. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.**

It is the sense of Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade that involves goods made with forced labor or indentured labor, including forced or indentured child labor is frustrating implementation of the memorandum. If an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor or indentured labor, including forced or indentured child labor. The memorandum of understanding should include improved procedures for requesting investigations of suspected work sites by international monitors.

**SEC. 5. DEFINITION OF FORCED LABOR.**

In this Act, the term ''forced labor'' means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930. The term includes forced or indentured child labor—

(1) that is exacted from any person under 15 years of age, either in payment for the debts of a parent, relative, or guardian, or drawn under false pretexts; and

(2) with respect to which such person is confined against the person's will.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new paragraph:

''For purposes of this section, forced or indentured labor includes forced or indentured child labor.

Mr. HARKIN. Mr. President, this is a second degree to the Hutchinson amendment.

I ask unanimous consent to add my name to the Hutchinson amendment as a cosponsor; and Senator WELLSTONE also wanted to be added as a cosponsor of the amendment.

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

Mr. HARKIN. I have spoken with the author of the pending amendment, and I am very supportive of Senator Hutchinson's amendment. This is a friendly amendment, which he accepts. My amendment does not in any way change the intent of the Hutchinson amendment nor does it add any more money.

Basically, this amendment reflects the intent of Congress to include forced and indentured child labor in the interpretation of section 307 of the Tariff Act of 1930.

The Congress spoke with one voice when it instructed the U.S. Customs Service to block from entry into the United States any imports made by forced or indentured child labor, as they are inherently for imports made with forced and indentured labor.

This clarification of congressional intent was part of the fiscal year 1998 Treasury-Postal appropriations bill which the President has signed into law. So, again, this amendment does not change anything really of the Hutchinson amendment. It simply adds forced and indentured child labor as part of the amendment.

As I said, it preserves the congressional intent passed last year. The U.S. Customs Service will still be able to aggressively pursue items made with convict labor, forced labor, or indentured labor, and prevent them from reaching our shores. They should rightly do so. That is why I am supportive of the Hutchinson amendment.

Again, the reason this is necessary is a little over a year ago—actually about 2 years ago now—I contacted the Treasury Department to ask if section 307 of the Tariff Act of 1930 covered forced and indentured child labor.

I got a letter back saying, well, they did not know. They needed clarification. Last year, under the Treasury-Postal appropriations bill, we provided that clarification that it indeed covered forced and indentured child labor. And that is what my amendment does here; it just adds those words back in there.

And, again, it should be added because in many cases these children are like slaves. They are sold, maybe sometimes for an outstanding debt that is owed to a family. They are traded like cattle. Typically what happens is, a child is sold into a factory or plant as a payment for an outstanding debt. The middle man, a loan shark, transfers the child to a work setting far away from his home. And these kids literally work as virtual slaves doing anything from making rugs to soccer balls to serving as prostitutes, to breaking bricks or mining granite or making glassware. Many times these kids are never released from their bondage until they get too old to do the work. They are punished severely; a lot of times they work 12 to 15 hours a day.

Mr. President, last year I visited a place out of New Delhi called the Muki Ashram, or ''liberation retreat'' established in 1991 by Kailash Satiyarti, president of the South Asian Coalition on Child Servitude, located right outside of New Delhi, a place where bonded child laborers are freed from the shackles of slavery. They are brought there, they are rehabilitated, they are able to go to school, learn a trade and regain their sense of self-worth. I was deeply moved by this establishment.

I saw somewhere between 50 and 100 kids who were there, many as young as 8 years of age, many of whom had been beaten. I saw kids that had marks still on their face and their arms where they had been burned with red-hot pokers and things like that. These kids were now being taught in a school, provided nutrition. As I said, they get their sense of self-worth back.

I have two stories here of two of the kids who I saw when I was there. I ask unanimous consent that these two stories be printed in the RECORD.

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

STORY OF EXPLOITED CHILD

Mohan, a seven year old boy exploited by a carpet loom owner. He was taken away by a dalal from his native village of Bihar to a carpet loom in Allahabad, U.P. Labour recruiter (Dalal) came to his parents and lured them by giving false promises of a good life and bright future of Mohan Kumar.

After reaching Allahabad, his cruel employer treated him just like an animal, Mohan was forced to work for 16–18 hours a day. While working he was beaten very frequently by his master or his attendant. Some times he passed sleepless night due to pain, but nobody was taking care of him. In the name of food, he was given only two chapaties, and forced to eat at the same place where he worked. He was guarded by the attendant of his master in the night and even not allowed to go for routine work alone.

One day Mohan was weeping to go to meet his parents at the very moment, his cruel employer hitted him by a pointed weapon. His left eye had injured. His parents came to know of his pathetic condition, they reported the matter to the activists of BBA–SACCS. A raid and rescue operation was organized by activists of BBA–SACCS for releasing of Mohan Kumar.

After releasing, Mohan Kumar joined Mukti Ashram, he was suffering from the traumatic effects. Still he has the mark of that brutal act of his master under his left eye. Slowly and gradually, he accustomed with the environment of Mukti Ashram and recovered from the traumatic effect. He began to taking interest in his studies. Now his ambition to become a Sub-divisional Magistrate (SDM) so that, he can help to those miserable children, who are in bondage.

SMILE EVEN WHEN YOU ARE IN TROUBLE

One fine morning Nageshwar sang while walking in Mukti Ashram's garden—''Smile and sing even when you are in trouble.'' For every winter follows spring as the dawn follows dusk.

And the Mukti Ashram celebrated it, Everyone, children and teachers were singing and dancing, 'Thank God! Nageshwar's voice came back, which he lost for more than three weeks.

Nageshwar comes from a remote district of Bihar. When he was seven and playing with his two younger brothers, a Dalal (Labour recruiter) came along with four children of the same age of Nageshwar lured him by giving some sweets and false promise of a good life and bright future. Due to allurement, Nageshwar and his brothers were ready to go with Dalal. Dalal taken away them to a carpet loom situated in the remote area of Allahabad, Uttar Pradesh.

Carpet loom owner treated him just like a slave. Nageshwar was forced to work for 18 to 20 hours a day even some times for whole night also. While weaving the carpet his cruel employer often beat him brutally with a panja ( a tool used in carpet weaving). In the name of food, Nageshwar's employer given him two chapaties with salt twice a day and forced to eat. Nageshwar has no separate place to sleep and forced to sleep only for two hours in the same place where he worked.

It was November 1st, 1995 the acts of barbarism against Nageshwar reached their peak. Around mid night after Nageshwar had helped his two younger brothers to escape from the continuous harassment, physical torture and tyranny they had been suffering for years, his employer punished him with red hot iron rod, causing irreparable damage to his body. Nageshwar cried and cried—'Oh God, Oh father' but no body was their to help him.

When the villagers noticed the sign of this torture they reported to BBA–SACCS. November 4th 1995 was the independence day for Nageshwar. On that day Nageshwar and his younger brothers and other four children were released with the great efforts of the activists of BBA–SACCS.

When Nageshwar came to the Mukti Ashram, he was ''shell shocked'', and lost his speech. After a month of comprehensive medical treatment and special care and attention from other children and the Ashram staff, he became able to speak and express his feelings Slowly and gradually he had begun to enjoy the life of Mukti Ashram.

Mr. HARKIN. Again, I want to make it clear I am very supportive of the Hutchinson amendment. I believe it is a good amendment. This is a friendly amendment—just to add the word ''child.'' In other words, under ''forced and indentured labor'' to include ''forced and indentured child labor'' to clarify section 307 of the Tariff Act of 1930.

I am proud to be a cosponsor of the Hutchinson amendment.

Mr. HUTCHINSON. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. HUTCHINSON. I may have missed this. Would you clarify it, was this the language that was adopted last year?

Mr. HARKIN. Yes, this exact language was adopted by both the House and the Senate last year on the Treasury-Postal appropriations bill.

Mr. HUTCHINSON. But because it was appropriations, it was only good for 1 year?

Mr. HARKIN. That is the problem.

Mr. HUTCHINSON. I express my support for the friendly amendment and appreciate your support for the underlying amendment.

Mr. WARNER. 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.

Mrs. FEINSTEIN. 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. WARNER. Mr. President, if the Chair will advise as to the pending amendment so everybody listening has it clearly in mind.

The PRESIDING OFFICER. The pending amendment is amendment numbered 2402 offered by the Senator from Iowa as a second-degree amendment to the amendment of the Senator from Arkansas.

Mr. WARNER. For further clarification, the yeas and nays have not been ordered?

The PRESIDING OFFICER (Mr. INHOFE). That is correct.

Mr. WARNER. And therefore the debate and the colloquy on this amendment should continue. I am advised that we would not be successful in a unanimous consent requirement to lay it aside and am perfectly willing at this time to continue debate on the Senator's amendment.

Mr. HUTCHINSON. Mr. President, I would like to modify my amendment to accept the Harkin second degree.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 2388), as modified, is as follows:

At the end of the bill add the following:

**SECTION 1. FINDINGS.**

Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, or indentured labor, in several countries.

(2) The United States Customs Service has made limited attempts to prohibit the import of products made with forced labor, resulting in only a few seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

(4) However, the United States Customs Service has never formally investigated or pursued enforcement with respect to attempts to import products made with forced or indentured child labor.

(5) The United States Customs Service can use additional resources and tools to obtain the timely and in-depth verification necessary to identify and interdict products made with forced labor or indentured labor, including forced or indentured child labor, that are destined for the United States market.

(6) The International Labor Organization estimates that approximately 250,000,000 children between the ages of 5 and 14 are working in developing countries, including millions of children in bondage or otherwise forced to work for little or no pay.

(7) Congress has clearly indicated in Public Law 105–61, Treasury-Postal Service Appropriations, 1998, that forced or indentured child labor constitutes forced labor under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

**SEC. 2. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED OR INDENTURED LABOR.**

There are authorized to be appropriated $2,000,000 for fiscal year 1999 to the United States Customs Service to monitor the importation of products made with forced labor or indentured labor, including forced or indentured child labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code.

**SEC. 3. REPORTING REQUIREMENT ON FORCED LABOR OR INDENTURED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.**

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Customs shall prepare and transmit to Congress a report on products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor or indentured labor, including forced or indentured child labor in manufacturing or mining products destined for the United States market.

(2) The volume of products made or mined with forced labor or indentured labor, including forced or indentured child labor that is—

(A) destined for the United States market,

(B) in violation of section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, and

(C) seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

**SEC. 4. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.**

It is the sense of Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade that involves goods made with forced labor or indentured labor, including forced or indentured child labor is frustrating implementation of the memorandum. If an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor or indentured labor, including forced or indentured child labor. The memorandum of understanding should include improved procedures for requesting investigations of suspected work sites by international monitors.

**SEC. 5. DEFINITION OF FORCED LABOR.**

In this Act, the term ''forced labor'' means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930. The term includes forced or indentured child labor—

(1) that is exacted from any person under 15 years of age, either in payment for the debts of a parent, relative, or guardian, or drawn under false pretexts; and

(2) with respect to which such person is confined against the person's will.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new paragraph:

''For purposes of this section, forced or indentured labor includes forced or indentured child labor.

Mr. WARNER. Mr. President, on behalf of the chairman of the Armed Services Committee, Mr. THURMOND, 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. THURMOND. 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. THURMOND. Mr. President, I ask unanimous consent that Richard Voter, a military fellow in the office of Senator WARNER, be granted floor privileges for the duration of the Senate debate on S. 2057, the Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. THURMOND. 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. WARNER. 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. WARNER. Mr. President, the chairman of our committee, the distinguished ranking member, and myself are trying the best we can to accommodate a number of Senators. The Senator from Minnesota is anxious to speak in relation to one of the pending amendments by the Senator from Arkansas.

I ask unanimous consent that following the Senator from Minnesota, the Senator from California be recognized for the purpose of another amendment, and then we will take it from there.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I may be permitted to proceed for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

## THE FIGHT AGAINST BREAST CANCER

Mr. D'AMATO. Mr. President, I see the Senator from California on the floor and I would like to give her whatever part of my time that might be left because this is in regard to legislation that I think is so important. It is important for the psychology of the women of America who, unfortunately, will be diagnosed with breast cancer. It is important in their medical treatment. It is important to their families. It is important to the community. It is important to let people know we are serious in our battle to win the fight against breast cancer and to see that those who are diagnosed get the proper treatment and don't have some medical plan or medical director who says that—as a result of the ERISA laws passed more than 20 years ago—we don't have to provide you basic coverage; we don't have to say that reconstructive surgery is covered. And, indeed, we have had plans today in America where millions of women face being denied basic coverage as it relates to cancer and its treatment and the reconstructive surgery that is necessary.

On January 30, 1997, Senator FEINSTEIN and myself, along with a dozen or more colleagues—now 21—introduced the Women's Health and Cancer Rights Act. We have amended that and, indeed, put some provisions aside, and we have reduced it to two main parts. No. 1, no bean counter, no statistician can set an arbitrary limit on the length of time that a woman takes after a medical procedure for breast cancer. Some plans limit her stay to 24 hours. Imagine that. If there are complications, it is too bad. She and her family then have to pay for any longer stay. That is unconscionable. The decision in terms of the length of stay should be predicated upon the needs of that patient. That determination should be made according to the medical necessity and by her physician, not some bean counter who arbitrarily looks at a policy and says, ''We won't pay for more than 24 hours.'' We say that decision should be made as the medical necessity requires.

The second major provision of that bill is that reconstructive surgery will not be treated as something optional or cosmetic. Let me refer to the case of a young woman. This past February, not that long ago, her doctor called me. Dr. Wider of Long Island said to me, ''Janet Franquet, a 31-year-old woman, needs a radical mastectomy. When I contacted her medical plan, the medical director said that they would not

authorize payment for reconstructive surgery.'' Here is a young woman, 31 years of age. I called the director of that plan, Dr. Hodos, and I said to him, ''How could you be saying that this is not necessary?'' He said, ''Replacement of a breast is not medically necessary and not covered under the plan.'' Then he said, ''This is not a bodily function and therefore cannot and should not be replaced.''

That is not an isolated case, Mr. President. The women of America—our mothers, daughters, sisters, neighbors, friends—should know that they are covered.

Let me tell you something. The sorry history of this legislation is that, in spite of Senator FEINSTEIN, myself, Senator SNOWE, and I think every woman Senator who signed on to support this bill—I have colleagues who say we should not legislate by body part. Imagine that. We should not mandate that. You are right, we should not have to mandate it. But the situation requires that. Then we get others who say, oh, no, we are not going to let you have a vote on this bill until or unless you let us have a vote on some other legislation. What nonsense—to hold the women of America captive.

Senator FEINSTEIN and I, and a number of colleagues, have decided that we will bring this legislation up and offer it as an amendment on every piece of legislation that goes through here that is vital, where there is a bipartisan interest in seeing this pass. We are going to put it on. Indeed, at some point in time, we may hold this assembly hostage.

When the wheels slow down—understand, it is almost a year and a half now we have been trying to get this vote. I don't want people saying we are attempting to work our will against the majority. We backed down on the education bill; we took it off the IRS reform bill. We introduced this bill on January 30, 1997, 14 months ago. We brought it up during the consideration of IRS reform. We lost in committee. We got six votes. We brought it up again. In terms of the package that has just gone by, we brought it up and it was rejected 6 to 6 during the A+ education bill. We brought it up on the IRS bill during committee and we lost 8 to 10. We brought it up again today and we won 11 to 9. It is on the tobacco bill and it will be coming to this floor.

When people say ''what relevance,'' we are talking about the health of American women. Indeed, I am prepared to offer it as an amendment to the defense bill, because we spend defense funds, as Senator FEINSTEIN says, for cancer research and the defense of the families, and the women of America should not be shelved by partisan considerations or some ideological philosophy that says we can't have mandates. We have mandates every day. And some of the same people who voted against this bill vote for mandates every day. That is nonsense. It is too bad we need this.

So this has been reported out 11 to 9 and will be on the tobacco bill. I thank the 11 members on the Finance Committee who voted for it. But understand, this Senator is serious. We are going to continue until this ''win'' turns into a real win and America's women do not have to be held hostage any longer.

I yield the floor.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the Hutchinson amendment No. 2388, as modified.

AMENDMENT NO. 2387

Mr. GRAMS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we consider the Hutchinson amendment numbered 2387.

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

Mr. GRAMS. Mr. President, this amendment lies within the jurisdiction of the Banking Committee's International Financial Subcommittee, of which I am chairman, and the Senator from Virginia, Senator WARNER, also requested consultation with the committee of jurisdiction on this amendment.

I hereby am registering my opposition. This is a controversial amendment. I believe it deserves to be considered through the normal committee process.

So, with all due respect to my colleague from Arkansas, and many Senators formally registering concern about these bills, Mr. President, I move to table the underlying Hutchinson amendment but also ask unanimous consent that the vote not occur before 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, I apologize to the Senator, I was momentarily distracted. Could the Senator repeat his UC request?

Mr. GRAMS. I move to table the underlying Hutchinson amendment and ask unanimous consent that the vote not occur before 3 o'clock.

Mr. WARNER. Mr. President, does the Senator wish to put that motion in right now, or is he going to state it at 3 o'clock so the debate will continue between now and 3?

Mr. GRAMS. I could state it at 3. Could I move to have it tabled now with that unanimous consent agreement and have the vote at 3 o'clock?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that the vote occur at 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMS. Thank you, very much, Mr. President.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

## THE FIGHT AGAINST BREAST CANCER

Mrs. FEINSTEIN. Mr. President, before I send an amendment to the desk, if I may, I would like to make one comment on the remarks posed to the body by the Senator from New York with respect to the legislation that we cosponsored.

I want to congratulate him for getting this legislation on the tobacco bill.

I also want to express my dismay that this route has been taken and that an amendment which is very direct cannot get by this body any other way.

Mr. President, every day women of this country are being subjected to a mastectomy being performed in the morning and being pushed out on the streets that afternoon. It is called a ''same-day mastectomy,'' a ''drive-through mastectomy.'' I never thought in my lifetime that I would see the medical profession in a position where the length of hospital stay could not be determined by the physician.

All we would do in this amendment is say that the length of a woman's hospital stay, having had a mastectomy, would be based on the advice and knowledge of her physician. Whether she has a radical mastectomy, what her reaction to anesthesia is, what her preconditions are, all should be party to that decision, and not some HMO that says henceforth all major surgical procedures called mastectomies will be conducted on a same-day basis. This, to me, is bad medicine.

We also, as the Senator said, simply provide that the insurance company must provide for reconstructive surgery or prosthetic surgery, and that the doctor cannot be penalized for recommending additional treatment for the woman.

It seems to me, Mr. President, that we owe this simple gesture to the women of America, because to say to any woman that she has to go into a hospital for major, major surgery and is going to get pushed out on the street—I would hazard a guess that there isn't a man in this room who wants to have major surgery, leave with two to four drains in their body, having had a general anesthetic, and losing a significant portion of their torso, and hear, ''You cannot stay overnight in the hospital no matter how you feel.''

So I hope that the leadership of this body, hearing the capacity, the energy, the stubbornness of the Senator from New York, would really realize that the better part of valor is to allow us to have an up-or-down vote on this amendment. It seems to me, humbly stating, that this is the way this body should, in fact, function.

Mr. D'AMATO. Mr. President, I simply would like to say that I have never encountered such graciousness, such tenacity, such great dedication to a cause than the Senator from California has given to this effort for the past almost year and a half; and what a great fighter she is for all of the families of this country.

I thank her. And it is a great privilege and pleasure for me to have the opportunity to work with her in this endeavor.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2405

(Purpose: To express the sense of the Senate regarding the Indian Nuclear Tests)

Mrs. FEINSTEIN. 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 California (Mrs. FEINSTEIN), for herself, and Mr. BROWNBACK, Mr. GLENN, and Mr. BRYAN, proposes an amendment numbered 2405.

Mrs. FEINSTEIN. 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 insert: Findings:

The Government of India conducted an underground nuclear explosion on May 18, 1974;

Since the 1974 nuclear test by the Government of India, the United States and its allies have worked extensively to prevent the further proliferation of nuclear weapons in South Asia;

On May 11, 1998, the Government of India conducted underground tests of three separate nuclear explosive devices, including a fission device, a low-yield device, and a thermo-nuclear device;

On May 13, 1998 the Government of India conducted two additional underground tests of nuclear explosive devices;

This decision by the Government of India has needlessly raised tension in the South Asia region and threatens to exacerbate the nuclear arms race in that region;

The five declared nuclear weapons states and 144 other nations have signed the Comprehensive Test Ban Treaty in hopes of putting a permanent end to nuclear testing;

The Government of India has refused to sign the Comprehensive Test Ban Treaty;

The Government of India has refused to sign the Nuclear Non-Proliferation Treaty;

India has refused to enter into a safeguards agreement with the International Atomic Energy Agency covering any of its nuclear research facilities;

The Nuclear Proliferation Prevention Act of 1994 requires the President to impose a variety of aid and trade sanctions against any non-nuclear weapons state that detonates a nuclear explosive device;

It is the sense of Senate that the Senate

(1) Condemns in the strongest possible terms the decision of the Government of India to conduct three nuclear tests on May 11, 1998 and two nuclear tests on May 13, 1998;

(2) Supports the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and invoke all sanctions therein;

(3) Calls upon the Government of India to take immediate steps to reduce tensions that this unilateral and unnecessary step has caused;

(4) Expresses its regret that this decision by the Government of India will, of necessity set back relations between the United States and India;

(5) Urges the Government of Pakistan, the Government of the People's Republic of China, and all governments to exercise restraint in response to the Indian nuclear tests, in order to avoid further exacerbating the nuclear arms race in South Asia;

(6) Calls upon all governments in the region to take steps to prevent further proliferation of nuclear weapons and ballistic missiles;

(7) Urges the Government of India to enter into a safeguards agreement with the International Atomic Energy Agency which would cover all Indian nuclear research facilities at the earliest possible time.

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the Department of Defense authorization bill to express the concern of this body and condemnation of the recent Indian nuclear tests.

Mr. President, this is a sense of the Senate. Before I go into the provisions of it, let me state what I understand the facts to be.

In the last 2 days, there have been five underground nuclear tests in India about 70 miles from the border of Pakistan. According to Prime Minister Vajpayee of India, there was a fission device, a low-yield device, and a thermonuclear device.

According to the Carnegie Foundation, India is estimated to have approximately 400 kilograms of weapons-usable plutonium. Given that it takes about 6 kilograms of plutonium to construct a basic plutonium bomb, this amount would be sufficient for 65 bombs. With a more sophisticated design, it is possible that this estimate could go as high as 90 bombs.

India also possesses several different aircraft capable of nuclear delivery, including the Jaguar, the Mirage 2,000, the MiG–27, and the MiG–29. India has 2 missile systems potentially capable of delivering a nuclear weapon: The Prithvi, which can carry a 1,000-kilogram payload to approximately 150 kilometers or a 500-kilometer payload to 250 kilometers; and the Agni, a two-stage, medium-range missile which can conceivably carry a 1,000-kilogram payload as far as 1,500 to 2,000 kilometers.

India, according to a report, has possibly deployed, or at the very least is storing, conventionally armed Prithvi missiles in Punjab very near the Pakistani border.

Mr. President, it is no secret that there are intense feelings between these two nations. Pakistan and India, up to late, have been very difficult adversaries. More recently—this makes these detonations even more concerning—I think there has been a kind of rapprochement. And we hopefully were seeing some improvement in the relations between these two countries.

Mr. President, I can hardly think of a more important issue to the interests of the United States than preventing the proliferation of weapons of mass destruction. As the Secretary of State said the other day, this Nation has no other agenda than peace and stability throughout the world. And that, indeed, is an agenda to which I believe this body can wholeheartedly subscribe. So each State that acquires nuclear weapons creates additional complications in maintaining international security.

In south Asia today it appears to be too late to talk about preventing the acquisition of nuclear weapons. Both countries, India and Pakistan, now clearly have nuclear capability. And ultimately India must determine for itself whether its interests are best served by ridding South Asia of weapons of mass destruction or by turning the region into a potential nuclear battleground. That, I think, is no less the decision that has to be made.

We all hope that India will choose the course of deescalation, of standing down, of beginning to reduce its nuclear arsenal and at the very least showing a willingness, now that these underground tests have been carried out, to sign the Nuclear Non-Proliferation Treaty.

And, all of us saying to the Pakistani Government, please, we urge you not to respond in kind but to show that, indeed, Pakistan understands that greatness is not indigenous to nuclear production, I believe, in the long run, will bring inordinate credibility to the Government and the people of Pakistan, and the favorable response of this body as well.

Mr. President, the amendment I submit today on behalf of Senators BROWNBACK, GLENN, BRYAN and myself essentially reports what has happened in the last 2 days. It then goes on to say that it is the sense of the Senate that we condemn in the strongest possible terms the decision of the Government of India to conduct three nuclear tests on May 11 and two on May 13 and that we support the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and to invoke all sanctions therein.

I might add that the author of that act is a distinguished Member of this body, none other than Senator JOHN GLENN of the great State of Ohio. And that is a rather comprehensive statement of sanctions that in fact can be placed on India. It will effectively terminate assistance to that country under the Foreign Assistance Act of 1961 except for humanitarian assistance or food or other agricultural commodities.

It will terminate sales to that country of any defense articles, defense services or design and construction services, and licenses for the export to that country of any item on the U.S. munitions list.

It will terminate all foreign military financing for that country, and it will deny to that country credit, credit guarantees or other financial assistance by any department, agency or instrumentality of the U.S. Government, except that it will not apply to any transaction subject to the reporting requirement of title V or to humanitarian assistance.

And it will oppose, in accordance with the International Financial Institutions Act, the extension of any loan or financial or technical assistance to that country by any international financial institution and prohibit any U.S. bank from making any loan or providing any credit to the Government of that country except for loans or credits for the purpose of purchasing food or other agricultural commodities.

Finally, it will prohibit exports to that country of specific goods and technology.

My point in reading this, Mr. President, is that these, indeed, are strong sanctions. I believe all Members of this body are in support of the President's decision and this amendment gives us an opportunity to say so.

The sense of the Senate also calls upon the Government of India to take immediate steps to reduce tensions that this unilateral and unnecessary step has caused. We express our regret that this decision by the Government of India will by necessity set back relations between the United States and India, and we urge the Government of Pakistan, the Government of the People's Republic of China and all governments to exercise restraint in response to Indian nuclear tests in order to avoid further exacerbating the nuclear arms race in south Asia.

We call upon all governments in the region to take steps to prevent further proliferation of nuclear weapons and ballistic missiles, and we urge the Government of India to enter into a safeguards agreement with the International Atomic Energy Agency which would cover all Indian nuclear research facilities at the earliest possible time.

Mr. President, this is the text and sum of this sense-of-the Senate amendment before this body. I might say, for someone who has taken an interest in India, who has spent time with prior Ambassadors, both of India and Pakistan, attempting to reconcile differences between the two countries, that these tests come to me personally as a very low blow.

I did not think we would see the day when the detonation of these nuclear devices would take place. However, that is now past. We have seen that day. We hope we learn from that, and we hope, most importantly, that the governments concerned—India, Pakistan, and China—also will recognize the fact that we in this body wish to do everything we possibly can to find consensus rather than animus, to put an end to the adversarial relationships, and to have sanity and soundness prevail when it comes to nuclear weapons.

I thank the Chair. Perhaps I might ask for the yeas and nays on this amendment.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BROWNBACK. Mr. President, I would like to be heard.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. FEINSTEIN. I now see my distinguished colleague. I did not see Senator BROWNBACK. Perhaps he would like to comment as well.

The PRESIDING OFFICER. The Senator from Kansas.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. I wish to address this body on this very important issue. Before I get started, I ask unanimous consent that Terry Williams of my staff be allowed in the Chamber.

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

Mr. BROWNBACK. Mr. President, I am a cosponsor of the Feinstein amendment. Senator FEINSTEIN and I spoke yesterday about this issue and the need to speak and to act quickly by the United States in a statement of condemnation towards India, of support towards Pakistan, to encourage the Pakistanis to stand strong as a nation and not to ignite and set forth a nuclear weapon and escalate this chain reaction. We put forward this resolution of which I am a cosponsor. I believe it is the right and appropriate step for us. She has offered it, and she has been a peacemaker and a peacekeeper for these countries, had their representatives in her home to try to get the Ambassadors of these two nations to speak together and to not further proliferate but, rather, to seek peace. And all of that to no avail as far as the action that the Indian Government has taken this week.

We had, yesterday, a hearing in my subcommittee that Senator FEINSTEIN attended where we heard of the great problems we are facing on this entire subcontinent. Indeed, this is probably the most difficult area of the world today and the most problematic, and the most probable flash point that the world is facing today with the use of nuclear weapons.

With the Indians taking this action, five being set off, and then the response in India, not being one of ''My goodness, what have we unleashed, these first devices being set off since 1974 by a nonnuclear-weapons state; my gosh, what have we released?'' the reaction in the street has been jubilation, which is greater cause for concern, for concern of what is going to happen in Pakistan, which is most likely the next place for there to be a response, whether they would step forward and set off a nuclear weapon themselves, and where do we escalate from there? These two nations have gone to war three times in the last half century. This, to me, is a grave situation we are facing today.

The world was duly horrified this week when the Government of India detonated these three nuclear devices. I think India has behaved irresponsibly and has relegated itself to the category of an outcast. It is a terrible shame for a great nation. Rather than a celebration in the streets, the people of India should be demonstrating against their government for plunging their nation into this international crisis. That is why I support this resolution.

South Asia is facing a moment of truth. India has already acted. We know Pakistan is poised to retaliate. I believe we have to have a chance—and I want to note this, just a chance—to stop Pakistan, or encourage Pakistan from taking a foolish and dangerous step. We must, as President Clinton has recognized, do all we can to persuade the Government of Pakistan to show restraint, moderation, and intelligence. Deputy Secretary of State Talbott, Assistant Secretary Inderfurth and General Zinni are in Pakistan right now. I support their efforts and wish them every success in their discussions with Prime Minister Sharif.

But I think we, too, must act in the U.S. Senate. With this resolution, I think we must demonstrate, also, our support for Prime Minister Sharif in the face of incredible pressure that he is going to have from his country to respond to India's nuclear tests. That is why I believe the Senate should do this, and I also think the Senate should go further. I think we need to take further and even more aggressive and bold action to try to encourage the Pakistanis: Don't respond in kind.

With that, I think we need to act today to repeal the Pressler amendment as an action we can take, as an overt carrot to hold out to the Pakistanis, saying, ''We believe in your cause. Please, show restraint. Don't go on forward. Don't ignite a nuclear weapon. Don't continue this chain reaction. And if you don't, we are prepared to move forward with removing something that has been a thorn in your side for some time, the Pressler amendment itself.''

This is not about rewarding Pakistan or punishing India. This is a signal to Pakistan at a crucial moment. Repealing the Pressler amendment will have little impact on the ground. Pakistan is already subject to Glenn-Symington sanctions dating back more than a decade. Those sanctions already preclude providing Pakistan any assistance under the Foreign Assistance Act.

So, in this regard I would like to send an amendment to the desk regarding the Pressler amendment and ask for its

immediate consideration. This will be in the form of an amendment to the amendment.

AMENDMENT NO. 2407 TO AMENDMENT NO. 2405

(Purpose: To repeal a restriction on the provision of certain assistance and other transfers to Pakistan)

Mr. BROWNBACK. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2407 to amendment No. 2405.

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

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

The amendment is as follows:

At the end of the amendment, add the following:

**SEC. 1064. REPEAL OF RESTRICTION ON CERTAIN ASSISTANCE AND OTHER TRANSFERS TO PAKISTAN.**

Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)) is repealed.

Mr. BROWNBACK. Mr. President, as I pointed out, I am a cosponsor of Senator FEINSTEIN's efforts in this regard, the resolution being put forward. I think that is positive and it is a right step to do. I think we need to do that. But I think at this critical juncture we have to act even more decisively than what we are doing with this resolution, and that is why I am proposing this amendment to the resolution that I cosponsor. I think the amendment that Senator FEINSTEIN has put forward is the right thing to do.

I think, as well, at this very moment in Islamabad and throughout Pakistan they are considering: How do we respond? What do we do? Should we set off a nuclear weapon ourselves, in this escalating set of events?

If you are in Islambad and you are the Prime Minister of this country, or a parliamentarian, or somebody that's an official in this nation, you have to be sitting there saying, What do we do? Is this the time we should show strength in the form of retaliation, in the form of setting off another nuclear weapon, and we get the escalation going on? And there is pressure building in the streets, and the people in the streets say, ''We need to respond, we need to show strength in the form of detonating a nuclear weapon.''

We have to do everything we can today to try to encourage the Pakistanis not to respond in kind. We need to hold out some carrots to them, saying if you will show restraint, if you will show wisdom, if you will show moderation, we can help and we can work with you and here is a way. The Pressler amendment has been in place. It has been partially repealed over time. We can say to them, If you will show restraint, we are going to move towards lifting this; we are going to lift this Pressler amendment.

Then they have a different choice to make. They can say, You know, if we don't respond in kind we can get the onus of this off our back that we have tried to have removed for some time. If we do respond in kind, the Glenn amendment automatically hits the Pakistanis as well, and you are going to have a wider range of issues and of sanctions that will be hitting Pakistan. So now there is a carrot and a big stick sitting out there of, How do we respond? And the pressure is building in the streets in Islamabad and throughout Pakistan of, How do we respond? We have to do everything we can, near term, to stop that and provide them some option and some means and some reason not to set off a nuclear weapon.

What repealing this outdated, I think, unilateral sanction will do is bring Pakistan on the same playing field as the rest of the world and will offer them a carrot. If Pakistan detonates a nuclear weapon, as India has, it will be subject to the same sanctions as India. And believe me, I will be the first one to urge that the United States move swiftly and decisively to impose the sanctions.

It is important that we factor in several considerations as we consider this amendment. The first is that there are multiple laws in place to deal with nuclear proliferators: the Glenn-Symington amendment, the Glenn amendment, and various others. Pakistan will not, and should not, be allowed to get away with nuclear proliferation. There can be no excuse for transgressing international norms or U.S. laws.

However, we must also face an important reality. Pakistan, a long-term friend and ally of the United States, is next door to a nation of 960 million people who just tested five nuclear weapons this week. India could not have been more clear that it was sending a message to China and as well to Pakistan and the rest of the world. It is not unnatural, though it is clearly unwise, for Pakistan to consider its options.

Pakistan's conventional military abilities have been seriously eroded because of the Pressler sanctions. I believe that were Pakistan able to be more reliant on a conventional deterrent the nuclear option might seem less attractive. In addition, were Pakistan aware of the immense international support behind a policy of restraint, so, too, might they feel less threatened and feel like there is something in this for them if they show a bit of moderation and a bit of restraint.

We are at a crucial moment. Failure to take decisive action at this juncture could mean disaster in south Asia. I think time is absolutely of the essence or I would not have brought it out on this today. Decisions are being made now in Islamabad of what reaction they will take to the Indian's action, what they have done this week in detonating five nuclear weapons. Those decisions are being made now. I wish we could put this debate off for a month or 2 or 5 months, or a year, but it is now that it counts. It is now that decisions are being made. I hate to rush people towards these sorts of actions, but if we fail to act now, with all the potential we have to urge restraint in Pakistan, I am fearful we will have acted too late and the graphite rods will have been pulled out and the chain reaction continues and we have not done everything we possibly can.

This is something we can possibly do. I wish it were in another place on another vehicle. There is no other place or time to be able to do this. I think the base amendment is a good one to pass. I think this one sends the absolute positive signal to Pakistan, please, please show restraint. That is why I ask consideration of my amendment to the amendment.

At the appropriate time, if necessary, I will be asking for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, regretfully I rise to oppose this amendment which, in the current heated environment surrounding the Indian nuclear tests, seeks to repeal the Pressler amendment.

I believe that to put a repeal of the Pressler amendment on this bill and to allow the United States to resume military aid to Pakistan would be counterproductive and would contribute to a further destabilization of an already unstable South Asian security environment.

What would India do in response? I urge the Members of this body, when considering whether to vote for an imminent repeal of the Pressler amendment, to think that we are doing this before our people have even had a chance to ascertain what the particulars of this situation are. We are doing it before we have any assessment of what might be the response to this action. I think that is precipitous, and I think it is unfortunate.

Most immediately, what would be the effect? A repeal of Pressler would release 28 F–16s which Pakistan purchased in 1989, but due to the inability of the President to certify in 1990 that Pakistan does not possess a nuclear device——

The PRESIDING OFFICER. If the Senator will withhold.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the completion of this vote, the floor be restored to the Senator from California.

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

VOTE ON AMENDMENT NO. 2387

The PRESIDING OFFICER. The hour of 3 p.m. having arrived, the question is on agreeing to the motion to lay on the table amendment No. 2387. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 76, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—24

| | | |
|---|---|---|
| Akaka | Glenn | Levin |
| Baucus | Graham | Lugar |
| Biden | Grams | McConnell |
| Bingaman | Hagel | Murkowski |
| Breaux | Inouye | Reed |
| Cleland | Johnson | Robb |
| Daschle | Kennedy | Roberts |
| Ford | Kerrey | Rockefeller |

NAYS—76

| | | |
|---|---|---|
| Abraham | Faircloth | McCain |
| Allard | Feingold | Mikulski |
| Ashcroft | Feinstein | Moseley-Braun |
| Bennett | Frist | Moynihan |
| Bond | Gorton | Murray |
| Boxer | Gramm | Nickles |
| Brownback | Grassley | Reid |
| Bryan | Gregg | Roth |
| Bumpers | Harkin | Santorum |
| Burns | Hatch | Sarbanes |
| Byrd | Helms | Sessions |
| Campbell | Hollings | Shelby |
| Chafee | Hutchinson | Smith (NH) |
| Coats | Hutchison | Smith (OR) |
| Cochran | Inhofe | Snowe |
| Collins | Jeffords | Specter |
| Conrad | Kempthorne | Stevens |
| Coverdell | Kerry | Thomas |
| Craig | Kohl | Thompson |
| D'Amato | Kyl | Thurmond |
| DeWine | Landrieu | Torricelli |
| Dodd | Lautenberg | Warner |
| Domenici | Leahy | Wellstone |
| Dorgan | Lieberman | Wyden |
| Durbin | Lott | |
| Enzi | Mack | |

The motion to lay on the table the amendment (No. 2387) was rejected.

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

The PRESIDING OFFICER. The motion to lay on the table the motion reconsider is agreed to.

The Senator from Arkansas.

VOTE ON AMENDMENT NO. 2401

Mr. HUTCHINSON. Mr. President, I, as the sponsor of the amendment, accept the second-degree amendment by Senator THOMAS, ask unanimous consent to vitiate the yeas and nays, and urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated. Without objection, the second-degree amendment is adopted.

The amendment (No. 2401) was agreed to.

Several Senators addressed the Chair.

Mr. LEVIN. Mr. President, the reason for my concern about this amendment is reflected in the statement that was sent to us by the administration. I very much support the purpose of this amendment. I think it is right on target, and I commend the Senator from Arkansas for focusing on this problem.

But the statement of the administration policy raises a concern that the requirement to disclose publicly the list of Chinese military companies operating directly or indirectly in the United States could implicate classified information that needs to be protected in the interests of national security, i.e., intelligence sources and methods. That is the basis for my concern, and therefore I will vote ''no'' on a voice vote, and I ask unanimous consent that this statement of administration policy be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

*Washington, DC, November 4, 1997.*

STATEMENT OF ADMINISTRATION POLICY

H.R. 2647—MONITORING COMMERCIAL ACTIVITIES OF CHINESE MILITARY COMPANIES (FOWLER (R) FL AND 16 OTHERS)

The Administration opposes H.R. 2647 because it is unnecessary and counterproductive. In particular, the Administration opposes the requirement to disclose publicly the list of Chinese military companies operating directly or indirectly in the United States. The requirement for such disclosure could implicate classified information that needs to be protected in the interests of national security, i.e., intelligence sources and methods.

The Administration is also seriously concerned about the precedent of authorizing the exercise of authorities under the International Emergency Economic Powers Act (IEEPA) without regard to the Act's strict standards of an international threat. H.R. 2647 establishes no clear standards for invoking the IEEPA authorities against Chinese military companies and bears no relation to the effect on the United States of the commercial activities of the designated Chinese companies. If the People's Liberation Army companies, or any other foreign companies, undertake specific illegal activities, there are U.S. laws authorizing a broad range of sanctions. In cases when U.S. law is violated, the Administration can, and will, act to enforce the law.

VOTE ON AMENDMENT NO. 2387, AS AMENDED

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2387), as amended, was agreed to.

AMENDMENT NO. 2388, AS AMENDED, AS MODIFIED

Mr. WARNER. Mr. President, my understanding is the Senator from Arkansas has a second amendment.

Mr. HUTCHINSON. Mr. President, amendment No. 2388 is the second amendment. Has the amendment been modified by the Harkin amendment?

The PRESIDING OFFICER. The amendment has been modified.

Mr. HUTCHINSON. Once again, this is a good amendment. It was broadly supported in the House on a bipartisan basis. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. I again commend my friend, the Senator from Arkansas, on this amendment. I think it is a good amendment. I ask unanimous consent I be listed as a cosponsor.

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

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2388), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, to advise Senators, we will not have further votes prior to the hour of 5 o'clock. My understanding is the Senator from Oklahoma has an amendment which he wishes to bring to the Senate. I am hopeful we could accommodate a few more minutes of debate, which the Senator from California had asked for, on her amendment.

Mr. LEVIN. Will the Senator from Virginia yield on that point?

Mr. WARNER. I yield.

Mr. LEVIN. I believe we did enter a unanimous consent agreement that the Senator from California be recognized after the disposition of the Hutchinson amendments, since she was in the middle of her remarks at the time that the regular order required us to begin the last votes.

I am wondering if we could just spend 30 seconds seeing if the Senator from California would like the floor.

Mr. WARNER. Mr. President, I join in that request, and then the Senate can proceed to the amendment of the Senator from Oklahoma. I ask unanimous consent that following the remarks of the Senator from California, the Senate proceed to the amendment that will be submitted by the Senator from Oklahoma.

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

Mr. LEVIN. Mr. President, I understand that the Senator from California is on her way and will be here in a few moments. 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. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescind.

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

Mr. BROWNBACK. Mr. President, I had been asked previously by the Senator from Iowa that he be listed as a cosponsor of the amendment I put forward. I ask unanimous consent that while we are waiting that he be added as a cosponsor.

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

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

Mr. LEVIN. Will the Senator withhold? Mr. President, I ask unanimous consent that the Senator from Oklahoma be recognized for 5 minutes at this time and then the Senator from California regain recognition.

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

Mr. INHOFE. Thank you, Mr. President.

As chairman of the Readiness Subcommittee, I want to make a couple of comments concerning the defense authorization bill of 1999 and how it affects readiness.

Over the past several years, a number of military officers have expressed deep concerns regarding the trends in the operational readiness of the Armed Forces. Last year, these trends led one military officer to state, ''The storm clouds are on the horizon.''

This was a year in which most of the Armed Forces were ready to meet their wartime mission, but in order to do so

in a resource-constrained environment, they were forced to resort to cost-saving practices which could impact negatively on our wartime readiness.

For example, the Marine Corps began using retreaded tires. This had not been done before. We have no way of knowing how these will perform in the case of some type of a Persian Gulf or Middle East desert-type of operation.

While the overall readiness of forward deployed units remains adequate, this is increasingly accomplished at the expense of nondeployed units. According to Vice Admiral Browne, Commander of the Navy's Third Fleet: ''More today than in the past, forward deployed readiness is being maintained with the slimmest of margins and at the expense of CONUS based training and increased individual PERSTEMPO.''

He went on to say: ''To get the U.S.S. *Denver* underway early as part of the Tarawa ARG amphibious readiness group, two other ships were cannibalized for parts.''

Furthermore, Colonel Bozarth of the Air Force's 388th Operations Group stated: ''The people that pay the price, though, are the folks that are back home. Because if you take a wing like ours, 5 years ago, in 1993, we were looking at full mission capable rates in the nineties. In the 1995–1997 timeframe, we are looking at mission capable rates in the eighties. Now we are down into the lower seventies.''

Unfortunately, there are reports that even the readiness of the forward deployed units is beginning to suffer. According to naval officers in the Pacific, 20 percent of the deployed planes on the carriers are grounded awaiting spare parts and other maintenance, all the time cannibalization of the aircraft is taking place. It has gone up 15 percent over the past year. In fact, Admiral Browne recently acknowledged that, ''Full mission capable rates from fiscal year 1996 to 1997 for our deployed aircraft have declined from 62 to 55 percent.''

I am very much concerned about this. Mr. President, I think this is due to two problems that we have. One is the deprived budget, insofar as our modernization program, which is leading us to have to use older equipment, and the other is the high deployment rate.

It is interesting that since 1992, we have had twice the number of deployments that we had in the entire 10 years before that. This is not for missions that are affecting our Nation's security.

I have had occasion to go to many, many, many installations throughout America and around the world. I can tell you right now, we have very serious problems. In Camp Lejeune, in talking to these guys down there—they are tough marines, but their OPTEMPO and PERSTEMPO rate, to the extent the divorce rate is up, the retention rates are down. It is a very serious problem.

I think most people realize it costs $6 million to put a guy into the cockpit of an F–16, and yet our retention rate right now has gone down 28 percent. In the Mojave Desert, the National Training Center in Twentynine Palms tells us the troops they get in for advance training are far below the level of proficiency that they were 10 years ago. Nellis Air Force Base where they have a red-flag operation, which is a very good operation for training combat pilots, they now have dropped these operations from every 12 months to 18 months. This means they go down from six to four operations each year.

What this means is, these pilots who would otherwise be going through the red-flag exercises getting this simulated training that is actually for combat are off providing missions, supporting areas like Bosnia.

I draw attention to the 21st TACON, because in this area, we have both of these problems occurring. The 21st TACON is using old equipment. Some of the 915 trucks that they use have over a million miles on them. I personally saw that they are using for loading docks old flatbeds that are wired together.

As far as the deployment is concerned, we know there are serious problems around the world. We know that Iraq is about to boil. We know we may have to send in ground troops, and yet they would have to be logistically supported by the 21st TACON. Right now they are at 100 percent capacity just supporting the Bosnia operation.

What we are dealing with in the defense authorization bill for 1999 is a budget that is not adequate and it does not put us in the state of readiness we should be in, but it is the very best we can do under the constraints that we are operating.

While it is inadequate, I do ask that our colleagues support the defense authorization bill for 1999.

Mr. COCHRAN. Mr. President, it is critically important that the United States be able to protect its troops in the field from ballistic missile attack, and this includes modern ballistic missiles of increasing range and sophistication. To do that, we need both lower tier systems like the Patriot and more capable, upper tier systems like the Theater High Altitude Air Defense, or THAAD, and Navy Theater Wide.

It is disappointing that the THAAD system has not yet achieved a successful intercept in its test program. Given the program's history of lengthy delays between flight tests, it is unlikely that a sufficient number of tests can be conducted in fiscal year 1999 to enable the program to enter into the Engineering and Manufacturing Development, or EMD, phase. Accordingly, I understand the rationale for the amendment offered today which would remove an additional $250 million from the THAAD Program. While I am disappointed that the program's lack of progress has brought about this decision, I believe the action proposed by the chairman and ranking member of the Armed Services Committee to be reasonable. And, along with everyone else, I call on the Government and the contractors supporting the program to do everything they can to ensure future success.

Let's not forget, however, that we have test programs to find and solve problems. We would move our weapons systems right from the drawing board to the field if we never expected to uncover problems during testing. While we would prefer there to be as few problems as possible, test programs are conducted to wring these problems out of our weapons systems. We should not be too quick to overemphasize the results of any one test.

The level of scrutiny being applied to the Demonstration and Validation phase of the THAAD Program is higher than that applied to any other program in its Dem-Val phase that I am aware of. In fact, the scrutiny it is undergoing is more like that normally found in the EMD phase of a program. This intense scrutiny will ultimately be beneficial in helping us get this system fielded as soon as the technology is ready. Given the EMD-like scrutiny in the THAAD Dem-Val program, Congress should examine the Department of Defense plans for the structure and length of its EMD program. It is important for this program to be long enough to ensure the THAAD system ultimately produced is the right one, but not so long as to leave U.S. forces vulnerable for a minute longer than technologically necessary.

The need for missile defense doesn't disappear because of a single flight test. Given the results of the most recent intercept attempt, it is reasonable to delay provision of THAAD EMD funding beyond fiscal year 1999. Additional reductions, however, are not warranted.

Mrs. HUTCHISON. Mr. President, I commend the Senator from Mississippi. He has shown such leadership in bringing to our attention the importance of a missile defense system for this country. We have all been shocked this week to hear what is happening across the globe with India actually testing a nuclear weapon and starting an arms race, tension that we haven't seen in a long time.

I can't think of another country in the world that would be testing its own missile defense system out in the open as we are, the THAAD missile that my colleague just talked about, but we did. Yes, it didn't work. And, yes, we are all disappointed and we are hoping that we can learn from what didn't work on that test and perfect it. But that is why we have tests of defensive systems.

But I think what Senator COCHRAN has done is, he is putting in context how important it is that we put our full force behind the priority of defending our shores and our troops, wherever they may be, anywhere in the world, against any incoming ballistic missile,

a Scud missile or an intercontinental missile. Senator COCHRAN is right. The Senate had a very important vote yesterday, and by only one vote—by only one vote in the Senate, we were not able to move and clearly say that this country's first priority is going to be a defensive system for the ballistic missiles that we know 30 countries are now in the process of perfecting.

So I commend him for the statement he just made, for the efforts he has been making over the last year, and for the future efforts that we are all going to make to continue to press this very important issue. As we are debating the defense authorization bill for our country, I can think of no higher priority than to make sure that the shores of our country are protected against an incoming ballistic missile, whether it be from a rogue nation or terrorist act. That our people would know that we would be protected is the very highest priority. We are debating right now how to fund and make sure that our troops have everything they need to do the job to protect us. They should have that same protection anywhere that they would be representing the United States of America. In any theater anywhere in the world, we should be able to have a defense against an incoming ballistic missile.

So I commend the Senator from Mississippi, and I want to say we will not rest until we have won this issue, that we would be able to deploy right now our first priority, a defensive system for incoming ballistic missiles.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I wish to thank the distinguished Senator from Texas for her kind and generous remarks. I agree with her that we need to do everything we can to study the test results, translate that into solving the problems we have in these systems for theater weapons that we have to protect our troops that are already being programmed—there are already deployment decisions that have been made, even though we haven't completed the development and the testing phase.

I hope we can see some successful tests soon and we urge the contractors and the Department to work as hard as they can to see that is done.

AMENDMENT NO. 2410

(Purpose: To provide eligibility for hardship duty pay on the basis of the nature of the duty performed instead of the location of the duty, and to repeal an exception)

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that it be in order for the Senate to consider amendment No. 2410; that the amendment be agreed to; and that the motion to reconsider be laid upon the table.

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

The amendment (No. 2410) was agreed to, as follows:

At the end of subtitle B of title VI, add the following:

**SEC. 620. HARDSHIP DUTY PAY.**

(a) DUTY FOR WHICH PAY AUTHORIZED.—Subsection (a) of section 305 of title 37, United States Code, is amended by striking out ''on duty at a location'' and all that follows and inserting in lieu thereof ''performing duty in the United States or outside the United States that is designated by the Secretary of Defense as hardship duty.''.

(b) REPEAL OF EXCEPTION FOR MEMBERS RECEIVING CAREER SEA PAY.—Subsection (c) of such section is repealed.

(c) CONFORMING AMENDMENTS.—(1) Subsections (b) and (d) of such section are amended by striking out ''hardship duty location pay'' and inserting in lieu thereof ''hardship duty pay''.

(2) Subsection (d) of such section is redesignated as subsection (c).

(3) The heading for such section is amended by striking out **''location''**.

(4) Section 907(d) of title 37, United States Code, is amended by striking out ''duty at a hardship duty location'' and inserting in lieu thereof ''hardship duty''.

(d) CLERICAL AMENDMENT.—The item relating to section 305 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

''305. Special pay: hardship duty pay.''.

Mr. MCCAIN. Mr. President, this amendment will give the Secretary of Defense authority to compensate our men and women in uniform that are serving in remote areas, in very difficult situations. Specifically, this amendment amends hardship duty location pay and allows the Secretary of Defense to designate certain ''duties'' as a hardship rather than limiting the pay to hardship duty ''locations'' only. This will allow for designation of certain missions like Joint Task Force Full Accounting (JTF–FA), the POW/MIA search teams, and the Central Identification Lab (CILHI) to be designated for receipt of the hardship duty pay. These teams are exposed to the most arduous conditions while deployed to remote, isolated areas of Laos, Cambodia, Vietnam, North Korea and China to conduct excavations of crash sites and identification of remains of U.S. servicemembers.

This amendment also allows the Secretary to recognize members serving in high operation tempo missions and eliminates the restriction on members receiving sea pay and hardship duty pay simultaneously. This would allow naval members who are serving in high operations tempo units to receive the added benefit. The hardship duty pay limit of $300 per month would not be changed.

I commend my friends of the Veterans of Foreign Wars (VFW) for bringing this to my attention. Their concern for the state of the military and those that serve is unsurpassed. During a recent trip to Southeast Asia, the VFW learned that personnel deployed under the command of JTF–FA are not authorized and do not receive imminent danger pay when deployed on Joint Field Activity operations in Laos and Vietnam. They reported their concerns to me because many of the crash sites were in extremely difficult terrain, littered by unexploded munitions.

At one Joint Field Activity excavation site that they visited in western Laos, the area in which the team was conducting excavations was littered with unexploded BLU–26 cluster bomb units. Another crash site excavation was located next to sidewinder missiles. In addition, the teams are exposed to resistant strains of malaria, dengue fever, and other diseases while they are deployed in these isolated and remote areas. Furthermore, most of these sites are far removed from any modern medical facility.

Mr. President, I feel it not only the right thing to do, but that it will help the services to adequately compensate our men and women in uniform so as to entice these young Americans to stay in the service and to consider a career in the military. For the difficult and dangerous duties that they do, they deserve no less.

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

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

Mr. SPECTER. I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is informed there is an order to recognize the Senator from California. Is there objection to the request?

Mr. THURMOND. No objection.

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

## RELIGIOUS PERSECUTION THROUGHOUT THE WORLD

Mr. SPECTER. Mr. President, I have sought recognition to compliment the House of Representatives on passage of legislation this afternoon to take a stand against religious persecution worldwide.

And, I compliment Congressman FRANK WOLF of Virginia for his leadership on this very important legislation.

Legislation is pending in the U.S. Senate identical with or very similar to the legislation passed in the House—I am not sure what amendments may have been crafted on the House floor this afternoon and what last-minute changes may have been made—but similar legislation has been introduced by this Senator in the U.S. Senate. And the purpose of this legislation is for the United States to take a stand against religious persecution worldwide.

We have a very unfortunate situation today where Catholic priests are being incarcerated in China, Buddhists are being persecuted in Tibet, and Evangelical Christians are being imprisoned in Saudi Arabia and in Egypt. The essence of freedom of religion is a very fundamental value in the United States and a very fundamental moral value. And, the legislation which passed the House today and which is pending in the Senate will enable the U.S. Government to take a stand against this religious persecution worldwide.

Freedom of religion is the first part of the first amendment. The United States was founded for religious freedom. The Pilgrims came here in 1607 for that purpose, as did my father Harry Specter, who literally walked across Europe with barely a ruble in his pocket in 1911 seeking a new life for himself and a family which he hoped to have, and religious freedom, because the Cossacks rode up and down the streets of Batchkurina, a small village in Ukraine, in Russia, where my father's brother, Mordechai Spectorski, had fought with the Cossacks, and they were looking for Mordechai Spectorski, who had fled the city. And, the Cossacks continued to look for members of the Specter family. My father immigrated to the United States, as did my mother Lillie Shanin, leaving a small town on the Russian-Polish border at the age of 5, coming to the United States in 1905.

The legislation which has passed the House of Representatives has some sanctions in it. It provides that there be no weapons of torture sold, and provides limitations as to what U.S. taxpayer money can be given for, other than humanitarian purposes. And, it seems to me that if the legislation is to have any effect, there have to be sanctions, there have to be weapons in the bill—teeth—in order to promote compliance.

I visited this past January in Saudi Arabia and talked to Saudi officials about concerns which I have and which others have had where Christians cannot display a Christmas tree in a window if it is visible from the outside, where Jewish soldiers are reluctant to wear their dog tags identifying themselves as being Jewish, a situation which is intolerable, where we have some 5,000 young men and women who are in Saudi Arabia to protect the Saudis.

The situation in Egypt is very serious where there are Evangelical Christians who are being persecuted, where they land in jail if there is a conversion from Islam to Christianity. I was unable to visit the Sudan because of difficulties there, but visiting in nearby Eritrea, I heard stories about the persecution of Christians in Sudan.

It is my hope that this legislation will be considered by the Senate in short order so that a firm stand will be taken to deal with the very serious issue of religious persecution worldwide.

Again, I compliment the House and chief sponsor, FRANK WOLF, and look forward to enactment of this legislation in the Senate. The bill passed by a vote of 375–41, which is well beyond the number necessary to be veto proof. The administration has been opposed to having sanctions in legislation, sanctions such as some of the ones proposed in the bill which I have offered and is pending in the U.S. Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. 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. THURMOND. Mr. President, I ask unanimous consent that James Bynum, a Capitol Hill fellow, and Kurt Volker, a State Department fellow serving on Senator MCCAIN's staff, be granted privileges of the floor during the debate and any votes concerning S. 2057, the fiscal year 1999 National Defense Authorization bill, as well as any related amendments.

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

Mr. THURMOND. 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. INHOFE. 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. INHOFE. Mr. President, what is the current order?

The PRESIDING OFFICER. The current order is the Brownback amendment, No. 2407, to the Feinstein amendment, No. 2405.

Mr. INHOFE. Mr. President, I ask unanimous consent that be set aside and that I be allowed to send an amendment to the desk.

Mr. LEVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## UNANIMOUS CONSENT REQUEST—S. 1415

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 370, which is S. 1415, the tobacco bill, just reported from the Finance Committee.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

## ADJOURNMENT

Mr. LOTT. I now move that the Senate stand in adjournment for 1 minute.

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

The motion was agreed to, and at 5:07 p.m., on Thursday, May 14, 1998, the Senate adjourned until 5:08 p.m. the same day.

## AFTER ADJOURNMENT

The Senate met at 5:08 p.m., pursuant to adjournment, and was called to order by the Hon. DAN COATS, a Senator from the State of Indiana.

The PRESIDING OFFICER. The majority leader is recognized.

## ORDER OF PROCEDURE

Mr. LOTT. I now ask that the routine requests through the morning hour be granted.

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

## UNIVERSAL TOBACCO SETTLEMENT ACT—MOTION TO PROCEED

### CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Calendar No. 370, S. 1415, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will read the motion.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 370, S. 1415, regarding tobacco reform:

Trent Lott, John McCain, Ben Nighthorse Campbell, James Inhofe, Christopher Bond, Gordon Smith, Robert Bennett, Harry Reid, Ted Stevens, Richard Shelby, Mike DeWine, Susan Collins, Slade Gorton, Jay Rockefeller, John Kerry, Christopher Dodd.

Mr. LOTT. Mr. President, I want to announce, for the information of all Senators, that the vote will occur on this cloture motion Monday, May 18, at a time to be determined by the majority leader after consultation with the Democratic leader, and the mandatory quorum under rule XXII be waived.

It is anticipated this vote will occur at 5:30 Monday afternoon. We have, in the past, over the past month, tried to make Senators aware of Mondays and Fridays, that we would not be having votes. This Friday we will not be having any votes. We notified the Members of that, I think at least 3 weeks ago. But we have been saying all along on Monday, the 18th, they should expect a vote. But we will try to have it late in the afternoon, so we could conduct some business during the morning and afternoon, so Senators will have time to get back here from their respective States. We do expect that vote probably around 5:30, but we want to check with all the Senators to see if that is the best possible time. We may need to move it a little bit one way or the other.

Mr. LOTT. I now withdraw the motion I made.

The PRESIDING OFFICER. The motion is withdrawn.

## DIGITAL MILLENNIUM COPYRIGHT ACT OF 1998

Mr. LOTT. Mr. President, I ask the Senate turn to Calendar No. 358, S. 2037, regarding the WIPO treaty, which is the treaty dealing with digital copyright.

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2037) to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to provide limitations on copyright liability relating to material online, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, the Senate is now considering the WIPO Copyright Treaty which has up to 1 hour under the consent agreement that was reached on May 12. Therefore, the next vote will occur shortly—hopefully in less than an hour—on passage of the WIPO copyright bill, and that will be the last vote of the day.

I know there are some Senators here who have worked on this issue who do want to be heard briefly—the Senator from Missouri, and, of course, the Senator from Utah has been working on this assiduously. We had a little problem we ran into yesterday, but we are going forward with this and we will try to work it out with the House, and I will certainly try to be helpful with that.

This is important legislation. A lot of effort has been put into it. Some of the problems have been resolved, thanks to the courtesy and leadership of Senator HATCH, working with Senator ASHCROFT. So I think we need to go ahead and do it today and we will have had, really, an incredible week on these high-tech bills.

Again, the next vote will occur on Monday—there will be no further votes after the WIPO vote tonight—and I will notify all Members as to the time of that vote.

With regard to the DOD authorization matter, I will be talking with the managers of this legislation to see what their wishes are, and we will have some further announcements of when that legislation will be brought up again.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time allocated for this debate is 60 minutes, equally divided and controlled between the Senator from Utah, Mr. HATCH, and the Senator from Vermont, Mr. LEAHY, with 15 minutes of the time of Mr. HATCH controlled by the Senator from Missouri, Mr. ASHCROFT.

The Senate will be in order.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. I would like to yield to the distinguished Senator from Arizona for an amendment that he has to take care of.

Mr. MCCAIN. Mr. President, I ask unanimous consent to send to the desk an amendment that is on the DOD bill.

The PRESIDING OFFICER. The Presiding Officer will advise the Senator the DOD bill is not the pending business.

Mr. MCCAIN. Can I, by unanimous consent, send up that amendment?

Mr. LEVIN. I object. Reserving the right to object.

Mr. MCCAIN. It is an amendment that has been accepted by both sides.

Mr. LEVIN. On the DOD bill? I have to object. There are too many pending amendments. I am sorry, if the Senator can clear that——

The PRESIDING OFFICER. Objection is heard. The Senator from Utah.

Mr. HATCH. Mr. President, I ask this time not be charged.

The PRESIDING OFFICER. The amendments are submitted and will be numbered. The Senator from Utah.

Mr. HATCH. I ask that time not be charged to the present act.

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

Mr. HATCH. Mr. President, I rise to speak in support of the Digital Millennium Copyright Act of 1998, S. 2037. The DMCA is the most comprehensive bill that has come before the Senate regarding the Internet and the digital world in general.

The DMCA in Title I implements the World Intellectual Property (WIPO) treaties on copyright and on performers and phonograms, and in Title II limits the copyright infringement liability of on-line and Internet service providers (OSPs and ISPs) under certain circumstances. The DMCA also provides in Title III a minor but important clarification of copyright law that the lawful owner or lessee of a computer may authorize someone to turn on their computer for the purposes of maintenance or repair. Title IV addresses the issues of ephemeral recordings, distance education, and digital preservation for libraries and archives.

Due to the ease with which digital works can be copied and distributed worldwide virtually instantaneously, copyright owners will hesitate to make their works readily available on the Internet without reasonable assurance that they will be protected against massive piracy. Legislation implementing the treaties provides this protection and creates the legal platform for launching the global digital on-line marketplace for copyrighted works. It will facilitate making available quickly and conveniently via the Internet the movies, music, software, and literary works that are the fruit of American creative genius. It will also encourage the continued growth of the existing off-line global marketplace for copyrighted works in digital format by setting strong international copyright standards.

The copyright industries are one of America's largest and fastest growing economic assets. According to International Intellectual Property Alliance statistics, in 1996 (when the last full set of figures was available), the U.S. creative industries accounted for 3.65% of the U.S. gross domestic product (GDP)—$278.4 billion. In the last 20 years in which comprehensive statistics are available—1977–1996—the U.S. copyright industries' share of GDP grew more than twice as fast as the remainder of the economy—5.5 percent versus 2.6 percent.

Between 1997 and 1996, employment in the U.S. copyright industries more than doubled to 3.5 million workers—2.8 percent of total U.S. employment. Between 1977 and 1996 U.S. copyright industry employment grew nearly three times as fast as the annual rate of the economy as a whole—4.6 percent versus 1.6 percent. In fact, the copyright industries contribute more to the U.S. economy and employ more workers than any single manufacturing sector, including chemicals, industrial equipment, electronics, food processing, textiles and apparel, and aircraft.

More significantly for the WIPO treaties, in 1996 U.S. copyright industries achieved foreign sales and exports of $60.18 billion, for the first time leading all major industry sectors, including agriculture, automobiles and auto parts, and the aircraft industry. There can be no doubt that copyright is of supreme importance to the American economy. Yet, American companies are losing $18 to $20 billion annually due to the international piracy of copyrighted works.

But the potential of the Internet, both as information highway and marketplace, depends on its speed and capacity. Without clarification of their liability, service providers may hesitate to make the necessary investment to fulfill that potential. In the ordinary course of their operations service providers must engage in all kinds of acts that expose them to potential copyright infringement liability.

For example, service providers must make innumerable electronic copies in order simply to transmit information over the Internet. Certain electronic copies are made to speed up the delivery of information to users. Other electronic copies are made in order to host World Wide Web sites. Many service providers engage in directing users to sites in response to inquiries by users or they volunteer sites that users may find attractive. Some of these sites might contain infringing material. In

short, by limiting the liability of service providers, the DMCA ensures that the efficiency of the Internet will continue to improve and that the variety and quality of services on the Internet will continue to expand.

Besides the major copyright owners and the major OPSs and ISPs (e.g., the local telephone companies, the long distance carriers, America OnLine, etc.), the Committee heard from representatives of individual copyright owners and small ISPs, from representatives of libraries, archives and educational institutions, from representatives of broadcasters, computer hardware manufacturers, and consumers—and this is not an exhaustive list.

Title II, for example, reflects 3 months of negotiations between the major copyright owners and the major OSPs, and ISPs, which I encouraged and in which I participated, and which took place with the assistance of Senator ASHCROFT. Intense discussions took place on distance education too, with the participation of representatives of libraries, teachers, and educational institutions, and with the assistance of Senator LEAHY, Senator ASHCROFT, and the Copyright Office.

As a result, the Committee took substantial steps to refine the discussion draft that I laid down before the Committee through a series of amendments, each of which was adopted unanimously. For example, the current legislation contains:

(1) a provision to ensure that parents will be able to protect their children from pornography and other inappropriate material on the Internet;

(2) provisions to provide for the updating of the copyright laws so that educators, libraries, and achieves will be able to take full advantage of the promise of digital technology;

(3) important procedural protections for individual Internet users to ensure that they will not be mistakenly denied access to the World Wide Web;

(4) provisions to ensure that the current practice of legitimate reverse engineering for software interoperability may continue; and

(5) provisions to accommodate the needs of broadcasters for ephemeral recordings and regarding copyright management information.

These provisions are in addition to provisions I had already incorporated into my discussion draft, such as provisions on library browsing, provisions addressing the special needs of individual creators regarding copyright management information, and provisions exempting nonprofit archives, nonprofit educational institutions, and nonprofit libraries from criminal penalties and, in the case of civil penalties, remitting damages entirely when such an institution was not aware and had no reason to believe that its acts constituted a violation.

Consequently, the DMCA enjoys widespread support from the motion picture, recording, software, and publishing industries, as well as the telephone companies, long distance carriers, and other OSPs and ISPs. It is also supported by the Information Technology Industry Council, which includes the leading computer hardware manufacturers, and by representatives of individual creators, such as the Writers Guild, the Directors Guild, the Screen Actors Guild, and the American Federation of Television and Radio Artists. The breadth of support for S. 2037 is reflected in the unanimous roll call vote (18–0) by which the DMCA was reported out of Committee.

Mr. President, the United States started the Internet, and remains its most significant hub. No country comes close to the United States in creative output. In these areas, we are the undisputed leaders. This bill will help us maintain this edge in an increasingly competitive global market.

Mr. President, I urge my colleagues in the Senate to vote favorably for S. 2037. This bill has such important ramifications for the continued prosperity of the U.S. as we enter the next millennium and has such powerful support that it should be enacted immediately.

Finally, I would like to particularly pay tribute to the ranking member of the Senate Judiciary Committee, Senator LEAHY. I don't know of anyone who has more interest in the Internet, more interest in computers, more interest in copyright matters than Senator LEAHY, unless it is myself, and I don't think I have more. He has done a great job on this committee. It is a pleasure to work with him.

It has been a wonderful experience throughout the 22 years I have been on the committee to work with him on technical and difficult issues. I personally thank him before everybody today for his good work. Without his help, we wouldn't be this far, and we all know it. I thank him. I would also like to thank Manus Cooney, Edward Damich, Troy Dow, and Virginia Isaacson of my staff for their long hours of hard work on this issue. And I want to commend the hard work and cooperation I received from Bruce Cohen, Beryl Howell, and Marla Grossman of Senator LEAHY's staff, and Paul Clement, and Bartlett Cleland of Senator ASHCROFT's staff.

AMENDMENT NO. 2411

(Purpose: To make technical corrections)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 2411.

The amendment is as follows:

On page 12, line 15 strike subsection (c) and redesignate the succeeding subsections and references thereto accordingly.

On page 17, line 4, insert ''and with the intent to induce, enable, facilitate or conceal infringement'' after ''knowingly''

On page 17, beginning on line 8, strike '', with the intent to induce, enable, facilitate or conceal infringement''

On page 17, beginning on line 21, strike paragraph (3) and insert in lieu thereof the following:

''(3) distribute, import for distribution, or publicly perform works, copies of works, or phonorecords, knowing that copyright management information has been removed or altered without authority of the copyright owner or the law,

knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate or conceal an infringement of any right under this title.''.

On page 19, line 4, insert the following new paragraph and redesignate the succeeding paragraphs accordingly:

''(6) terms and conditions for use of the work;''.

On page 19, line 4, strike ''of'' and insert in lieu thereof ''or''.

Mr. HATCH. This is a technical amendment, and I urge its adoption.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 2411) was agreed to.

Mr. HATCH. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my friend from Utah for his gracious comments, and I do appreciate working with him on this matter. He and I have discussed this so many times in walking back and forth to votes and in the committee room, and so on. I think the Senator from Utah and I long ago determined that if we were going to have this WIPO implementing bill passed, its best chance would be one where the Senator from Utah and the Senator from Vermont were basically holding hands on it.

The Senator from Utah may recall a time once when the then-Senator from Nevada, Senator Laxalt, and I were here and we had two pieces of legislation, a Laxalt-Leahy bill and a Leahy-Laxalt bill. One of our colleagues said, ''This is either a very good bill or one of you didn't read.''

In this case, the Hatch-Leahy-et al. piece of legislation is a very good bill, and one which the two of us have read every word. We have tried to make very clear to the Senate that the issues we are raising in this bill are not partisan issues. These are issues that create jobs in the United States. These are issues that allow the United States to go into the next century with our innovative genius in place. These are issues that allow the United States, in creating that innovative genius, to continue to lead the world. Senators, in voting for this legislation, will be voting to maintain the intellectual leadership of the United States.

The successful adoption by the World Intellectual Property Organization, what we call WIPO, in December 1996, of two new copyright treaties—one on written material and one on sound recordings—was praised in the United States. The bill that we have before us today, the DMCA, the Digital Millennium Copyright Act, will effectuate the

purposes of those treaties in the United States and, I believe, will serve as a model for the rest of the world.

The WIPO treaties will fortify intellectual property rights around the world. They will help unleash the full potential of America's most creative industries, including the movie, recording, computer software, and other copyrighted industries that are subject to online and other forms of piracy, especially in the digital age where it is easier to pirate and steal exact copies of works.

If they don't have the protection, the owners of intellectual property are going to be unwilling to put their material online. If there is no content worth reading online, then the growth and usefulness of the Internet will be stifled and public accessibility will be retarded.

Secretary Daley of the Department of Commerce said, for the most part, ''The treaties largely incorporate intellectual property norms that are already part of U.S. law.'' What the treaties will do is give American owners of copyrighted material an important tool to protect their intellectual property in those countries that become a party to the treaties.

With ever-expanding electronic commerce, trafficking the global superhighway, international copyright standards are critical to protecting American firms and American jobs. The future growth of the Internet and of digital media requires rigorous international intellectual property protections.

I have in my hand the 1998 Report on Copyright Industries in the United States Economy. This was released last week by the International Intellectual Property Alliance.

This report shows conclusively just how important the U.S. copyright industries are to American jobs and how important it is to protect that U.S. copyright industry from global piracy.

If you look at the chart over here, Mr. President, it shows that from the years 1977 to 1996, the U.S. copyright industries' share of the gross national product grew more than twice as fast as the rest of the economy.

These are the core copyright industries. Look how fast they grew as compared to the rest of the U.S. economy.

One of the things that has expanded and fueled our expanding economy is the copyright industry.

Now, during those same 20 years, job growth in the core copyright industries was nearly three times as fast as the rest of the economy. What this shows us, Mr. President, is that we are undergoing unprecedented expansion of our economy, but this is the area expanding the fastest.

These statistics underscore why, when the President transmitted the two WIPO treaties and draft legislation to implement the treaties to the U.S. Senate, I was proud to introduce the implementing legislation, S. 1121, with Senators HATCH, THOMPSON, and KOHL. We did it the same day. The legislation we have before us today is the result of years of work domestically and internationally to ensure that the appropriate copyright protections are in place around the world to foster the growth of the Internet and other digital media and networks.

The Clinton administration showed great foresight when it formed, in 1993, the Information Infrastructure Task Force, IITF, which established a Working Group on Intellectual Property Rights to examine and recommend changes to keep copyright law current with new technology. Then they released a report in 1995 explaining the importance of this effort, stating:

> The full potential of the NII will not be realized if the education, information and entertainment products protected by intellectual property laws are not protected. . .

The report said further:

> All the computers, telephones, fax machines, scanners, cameras, keyboards, televisions, monitors, printers, switches, routers, wires, cables, networks, and satellites in the world will not create a successful NII, if there is no content. What will drive the NII is the content moving through it.

The same year that report was issued, Senator HATCH and I joined together to introduce the NII Copyright Protection Act of 1995, S. 1284, which incorporated the recommendations of the Administration. That legislative proposal confronted fundamental questions about the role of copyright in the next century—many of which are echoed by the DMCA, which we consider today.

Title I of the DMCA is based on the Administration's recommendations for legislation to implement the two WIPO treaties. It makes certain technical changes to conform our copyright laws to the treaties and substantive amendments to comply with two new treaty obligations.

Specifically, the treaties oblige the signatories to provide legal protections against circumvention of technological measures used by copyright owners to protect their works, and against violations of the integrity of copyright management information (CMI). Such information is used to identify a work, its author, the copyright owner and any information about the terms and conditions of use of the work. The bill adds a new chapter to U.S. copyright law to implement the anticircumvention and CMI provisions, along with corresponding civil and criminal penalties.

Title II of the DMCA limits the liability for copyright infringement, under certain conditions, for Internet and online service providers. Title III gives a Copyright Act exemption to lawful computer owners or lessees so that independent technicians may service the machines without infringement liability.

Title IV begins a process of updating our Nation's copyright laws with respect to library archives, and educational uses of copyrighted works in the digital age.

Title I is based on the administration's recommendations, as I said.

Following intensive discussions with a number of interested parties, including libraries, universities, small businesses, ISPs and OSPs, telephone companies, computer users, broadcasters, content providers, and device manufacturers, we in the Senate Judiciary Committee were able to reach unanimous agreement.

For example, significant provisions were added to the bill in Title II to clarify the liability for copyright infringement of online and Internet service providers. The bill provides ''safe harbors'' from liability under clearly defined circumstances, which both encourage responsible behavior and protect important intellectual property rights. In addition, during the committee's consideration of this bill, an Ashcroft-Leahy-Hatch amendment was adopted to ensure that computer users are given reasonable notice when their Web sites are the subject of infringement complaints, and to provide procedures for computer users to have material that is mistakenly taken down put back online.

We have a number of provisions designed to help libraries and archives. First, libraries expressed concerns about the possibility of criminal sanctions or potentially ruinous monetary liability for actions taken in good faith. This bill makes sure that libraries acting in good faith can never be subject to fines or civil damages. Specifically, a library is exempt from monetary liability in a civil suit if it was not aware and had no reason to believe that its acts constituted a violation. In addition, libraries are completely exempt from the criminal provisions.

We have a ''browsing'' exception for libraries so they can look at encrypted work and decide whether or not they want to purchase it for their library.

Senator HATCH, Senator ASHCROFT, and I crafted an amendment to provide for the preservation of digital works by qualified libraries and archives. The ability of libraries to preserve legible copies of works in digital form is one I consider critical. Under present law, libraries are permitted to make a single facsimile copy for their collections for preservation purposes, or to replace copies in case of fire and so on. That worked back in the nondigital age. It does not work today. This gives us a chance to be up to date. We would allow libraries to transfer a work from one digital format to another if the equipment needed to read the earlier format becomes unavailable commercially.

The bill ensures that libraries' collections will continue to be available to future generations by permitting libraries to make up to three copies in any format—including in digital form. This was one of the proposals in The National Information Infrastructure (NII) Copyright Protection Act of 1995, which I sponsored with Senator HATCH in the last Congress. The Register of Copyrights, among others, has supported that proposal.

These provisions go a long way toward meeting the concerns that libraries have expressed about the original

implementing legislation we introduced.

We address distance learning. When Congress enacted the present copyright law it recognized the potential of broadcast and cable technology to supplement classroom teaching, and to bring the classroom to those who, because of their disabilities or other special circumstances, are unable to attend classes. At the same time, Congress also recognized the potential for unauthorized transmissions of works to harm the markets for educational uses of copyrighted materials. The present Copyright Act strikes a careful balance and includes a narrowly crafted exemption.

As with so many areas of copyright law, the advent of digital technology requires us to take another look at the issue.

I recognize that the issue of distance learning has been under consideration for the past several years by the Conference on Fair Use (CONFU) that was established by the Administration to consider how to protect fair use in the digital environment. In spite of the hard work of the participants, CONFU has so far been unable to forge a comprehensive agreement on guidelines for the application of fair use to digital distance learning.

We made tremendous strides in the Committee to chart the appropriate course for updating the Copyright Act to permit the use of copyrighted works in valid distance learning activities.

Senator HATCH, Senator ASHCROFT, and I joined together to ask the Copyright Office to facilitate discussions among interested library and educational groups and content providers with a view toward making recommendations for us to consider with this legislation. We incorporated into the DMCA a new section 122 requiring the Copyright Office to make broader recommendations to Congress on digital distance education within six months. Upon receiving the Copyright Office's recommendations, it is my hope that the Senate Judiciary Committee will promptly commence hearings on the issue and move expeditiously to enact further legislation on the matter. I know that all members on this Committee are as anxious as I am to complete the process that we started in Committee of updating the Copyright Act to permit the appropriate use of copyrighted works in valid distance learning activities. This step should be viewed as a beginning—and we are committed to making more progress as quickly as possible.

We have also asked the Copyright Office to examine, in a comprehensive fashion, when the actions of a university's employees might jeopardize the university's eligibility for the safe harbors set out in the bill for online service providers. This is an important and complex issue with implications for other online service providers, including libraries and archives, and I look forward to reviewing the Copyright Office's analysis of this issue.

Amendments sponsored by Senator ASHCROFT, Senator HATCH, and I were crafted to address the question of reverse engineering, ephemeral recordings, and to clarify the use of copyright management.

Finally, to assuage the concerns of the consumer, electronics manufacturers, and others, that the bill might require them to design their products to respond to a particular technological protection measure, Senator HATCH, Senator ASHCROFT, and I crafted an amendment to clarify the bill on this issue.

I mention all of these things, Mr. President, because it shows why the administration has sent a Statement of Administration policy saying the Administration supports passage of this bill. This is a well-balanced package of proposals. As we go into the next century—the creators, the consumers, those in commerce in this country need the best laws possible. The United States is the leader today. The United States will not be the leader tomorrow without adequate laws.

These laws allow the United States to continue to be the electronic and intellectual property leader of the world. We should pass this bill. We can pass it with pride.

I would like to close by praising the dedicated staff members from the Judiciary Committee who have assisted us in crafting this legislation. They appreciate the significance of this legislation for our country and its economy. In particular, I want to thank Edward Damich and Troy Dow from the Chairman's staff, and Paul Clement and Bartlett Cleland from Senator ASHCROFT's staff, for demonstrating what can be done when we put political party allegiances aside and strive to work together in a bipartisan fashion to craft the best bill possible. My hope is that the bipartisan manner in which they worked on behalf of the Chairman and Senator ASHCROFT to bridge differences rather than exacerbate them can be replicated on a number of other important issues pending in our Committee.

I would also like to thank those people on my Judiciary Committee staff—Bruce Cohen, Beryl Howell, Marla Grossman, Bill Bright and Mike Carrasco—for their work on this bill. They each put in long hours to help me find solutions to the concerns of a number of stakeholders in this bill. I could always trust their counsel to be fair and conscientious.

Mr. President, I reserve the remainder of my time.

Mr. HATCH. Mr. President, let me just praise my colleague from Missouri. Senator ASHCROFT has been committed and has worked very, very hard to make this bill one that all of us can support. He has done a terrific job. He has worked on this OSP liability thing with us ad infinitum and added matters to this bill that made this a much better bill and strengthened the bill. I just could not feel better about somebody on my committee working on this bill than I do toward Senator ASHCROFT. I just wanted to say he played a significant role in this legislation. I personally thank him.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized to speak for 15 minutes.

Mr. ASHCROFT. Thank you, Mr. President.

I am grateful for the kind remarks of the Senator from Utah and am pleased to have the opportunity to work with him and the Senator from Vermont.

I rise today to speak in favor of one of the most important pieces of technology legislation in the 105th Congress. At its heart, this legislation is about updating the copyright laws for the digital age and preparing a sizable portion of our economy for the next century.

The affected parties include the online service providers, computer hardware and software manufacturers; every educator in America is affected by this legislation; every student; all the libraries; all the consumer electronics manufacturers and consumers of electronics; the motion picture companies, and everyone who uses the Internet. This measure will have as broad an impact on the American public as virtually any measure we will address.

The full Senate's consideration of this bill culminates an effort of updating our copyright law that I began last September when I introduced S. 1146, the Digital Copyright Clarification and Technology Education Act. S. 1146 was a comprehensive bill designed to jump-start a process that had ground to a halt and appeared to be going nowhere.

The bill addresses three basic problems. First, the liability of online service providers for copyright violations; second, the need to update the provisions of the copyright law that affect educators and libraries for the digital age; and third—and not least, of course—the need to implement the World Intellectual Property Organization, or WIPO, treaties.

The United States of America, as the generator of so much content and material—the innovator, the creator of so much of what is copywritten—stands to gain most by making sure that our copyrights are respected worldwide.

I am gratified that today the full Senate will vote on this bill that addresses all three of these concerns, especially the concerns regarding the need to implement the World Intellectual Property Organization treaties which will provide that the United States effort to protect copyrights—the intellectual property of those who are the creators in this country and develop things in this country—those treaties will protect those copyrights.

The original administration language that was introduced by Senators HATCH and LEAHY focused exclusively on the

WIPO treaties. However, through hard work, numerous amendments and the assistance of Senators HATCH and LEAHY and their staffs—and this was really a cooperative effort—we were able to fashion a comprehensive approach to updating the copyright laws for the digital age.

Many important changes were made to the bill, including amendments reinforcing on-line privacy rights, ensuring that the bill would not be read to mandate design decisions and addressing the need to update the copyright laws to permit distance education using digital technology.

When I was a professor—I won't want to admit how long ago—I used to teach a television course. The very same procedures I used in analog technology for television transmission might well have been illegal if the TV signal had been transmitted digitally. It is important that we give the capacity for distance education in the digital age the same potential that we had for distance education in the analog age.

I will focus on three important changes, one reflecting each of the three basic problems addressed by the original bill.

First, there is the issue of the liability of on-line service providers. The notion that service providers should not bear the responsibility for copyright infringements when they are solely transmitting the material is one key to the future growth of the Internet. Now, what we are really talking about is if someone illegally transmits material on the Internet, the Internet companies that provide the opportunity for people to transmit the material shouldn't be held responsible any more than the phone company should be held responsible if you were to say something illegal over the phone, or that Xerox should be held responsible if you violate a copyright by illegally copying material on the Xerox machine.

This is very important because of the way the Internet operates in terms of assembling and reassembling digital messages that they not be considered to be an illegal publisher; they, therefore, needed the protections that are provided in this bill so that we can have and continue to use the infrastructure of the Internet and allow it to operate effectively.

Proper resolution of this issue is critical to unlock the potential for the Internet. For that reason, I included a title addressing on-line service provider liability in my legislation. Make no mistake about it, clarification of on-line service provider liability was one of my fundamental concerns in the debate, and after months of negotiations the affected parties were able to agree to legislative language that protects on-line service providers, or what we call the OSPs, from liability when they simply transmit—they are not involved, they don't have any interest in the message, but they are just transmitters. If there is a violation, it is not their fault that something was transmitted in contravention of the copyright law.

Although I applauded the efforts of the affected industries to resolve the OSP liability issue, there was one issue which the industry agreement did not address—the protections that need to be given to users of the Internet. The agreement that the OSPs entered into would have protected the interests of the copyright owners, but it provided little or no protection for an Internet user who was wrongfully accused of violating copyright laws.

I think of a little girl, perhaps, who puts on her Internet site the picture of a duck she draws. We shouldn't allow Disney to say, ''We own Donald Duck. That looks too much like Donald,'' and be able to bully a little girl from having a duck on her web site. We needed protection for the small user, not just for the big content promoters.

Even though several Judiciary Committee members claimed no amendments were needed, I made sure that the industry compromise respected the rights of typical Internet users, ordinary people, by offering an amendment that provided a protection included in the original bill I had offered. It is an idea which is referred to as the ''notice and put-back'' provision. If material is wrongfully taken down from the Internet user's home page, my amendment ensures that the end user will be given notice of the action taken and gives them a right to initiate a process that allows them to put their material back on line without the need to hire a lawyer or go to court. This was a critical improvement over the industry's prior compromise agreement.

A second concern of mine throughout this process has been the need to update protections for educators and libraries already included in the copyright law to reflect the digital technology. I have already mentioned that. Having been an individual who had the privilege of teaching a college course on television I knew just how important it would be for libraries and educational institutions to be able to use digital transmissions of documents and signals in the same way that they were authorized to do so with analog signals under our copyright law as it has existed.

I did offer an amendment in committee, and it was unanimously incorporated into the bill, which will allow libraries to use digital technology for archiving and for interlibrary loans, for example. This will help libraries serve the American public.

A final issue of profound importance, ensuring that the bill did not inadvertently make it a violation of the Federal law to be a good parent. The original bill or draft of this bill took such a broad approach to outlawing any devices that could be used to gain access to a copyrighted work that it may have made it illegal to manufacture and use devices that were designed to protect children from obscenities and pornography. An amendment I offered in committee makes it clear that a parent may protect his children from pornography without running afoul of this law. I think moms and dads will want to be able to protect their children and shouldn't have to risk running afoul of the law to do so. My own belief is that when moms and dads do their jobs, governing America will be easy. If moms and dads don't do their jobs, governing this country could be impossible. We need to make it possible for parents in every instance to do their job.

The amendment recognizes that devices designed to allow such parental monitoring must be allowed. We should never allow any legislation to move forward that intentionally or unintentionally makes good parenting illegal. When the choice is between protecting our children from obscene material and perhaps allowing one machine to be diverted for unlawful use, Congress and the court should choose the protection of the children every time and then prosecute anyone who makes unlawful use of such machine.

There are a number of individuals who deserve our specific thanks here, and I want to take the time to make sure that deserving individuals and organizations are thanked. I want to take a moment to thank a few particular staff members who labored into the night over and over again and through weekends to put together this legislation. I commend my colleagues Senators HATCH and LEAHY. I want to say that a number of my concerns were accommodated because these members of the Leahy and Hatch staff were so hard-working. Ed Damich and Troy Dow with Senator HATCH were critical to moving forward on all issues, particularly by coordinating the OSP discussions.

Beryl Howell and Marla Grossman of Senator LEAHY's staff were similarly important to the process, particularly in regard to the education provisions and on drafting language for several key areas. I thank the staff. They worked very closely with two of the best staff members that I think work in any arena on Capitol Hill, and that is Bartlett Cleland of my staff and Paul Clement. They worked extremely hard with industry and with other Members of the Senate to craft a piece of legislation which I believe is going to be a tremendous asset in allowing the potential of the Internet to be realized.

Finally, I want to thank all of the individuals representing various industry and education interests who were critical not only in educating me on the myriad of technical issues addressed in this legislation, but were helping in every way to reach agreement when the time came. In the end, this is perhaps not a perfect bill. I would have favored a different approach to some issues. But this is a bill that has become a comprehensive effort to bring the copyright law into the digital age. It is an important piece of legislation which we can work together to make work for America.

Accordingly, I am happy to support this bill. I look forward to its final passage, with appreciation to the outstanding leadership of Senator HATCH and Senator LEAHY in the committee. Working with them has been one of the most gratifying experiences of a process of reaching a conclusion on legislation which I think will advance our opportunity significantly to access the advantages of electronic and digital communication for the entirety of America.

Mr. President, I want to go over some of these notions again and expand the ideas a bit further.

I rise today to speak in favor of one of the most important pieces of technology legislation in the 105th congress. At its heart, this legislation is about updating the copyright laws for the digital age and preparing a sizable portion of our economy for the next century. The affected parties include the on-line service providers, computer hardware and software manufacturers, educators students, libraries, consumer electronics manufacturers and consumers, motion picture companies, and everyone who uses the Internet. The full Senate's consideration of this bill culminates an effort at updating our copyright law that I began last September when I introduced S. 1146, the Digital Copyright Clarification and Technology Education Act. S. 1146 was a comprehensive bill designed to jump start a process that had ground to a halt and appeared to be going nowhere. The bill addressed three basic problems: (1) the liability of on-line service providers for copyright violations, (2) the need to update the provisions of the copyright law that affect educators and libraries for the digital age, and (3) the need to implement the World Intellectual Property Organization, or WIPO, treaties. I am gratified that today the full Senate will vote on a bill that addresses all three of these concerns.

The original Administration language that was introduced by Senators HATCH and LEAHY focused exclusively on the WIPO Treaties. However, through hard work, numerous amendments, and the assistance of Senators HATCH and LEAHY and their staffs, we were able to fashion a comprehensive approach to updating the copyright laws for the digital age.

The bill before the Senate today now addresses all three of the basic problems identified in my bill. First, the notion that service providers should not bear the responsibility for copyright infringements when they are providing a means of communication is a key notion for the future growth and development of digital communications and most importantly the Internet. Resolution of this issue is critical for the future development of the Internet. For that reason, I included a title regarding on-line service provider liability in my legislation. After months of negotiations, the affected parties were able to agree to legislative language that protects on-line service providers, or OSPs, from liability when they simply transmit information along the Internet.

The principles expressed in this legislation will provide a clear path for OSPs to operate without concern for legal ramifications or copyright infringement that may occur in the regular course of the operation of the Internet, or that occur without the OSPs knowledge. Without these issues being clearly delineated we would have faced a future of uncertainty regarding the growth of Internet and potentially whether it could have operated at all. Make no mistake that the clarification of on-line service provider liability was one of my fundamental concerns in this debate. While this was not the only crucial change in the legislation it is a change that I found essential for this legislation to even be considered, which is why Title I of my original legislation was devoted to clearly defining liability.

Although I was supportive of the affected industries' efforts to resolve the OSP liability issues, there was one issue which the industry agreement did not address—what protections would be given the typical users of the Internet. The agreement protected the interests of OSPs, and it protected the interests of copyright owners, but it provided little or no protection for an Internet user wrongfully accused of violating the copyright laws.

The original draft would have left these wrongly injured, innocent users with limited recourse. They would have to hire an attorney and go to court to have the court require the OSP and copyright holder to allow the web page to go back up—in other words the end user would have to go to court to prove their innocence. I found this situation to be totally unacceptable. Even though several Judiciary Committee members claimed that no amendments were needed I made sure that the industry compromise protected the rights of the typical Internet user by offering an amendment that provided protection included my original bill—an idea referred to as notice and put back. If material is wrongly taken down from an Internet user's home page because the original notice mistakenly did not take into account that the Internet user was only making a fair use of the copyrighted work, my amendment ensures that the end-user will be given notice of the action taken, and gives them a right to initiate a process that allows them to put their material back on-line, without the need to hire a lawyer and go to court. This was a critical improvement over the industry's compromise agreement.

Another modification to the OSP liability material was to guarantee that companies, such as Yahoo!, could continue to operate as they have previous to the passage of this legislation. I admire companies that can succeed in the highly competitive technology sector, and Yahoo! has done just that. In no way should Congress discourage true entrepreneurship, particularly when the better ''mouse trap'' in this case has propelled a company to the top of its market. The safe harbor should not dissipate merely because a service provider viewed a particular online location during the course of categorization for a directory. If the rule were otherwise, true consumer oriented products would be eliminated or discouraged in the marketplace.

Finally, I also insisted on language in the Committee role that recognized that the OSP liability provisions must be applied to educators and libraries with sensitivity to the special nature of those institutions and the unique relationships that exist in those settings. The report also makes it clear that the notice and put-back provision I mentioned above provides all the process that is due, so that state institutions need not worry about having to choose between qualifying for the safe harbors provided in the bill and the requirements imposed by the Due Process Clause.

The second title of my original legislation was dedicated to similar concerns of universities, libraries, schools, educators and students, and ensured that these groups would not be left out when the content providers rushed to secure their position in the digital age. This legislation now includes some of the same provisions. I worked closely with Senator LEAHY, educators, libraries and publishers to guarantee that libraries will be able to update their archives and provide materials to the public in a way that keeps pace with technology.

Additionally, this legislation begins the process to allow distance education in the digital world. We should not tolerate laws that discriminate against technology, instead we should seek to guarantee that what people can do in the analog that they can continue those actions in the digital world. A study will be undertaken to help Congress to sort out the many technological and legal challenges of updating the copyright law regarding distance education. At the beginning of the next Congress I fully expect to introduce legislation specifically on distance education and I understand that both Senators HATCH and LEAHY have agreed to support legislation based on the study conducted by the Copyright Office. In addition, I look forward to working with both the education community and the content community to pass, not block, this important legislation. Distance education is of fundamental importance to Missouri, as it is to most rural states, and of great importance to the many parents who home school their children.

A third portion of the bill addresses the means by which the WIPO treaties will be implemented in the United States, also referred to as section 1201. This issue is of fundamental importance for a vital part of our nations

economy. Piracy is a large and growing problem for many content providers, but particularly to our software industry. Billions of dollars in pirated material is lost every year and in impact is felt directly to our national bottom line.

While the overall structure of the legislation in this part is not the way I would have approached the issue I believe that I have been given enough assurance both in legislative language and in legislative history that I can support the bill. I still find troubling any approach that makes technology the focus of illegality rather than the bad conduct of a bad actor, but with the accommodations that have been given I think that the bill is workable.

One issue of profound importance to me was ensuring that parents continue to have the legal ability to be good parents. The original draft of this bill took such a broad approach to outlawing devices, that it may have inadvertently made it illegal to manufacture and use devices designed to protect children from on-line pornography. The bill, as amended recognizes that certain devices—such as devices that allow parents to protect their children from on-line pornography—must be allowed. An amendment I offered in Committee makes clear that a parent may protect their children from pornography without running afoul of this law. We should never be in the position with any legislation that intentionally or unintentionally makes good parenting illegal. When the choice is between protecting our children from obscene material and perhaps allowing one machine to be diverted for unlawful use, Congress and the courts should choose the protection of children every time.

Additionally, the protection of privacy remains a concern. While the legislation makes some effort to make clear that a person acting to protect their individual privacy should not be liable for or guilty of circumvention some further clarification is needed. One of my primary concerns has been the use of ''cookies'' and their detrimental impact for on-line privacy. I am not convinced that cookies could not be copyrighted and protected in such a way that getting rid of them or turning them off would not violate the new law. Recently my concern has been proven further by a piece of software developed by Blizzard Entertainment called StarCraft. This software rifles through the player's hard drives and sends the information found back to the company. Again, I was told by some that I should not be concerned, but I will tell you that I am concerned and everyone in this body and in the country should have similar concerns about this or any legislation that without careful thought could create a situation where an individual's privacy is jeopardized. I believe the savings clause I added to the bill will address this problem. However, if that does not prove sufficient, I will introduce legislation to deal with this problem directly and will look forward to working with all the parties that support this bill to ensure passage of such legislation.

One industry that has concerns about this legislation is the encryption industry. I sought to have included in the legislative language a provision to guarantee that the highly successful means for encryption research that are used in this country may continue to be used in the future, despite some of the prohibitions included in this bill. Unfortunately, we were not able to work out any acceptable legislative language. We were able to craft language for the report that made clear that most forms of current encryption research were left undisturbed by the bill. While I believe that this is better than nothing, I understand that there are lingering concerns, and I would certainly support efforts to try to address this issue before the House completes work on this important piece of legislation.

In discussing the anti-circumvention portion of the legislation, I think it is worth emphasizing that I could agree to support the bill's approach of outlawing certain devices because I was repeatedly assured that the device prohibitions in 1201(a)(2) and 1201(b) are aimed at so-called ''black boxes'' and not at legitimate consumer electronics and computer products that have substantial non-infringing uses. I specifically worked for and achieved changes to the bill to make sure that no court would misinterpret this bill as outlawing legitimate consumer electronics devices or computer hardware. As a result, neither section 1201(a)(2) nor section 1201(b) should be read as outlawing any device with substantial non-infringing uses, as per the tests provided in those sections.

If history is a guide, however, someone may yet try to use this bill as a basis for initiating litigation to stop legitimate new products from coming to market. By proposing the addition of section 1201(d)(2) and (3), I have sought to make clear that any such effort to use the courts to block the introduction of new technology should be bound to fail.

As my colleagues may recall, this wouldn't be the first time someone has tried to stop the advance of new technology. In the mid 1970s, for example, a lawsuit was filed in an effort to block the introduction of the Betamax video recorder. I think it useful to recall what the Supreme Court had to say in ruling for consumers and against two movie studies in that case:

> One may search the Copyright Act in vain for any sign that the elected representatives of the millions of people who watch television every day have made it unlawful to copy a program for later viewing at home, or have enacted a flat prohibition against the sale of machines that make such copying possible.

As Missouri's Attorney General, I had the privilege to file a brief in the Supreme Court in support of the right of consumers to buy that first generation of VCRs. I want to make it clear that I did not come to Washington to vote for a bill that could be used to ban the next generation of recording equipment. I want to reassure consumers that nothing in the bill should be read to make it unlawful to produce and use the next generation of computers or VCRs or whatever future device will render one or the other of these familiar devices obsolete.

Another important amendment was added that makes clear that this law does not mandate any particular selection of components for the design of any technology. I was concerned that this legislation could be interpreted as a mandate on product manufacturers to design products so as to respond affirmatively to effective technical protection measures available in the marketplace. In response to this concern I was pleased to offer an amendment, with the support of both the Chairman and the Ranking Member of the Committee, to avoid the unintended effect of having design requirements imposed on product and component manufacturers, which would have a dampening effect on innovation, and on the research and development of new products. Accordingly, my amendment clarified that product designers need not design consumer electronics, telecommunications, or computing products, nor design and select parts or components for such products, in order to respond to particular technological protection measures.

This amendment reflects my belief that product manufacturers should remain free to design and produce consumer electronics, telecommunications and computing products without the threat of incurring liability for their design decisions under this legislation. Nothing could cause greater disaster and a swifter downfall of our vibrant technology sector than to have the federal government dictating the design of computer chips or mother boards. By way of example, during the course of our deliberations, we were made aware of certain video boards used in personal computers in order to allow consumers to receive television signals on their computer monitors which, in order to transform the television signal from a TV signal to one capable of display on a computer monitor, remove attributes of the original signal that may be associated with certain copy control technologies. I am acutely aware of this particular example because I have one of these video boards on my own computer back in my office. It is quite useful as it allows me to monitor the Senate floor, and occasionally ESPN on those rare occasions when the Senate is not in session. My amendment makes it clear that this legislation does not require that such transformations, which are part of the normal conversion process rather than affirmative attempts to remove or circumvent copy control technologies, fall within the proscriptions of chapter

12 of the copyright law as added by this bill.

Further, concerns were voiced during the Committee's deliberations that because 1201 applies not only to devices but to parts and components of devices, it could be interpreted broadly to sweep in legitimate products such as personal computers and accessories and video and audio recording devices. While the manufacturers of these products were understandably concerned, it was quite apparent to me that it was not the Committee's intention that such useful multipurpose articles of commerce be prohibited by 1201 on the basis that they may have particular parts or components that might, if evaluated separately from such products, fall within the proscriptions of 1201(a)(2) or (b). My amendment adding sections 1201(d)(2) and (3) was intended to address these concerns.

Another issue of concern is that unless product designers are adequately consulted on the design and implementation of technological protection measures and means of preserving copyright management information, such measures may have noticeable and recurring adverse effects on the authorized display or performance of works. Under such circumstances, certain adjustments to specific products may become necessary after sale to a consumer to maintain the normal, authorized functioning of such products. Such adjustments, when made solely to mitigate the adverse effects of the measure on the normal, authorized operation of a manufacturer's product, device, component, or part thereof, would not, in my view, constitute conduct that would fall within the proscriptions of this legislation.

The problems described may occur at a more fundamental level—with noticeable and recurring adverse effects on the normal operation of products that are being manufactured and sold to consumers. The best way to avoid this problem is for companies and industries to work together to seek to avoid such problems to the maximum extent possible. I am pleased to note that multi-industry efforts to develop copy control technologies that are both effective and avoid such noticeable and recurring adverse effects have been underway over the past two years in relation to certain copy protection measures. I join my colleagues in strongly encouraging the continuation of these efforts, since, in my view, they offer substantial benefits to copyright owners who add so much to the economy and who obviously want devices that do not interfere with the other normal operations of affected products.

The truth of the matter is that Congress ought to operate contemporaneously with industry to solve problems. Anytime the affected industries beat government to the solution they ought to be praised. In many respects I invite the private sector to be there first and get it done well. If they are there first, they will often solve the problem. Even when they cannot solve the problem, the private sector problem solving process will at least narrow the issues for the government to address. Getting a law passed is very difficult, getting it changed is sometimes even more difficult, and so relying on government really elevates the need to have no garbage in, to result in the right output.

I would encourage the content community and the device and hardware manufacturers to work together to avoid situations in which effective technological measures and copyright management information affect display quality. There is no reason why the interested parties cannot resolve these issues to ensure both optimal protection of content and optimal picture quality. To the extent that a particular technological protection measure or means of applying or embedding copyright management information to or in a work is designed and deployed into the marketplace without adequate consultation with potentially affected manufacturers, the proprietor of such a measure or means and those copyright owners using it must be aware that product adjustments by a manufacturer to avoid noticeable and recurring adverse effects on the normal, authorized operation of affected products are foreseeable, legitimate and commercially necessary. Such actions by manufacturers may not, therefore, be proscribed by this chapter.

Again, several individuals and organizations deserve thanks from everyone involved in this debate. I want to take a moment to thank those few particular staff who labored into the night and over weekends to put together this legislation and to accommodate some of my concerns. Ed Damich and Troy Dow with Senator HATCH's office were critical to moving forward on all issues particularly by coordinating the OSP discussions. Beryl Howell and Marla Grossman were similarly important to the process particularly in regards to the education provisions and on drafting language for several key areas. I would like to thank all of the individuals representing various industry and educational interests who were critical not only in educating me on the myriad issues but also on copyright law in general. Finally, I would again like to thank the members of my own staff, Bartlett Cleland and Paul Clement who worked so well to produce a piece of legislation that could guide this country to a digital future.

In the end, this is not a perfect bill. I would have favored a different approach to some issues. However, this bill is an important step forward in bringing the copyright law into the digital age. I am happy to support this bill and look forward to its final passage.

Mr. KOHL. Mr. President, I rise to express my support for the Digital Millennium Copyright Act of 1998. In my view, we need this measure to stop an epidemic of illegal copying of protected works—such as movies, books, musical recordings, and software. The copyright industry is one of our most thriving businesses. But we still lose more than $15 billion each year due to foreign copyright piracy, according to some estimates.

This foreign piracy is out of control. For example, one of my staffers investigating video piracy on a trip to China walked into a Hong Kong arcade and bought three bootlegged computer games—including ''Toy Story'' and ''NBA '97''—for just $10. These games normally sell for about $100. Indeed, the manager was so brazen about it, he even agreed to give a receipt.

Illegal copying has been a longstanding concern to me. I introduced one of the precursors to this bill, the Motion Picture Anti-Piracy Act, which in principle has been incorporated into this measure. And I was one of the original cosponsors of the original proposed WIPO implementing legislation, the preliminary version of this measure.

In my opinion, this bill achieves a fair balance by taking steps to effectively deter piracy, while still allowing fair use of protected materials. It is the product of intensive negotiations between all of the interested parties—including the copyright industry, telephone companies, libraries, universities and device manufacturers. And every major concern raised during that process was addressed. For these reasons, it earned the unanimous support of the Judiciary Committee.

I am confident that this bill has the best approach for stopping piracy and strengthening one of our biggest export industries. It deserves our support. Thank you.

Mr. GRASSLEY. Mr. President, I wanted to make a few brief remarks on S. 2037, the Digital Millennium Copyright Act of 1998, which would implement the World Intellectual Property Organization treaties. The amendments adopted in Committee make some significant improvements to the original bill. For example, the bill now includes provisions clarifying educational institution and library liability and use exemptions, as well as provisions dealing with distance learning. The Committee also adopted provisions addressing concerns regarding pornography and privacy. Further, I worked with Senator KYL to make sure that our law enforcement and intelligence people are able to carry out their duties in the best, and most effective, manner possible.

It was important to me that the bill be clarified to ensure that parents are not prohibited from monitoring, or limiting access to, their children in regard to pornography and other indecent material on the Internet. I don't believe anyone wants to restrict parents' rights to take care of their children, or to take away tools that might be helpful for parents to ensure that their kids aren't accessing sites containing pornography. The interests of the copyright owners had to be balanced with the needs of consumers and

families. I think that the Committee made a significant improvement to the bill in defense of this important protection for our families.

Also, the Committee worked on changes which protect individuals' right to privacy on the Internet. I've heard concerns about software programs, probes, contaminants and ''cookies,'' and how they obtain personal and confidential information on Internet users and then convey it to companies for commercial purposes, sometimes without the users even knowing that this is happening. Even if users are aware a ''cookie'' or one of these other techniques has been sent to them, I think we'd all agree that Internet users should have a choice on whether to give up their personal information or not. While some argue that this is a non-issue because ''cookies'' and ''cookie-cutting'' do not violate the provisions of the bill, I've heard otherwise. In fact, I've heard about a case where a computer game company admitted that it surreptitiously collected personal information from users' computers when they were playing the game via the Internet. So I was not convinced that there did not need to be a clarification in the bill on this subject. The intent behind the bill is now clear that an Internet user can protect his or her privacy by disabling programs that transmit information on that user to other parties, or by utilizing software programs like ''cookie-cutters'' to do this.

I'd also like to make a few remarks on the clarification Senator KYL and I worked on dealing with the law enforcement exceptions in the bill. The changes Senator KYL and I made substantially improve the bill's language by making it clear that the exceptions will protect officers, agents, employees, or contractors of, or other persons acting at the direction of, a law enforcement or intelligence agency of the United States, a State, or a political subdivision of a State, who are performing lawfully authorized investigative, protective, or intelligence activities. Further, the bill's language was clarified to indicate that the exceptions also apply to officers, agents, employees, or contractors of, or other persons acting at the direction of, any element or division of an agency or department of the United States, a State, or a political subdivision of a State, which does not have law enforcement or intelligence as its primary function, when those individuals are performing lawfully authorized investigative, protective, or intelligence activities. I'd like to note that the Committee report makes clear that these exceptions only apply when the individuals are performing these activities within the scope of their duties and in furtherance of lawfully authorized activities. Our law enforcement and intelligence people must have the opportunity and the tools to carry out their duties effectively. This language was crafted with the input and support of representatives from the law enforcement community, the Administration, as well as the content providers and other parties. I'd like to especially thank Senator KYL and his fine staff for their hard work on this important clarification to the bill.

I want to thank Senator ASHCROFT and his staff for all the hard work and long hours they put into this difficult negotiations process to improve this bill. Their efforts in working for a balance of interests in the bill are to be commended. I'd also like to thank Chairman HATCH and Senator LEAHY, and their staffs, for their hard work on the bill.

Mrs. BOXER. Mr. President I am proud to support the Digital Millennium Copyright Act (DMCA) of 1998 which I believe is an important step in the evolution of international digital commerce. The DMCA accomplishes two important goals—it implements the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty. Both treaties include provisions that respond to the challenges of digital technology.

Although the treaties contain little that is not already covered by U.S. law, the treaties will provide U.S. copyright holders the worldwide protections they need and deserve. In addition, the treaties will go along way towards standardizing international copyright practice.

Intellectual property, including copyright, is an integral part of the U.S. economy. The core copyright industries accounted for $238.6 billion in value added to the U.S. economy, accounting for approximately 3.74 percent of the Gross Domestic Product. In addition, between 1977 and 1993, employment in the core copyright industries doubled to 3 million workers, about 2.5 percent of total U.S. employment. The copyright industries contribute more to the U.S. economy and employ more workers than any single manufacturing sector including aircraft, textiles and apparels or chemicals.

Intellectual property is a particularly integral part of the economy of my home state of California. California is the leading producer of movies, computer software, recordings, video games, and other creative works. California's movie and television industries employed approximately 165,000 Californians in 1995 and the combined payroll of those industries was $7.4 billion. Similarly, the California pre-packaged computer software industry employs more than 25,000 Californians.

Finally Mr. President, I want to note the importance of this bill to Online Service Providers (OSPs) and to Internet Service Providers (ISPs). I believe it is important to update our copyright laws to comport with the digital electronic age in which we now operate. This bill appropriately balances the interests of copyright holders and OSPs/ISPs. It ensures that creative works receive the protection they deserve while also assuring that OSPs/ISPs are not held liable for unknowingly posting infringing material or for merely providing the physical facilities used to upload infringing material.

I think this is a good bill, a balanced and fair bill, and I am proud to support it.

Mr. THOMPSON. Mr. President, I am pleased to support S. 2037, the Digital Millennium Copyright Act. This legislation implementing the World Intellectual Property Organization Treaty is of vital importance to the American economy.

No nation benefits more from the protection of intellectual property than the United States. We lead the world in the production and export of intellectual property, including the many forms of artistic intellectual property and computer software. These industries are among the fastest growing employers in our country. When the owners of intellectual property are not fairly compensated, that hurts Americans and it decreases incentives for creating additional intellectual property that educates, entertains, and does business for us.

New technology creates exciting opportunities for intellectual property, but the digital environment also poses threats to this form of property. Unscrupulous copyright violators can use the Internet to more widely distribute copyrighted material without permission. To maintain fair compensation to the owners of intellectual property, a regime for copyright protection in the digital age must be created. Technology to protect access to copyrighted work must be safeguarded. Copyright management information that identifies the copyright owner and the terms and conditions of use of the copyrighted material must be secured.

There are new issues with respect to copyright in the digital age that never were issues before. The bill addresses such issues as on-line service provider liability in a way that is fair to all parties. And it governs a number of other issues that have been accommodated in the new era.

Passage of this bill is important if American intellectual property is to be protected in other countries. I was pleased to be an original co-sponsor of the initial bill, and to have supported the bill in the Judiciary Committee and now on the floor. I strongly support its enactment.

Mrs. FEINSTEIN. Mr. President, it is with great pleasure that I rise today to speak on passage of S. 2037, the Digital Millennium Copyright Act. This Act implements two treaties adopted by the World Intellectual Property Organization, or WIPO, in December, 1996—the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

Passage of this important legislation will clear the way for ratification of these treaties, which are in the paramount interest of the United States—

and of the State of California, in particular. These treaties are intended to ensure that foreign countries give intellectual property to the same high level of protection that we afford it here in the U.S.

The United States is the world's leader in intellectual property, the home of the most creative and dynamic individuals and enterprises in the world—the majority of whom are located in California. This industry constitutes a very important sector of the U.S. economy, and contributes greatly to our global economic position: American creative industries grew twice as fast as the rest of the U.S. economy from 1987–94; more than 3 million Americans worked in the core copyright industries as of 1994; exports of U.S. intellectual property were more than $53 billion in 1995; and the Business Software Alliance reports that 50–60 percent of its revenues come from overseas.

It is vital that we do everything we can to protect and defend this important sector of the economy from foreign piracy, especially in this new digital age, when the potential exists for thousands of absolutely perfect, priated copies of American intellectual property to be made almost instantly, at the tough of a button: American copyright owners lose $15 billion in overseas sales to piracy every year; the digital gaming industry loses $3.2 billion per year to priacy—almost one third of its $10.1 billion annual sales; and the recording industry's domestic business is flat and they need a strong export market for sales growth.

Indeed, some countries, such as Argentina, have said that computer programs aren't even protected by copyright; ratifying WIPO will ensure that they are. Foreign countries have been waiting for the U.S., as the world's largest producer of intellectual property, to take the lead in WIPO ratification before the ratify the WIPO treaty, so this is an important step we are taking today.

The bill which we crafted in the Judiciary Committee is a truly impressive achievement. We worked together with a plethora of diverse industries, academic interests, and law enforcement to forge a bill which advances everybody's interest.

Title I of the bill implements the WIPO treaties, and outlaws so-called ''black boxes'': devices designed to accomplish the perfect digital piracy which I have mentioned. By protecting against this piracy and paving the way for ratification of the WIPO treaties, this title provides immense help to America's creative industries, including authors, composers, publishers, performers, movie-makers, the recording industry, and the software industry.

Title II of the bill provides for protection from copyright infringement liability for on-line service providers who act responsibly. This title provides much-desired protection for on-line service providers, such as Yahoo! from my State of California, telecommunications companies, and educational institutions.

Title II includes a provision which I authored, section 204 of the bill, which requires the Copyright Office to take a comprehensive look at the issue of the liability of schools and universities for the acts of their students and faculty who may use their network to post infringing materials, and to make recommendations for legislation.

Among the factors which the Copyright Office is to consider are: What is the direct, vicarious, and contributory liability of universities for infringement by: faculty, administrative employees, students, graduate students, and students who are employed by the university.

What other users of university computers universities may be responsible for; the unique nature of the relationship between universities and faculty; what policies should universities adopt regarding copyright infringement by university computer users; what technological measures are available to monitor infringing uses; what monitoring of the computer system by universities is appropriate; what due process should the universities afford in disabling access by allegedly infringing computer users; should distinctions be drawn between open computer systems, closed computer systems, and open systems with password-protected parts; and taking into account the tradition of academic freedom.

I want to thank the Chairman, Senator HATCH, and the Ranking Member, Senator LEAHY, for working with me on this provision.

It is my hope and expectation that copyright content providers and the educational community will get together and work cooperatively to address these issues during the course of the Copyright Office study.

Title III of the bill ensures that computer maintenance and repair providers will not be found liable for copyright infringement for performing their ordinary services.

Title IV of the bill provides additional copyright exemptions for libraries, archives and broadcasters, and another study, of distance learning, which could benefit educational institutions.

So this bill helps an incredibly broad spectrum of American interests: authors, telecommunications, universities, computer makers, movies, software, broadcasters, and on and on. No small number of these industries are centered or have very substantial presence in, and immense importance to the economy of, my state of California.

Thus, it is with great pleasure that I applaud the passage of this legislation, and urge the House to protect America's economy and rapidly pass it as well.

Mr. KYL. Mr. President: I rise today to speak about a section in the Digital Millennium Copyright Act that I am particularly proud of, and that is the law enforcement exception in the bill. At the Judiciary Committee mark-up, Senator GRASSLEY and I, along with the assistance of Chairman HATCH and Senator ASHCROFT worked to strengthen the law enforcement exception in the bill. We received input on the language from the copyright community and the administration: the National Security Agency (NSA), the Central Intelligence Agency (CIA), the Departments of Commerce and Justice, and the Office of Management and Budget (OMB).

The law enforcement exception ensures that the government continues to have access to current and future technologies to assist in their investigative, protective, or intelligence activities. I am concerned that the tools and resources of our intelligence and law enforcement communities are preserved—and more importantly, not limited, by passage of S. 2037. Under this bill, a company who contracts with the government can continue to develop encryption/decryption devices under that contract, without having to worry about criminal penalties.

Because much of our leading technologies come from the private sector, the government needs to have access to this vital resource for intelligence and law enforcement purposes.

The law enforcement exception recognizes that oftentimes governmental agencies work with non-governmental entities—companies, in order to have access to and develop cutting edge technologies and devices. Such conduct should not be prohibited or impeded by this copyright legislation.

Mr. BIDEN. Mr. President, I commend my colleagues for their hard work on this legislation—which implements the two world intellectual property organization copyright treaties adopted by the 1996 Geneva diplomatic conference.

As is the practice on such intellectual property matters, we are first seeking to pass the implementing legislation. This, I believe, will pave the way for the Foreign Relations Committee—and the full senate—to ratify the treaties, which the administration submitted last July.

The WIPO treaties and the implementing legislation will update intellectual property law to deal with the explosion of the Internet and other forms of electronic communications. Delegates from the United States and 160 other member nations agreed to give authors of ''literary and artistic works,'' including books, computer programs, films, and sound recordings, the exclusive right to sell or otherwise make their work available to the public.

The treaties give tougher international protection to software makers and the recording industry—the U.S. Government's biggest goal. The U.S. wanted—and got—tough international protection for sound recordings in order to stop pirating of music compact discs overseas. The treaties protect literary and artistic works from

digital copying, but do not make it illegal to use the Internet in the normal way.

To give a concrete example of what passage and implementation of the WIPO treaties will mean—before the treaty it was illegal to photocopy the contents of an entire book or copy a videotape without permission, but it was not clear whether it was illegal to e-mail copies of a digital book or movie to 500 friends all over the world. Passage of this bill and the WIPO treaties will ensure that both will be illegal—both domestically and overseas.

I am pleased that this bill contains provisions to clarify the actions Internet service providers—as well as libraries and educational institutions—will be legally required to take when confronted with evidence of copyright violations by users of their services.

I am also pleased that this bill contains language intended to preserve the ability of consumer electronics manufacturers—and computer manufacturers and software developers—to continue research and development of innovative devices and hardware products.

These provisions in my view strike an appropriate balance between the rights of copyright holders and the need to encourage continuing expansion of access to digital information to greater numbers of users throughout the world.

Therefore, I commend my Judiciary Committee colleagues for their hard work on this bill and I look forward to its passage by the Congress.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, we are prepared to yield back the remainder of our time. First, I understand that the Senator from Illinois would like up to 2 minutes. We will yield that time to him, and then we will yield the remainder of the time and go to a vote.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, many good reasons have been stated on the floor for the passage of this important legislation. I hold in my hand convincing evidence. It is an unsolicited e-mail sent to my Senate computer a few weeks ago. It boasts that they will offer for me to purchase 500 different bootleg video games from a person who says in this solicitation, ''All the games I sell are pirated. I do not sell originals.'' This business is operating across the United States, Canada, England, Australia, and claims to trade copies made in Hong Kong.

When you think of the importance of intellectual property to America's exports and the importance of this business in terms of the United States and the world, it is clear that we need this legislation to stop this type of flagrant abuse, which I received and I am sure many others could receive if they surf the Internet.

I commend Senators HATCH, LEAHY, ASHCROFT, and so many others. I urge its unanimous passage and yield the remainder of my time.

Mr. HATCH. Mr. President, on behalf of Senator LEAHY and myself, I yield the remainder of our time. The yeas and nays have been ordered.

The PRESIDING OFFICER. All time having been yielded, 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. The question is on passage of the bill, as amended. 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 New Hampshire (Mr. GREGG) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 137 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 | Hagel | Reed |
| Bryan | Harkin | Reid |
| Bumpers | Hatch | Robb |
| Burns | Helms | 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

Gregg

The bill (S. 2037), as amended, was passed, as follows:

S. 2037

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Digital Millennium Copyright Act of 1998''.

**SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—WIPO TREATIES IMPLEMENTATION

Sec. 101. Short title.
Sec. 102. Technical amendments.
Sec. 103. Copyright protection systems and copyright management information.
Sec. 104. Conforming amendment.
Sec. 105. Effective date.

TITLE II—INTERNET COPYRIGHT INFRINGEMENT LIABILITY

Sec. 201. Short title.
Sec. 202. Limitations on liability for Internet copyright infringement.
Sec. 203. Conforming amendment.
Sec. 204. Liability of educational institutions for online infringement of copyright.
Sec. 205. Effective date.

TITLE III—COMPUTER MAINTENANCE OR REPAIR

Sec. 301. Limitation on exclusive rights; computer programs.

TITLE IV—EPHEMERAL RECORDINGS; DISTANCE EDUCATION; EXEMPTION FOR LIBRARIES AND ARCHIVES

Sec. 401. Ephemeral recordings.
Sec. 402. Limitations on exclusive rights; distance education.
Sec. 403. Exemption for libraries and archives.

## TITLE I—WIPO TREATIES IMPLEMENTATION

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''WIPO Copyright and Performances and Phonograms Treaties Implementation Act of 1998''.

**SEC. 102. TECHNICAL AMENDMENTS.**

(a) Section 101 of title 17, United States Code, is amended—

(1) by deleting the definition of ''Berne Convention work'';

(2) in the definition of ''The 'country of origin' of a Berne Convention work'', by deleting ''The 'country of origin' of a Berne Convention work,'', capitalizing the first letter of the word ''for'', deleting ''is the United States'' after ''For purposes of section 411,'', and inserting ''a work is a 'United States work' only'' after ''For purposes of section 411,'';

(3) in paragraph (1)(B) of the definition of ''The 'country of origin' of a Berne Convention work'', by inserting ''treaty party or parties'' and deleting ''nation or nations adhering to the Berne Convention'';

(4) in paragraph (1)(C) of the definition of ''The 'country of origin' of a Berne Convention work'', by inserting ''is not a treaty party'' and deleting ''does not adhere to the Berne Convention'';

(5) in paragraph (1)(D) of the definition of ''The 'country of origin' of a Berne Convention work'', by inserting ''is not a treaty party'' and deleting ''does not adhere to the Berne Convention'';

(6) in subsection (3) of the definition of ''The 'country of origin' of a Berne Convention work'', by deleting ''For the purposes of section 411, the 'country of origin' of any other Berne Convention work is not the United States.'';

(7) after the definition for ''fixed'', by inserting ''The 'Geneva Phonograms Convention' is the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, concluded at Geneva, Switzerland on October 29, 1971.'';

(8) after the definition for ''including'', by inserting ''An 'international agreement' is—

''(1) the Universal Copyright Convention;

''(2) the Geneva Phonograms Convention;

''(3) the Berne Convention;

''(4) the WTO Agreement;

''(5) the WIPO Copyright Treaty;

''(6) the WIPO Performances and Phonograms Treaty; and

''(7) any other copyright treaty to which the United States is a party.'';

(9) after the definition for ''transmit'', by inserting ''A 'treaty party' is a country or intergovernmental organization other than the United States that is a party to an international agreement.'';

(10) after the definition for ''widow'', by inserting ''The 'WIPO Copyright Treaty' is the WIPO Copyright Treaty concluded at Geneva, Switzerland, on December 20, 1996.'';

(11) after the definition for ''The 'WIPO Copyright Treaty', by inserting ''The 'WIPO Performances and Phonograms Treaty' is the WIPO Performances and Phonograms Treaty concluded at Geneva, Switzerland on December 20, 1996.''; and

(12) by inserting, after the definition for ''work for hire'', ''The 'WTO Agreement' is the Agreement Establishing the World Trade Organization entered into on April 15, 1994. The terms 'WTO Agreement' and 'WTO member country' have the meanings given those terms in paragraphs (9) and (10) respectively of section 2 of the Uruguay Round Agreements Act.''.

(b) Section 104 of title 17, United States Code, is amended—

(1) in subsection (b)(1), by deleting ''foreign nation that is a party to a copyright treaty to which the United States is also a party'' and inserting ''treaty party'';

(2) in subsection (b)(2) by deleting ''party to the Universal Copyright Convention'' and inserting ''treaty party'';

(3) by renumbering the present subsection (b)(3) as (b)(5) and moving it to its proper sequential location and inserting a new subsection (b)(3) to read:

''(3) the work is a sound recording that was first fixed in a treaty party; or'';

(4) in subsection (b)(4) by deleting ''Berne Convention work'' and inserting ''pictorial, graphic or sculptural work that is incorporated in a building or other structure, or an architectural work that is embodied in a building and the building or structure is located in the United States or a treaty party'';

(5) by renumbering present subsection (b)(5) as (b)(6);

(6) by inserting a new subsection (b)(7) to read:

''(7) for purposes of paragraph (2), a work that is published in the United States or a treaty party within thirty days of publication in a foreign nation that is not a treaty party shall be considered first published in the United States or such treaty party as the case may be.''; and

(7) by inserting a new subsection (d) to read:

''(d) EFFECT OF PHONOGRAMS TREATIES.—Notwithstanding the provisions of subsection (b), no works other than sound recordings shall be eligible for protection under this title solely by virtue of the adherence of the United States to the Geneva Phonograms Convention or the WIPO Performances and Phonograms Treaty.''.

(c) Section 104A(h) of title 17, United States Code, is amended—

(1) in paragraph (1), by deleting ''(A) a nation adhering to the Berne Convention or a WTO member country; or (B) subject to a Presidential proclamation under subsection (g),'' and inserting—

''(A) a nation adhering to the Berne Convention;

''(B) a WTO member country;

''(C) a nation adhering to the WIPO Copyright Treaty;

''(D) a nation adhering to the WIPO Performances and Phonograms Treaty; or

''(E) subject to a Presidential proclamation under subsection (g)'';

(2) paragraph (3) is amended to read as follows:

''(3) the term 'eligible country' means a nation, other than the United States that—

''(A) becomes a WTO member country after the date of enactment of the Uruguay Round Agreements Act;

''(B) on the date of enactment is, or after the date of enactment becomes, a nation adhering to the Berne Convention;

''(C) adheres to the WIPO Copyright Treaty;

''(D) adheres to the WIPO Performances and Phonograms Treaty; or

''(E) after such date of enactment becomes subject to a proclamation under subsection (g).'';

(3) in paragraph (6)(C)(iii), by deleting ''and'' after ''eligibility'';

(4) at the end of paragraph (6)(D), by deleting the period and inserting ''; and'';

(5) by adding the following new paragraph (6)(E):

''(E) if the source country for the work is an eligible country solely by virtue of its adherence to the WIPO Performances and Phonograms Treaty, is a sound recording.'';

(6) in paragraph (8)(B)(i), by inserting ''of which'' before ''the majority'' and striking ''of eligible countries''; and

(7) by deleting paragraph (9).

(d) Section 411 of title 17, United States Code, is amended—

(1) in subsection (a), by deleting ''actions for infringement of copyright in Berne Convention works whose country of origin is not the United States and''; and

(2) in subsection (a), by inserting ''United States'' after ''no action for infringement of the copyright in any''.

(e) Section 507(a) of title 17, United States Code, is amended by adding at the beginning, ''Except as expressly provided elsewhere in this title,''.

**SEC. 103. COPYRIGHT PROTECTION SYSTEMS AND COPYRIGHT MANAGEMENT INFORMATION.**

Title 17, United States Code, is amended by adding the following new chapter:

**''CHAPTER 12—COPYRIGHT PROTECTION AND MANAGEMENT SYSTEMS**

''Sec.
''1201. Circumvention of copyright protection systems.
''1202. Integrity of copyright management information.
''1203. Civil remedies.
''1204. Criminal offenses and penalties.
''1205. Savings Clause.

**''§ 1201. Circumvention of copyright protection systems**

''(a) VIOLATIONS REGARDING CIRCUMVENTION OF TECHNOLOGICAL PROTECTION MEASURES.—(1) No person shall circumvent a technological protection measure that effectively controls access to a work protected under this title.

''(2) No person shall manufacture, import, offer to the public, provide or otherwise traffic in any technology, product, service, device, component, or part thereof that—

''(A) is primarily designed or produced for the purpose of circumventing a technological protection measure that effectively controls access to a work protected under this title;

''(B) has only limited commercially significant purpose or use other than to circumvent a technological protection measure that effectively controls access to a work protected under this title; or

''(C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing a technological protection measure that effectively controls access to a work protected under this title.

''(3) As used in this subsection—

''(A) to 'circumvent a technological protection measure' means to descramble a scrambled work, to decrypt an encrypted work, or otherwise to avoid, bypass, remove, deactivate, or impair a technological protection measure, without the authority of the copyright owner; and

''(B) a technological protection measure 'effectively controls access to a work' if the measure, in the ordinary course of its operation, requires the application of information, or a process or a treatment, with the authority of the copyright owner, to gain access to the work.

''(b) ADDITIONAL VIOLATIONS.—(1) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof that—

''(A) is primarily designed or produced for the purpose of circumventing protection afforded by a technological protection measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof;

''(B) has only limited commercially significant purpose or use other than to circumvent protection afforded by a technological protection measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof; or

''(C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing protection afforded by a technological protection measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof.

''(2) As used in this subsection—

''(A) to 'circumvent protection afforded by a technological protection measure' means avoiding, bypassing, removing, deactivating, or otherwise impairing a technological protection measure; and

''(B) a technological protection measure 'effectively protects a right of a copyright owner under this title' if the measure, in the ordinary course of its operation, prevents, restricts, or otherwise limits the exercise of a right of a copyright owner under this title.

''(c) OTHER RIGHTS, ETC., NOT AFFECTED.—(1) Nothing in this section shall affect rights, remedies, limitations, or defenses to copyright infringement, including fair use, under this title.

''(2) Nothing in this section shall enlarge or diminish vicarious or contributory liability for copyright infringement in connection with any technology, product, service, device, component or part thereof.

''(3) Nothing in this section shall require that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computing product provide for a response to any particular technological protection measure, so long as such part or component or the product, in which such part or component is integrated, does not otherwise fall within the prohibitions of subsection (a)(2) or (b)(1).

''(d) EXEMPTION FOR NONPROFIT LIBRARIES, ARCHIVES, AND EDUCATIONAL INSTITUTIONS.—(1) A nonprofit library, archives, or educational institution which gains access to a commercially exploited copyrighted work solely in order to make a good faith determination of whether to acquire a copy of that work for the sole purpose of engaging in conduct permitted under this title shall not be in violation of subsection (a)(1). A copy of a work to which access has been gained under this paragraph—

''(A) may not be retained longer than necessary to make such good faith determination; and

''(B) may not be used for any other purpose.

''(2) The exemption made available under paragraph (1) shall only apply with respect to a work when an identical copy of that work is not reasonably available in another form.

''(3) A nonprofit library, archives, or educational institution that willfully for the purpose of commercial advantage or financial gain violates paragraph (1)—

''(A) shall, for the first offense, be subject to the civil remedies under section 1203; and

''(B) shall, for repeated or subsequent offenses, in addition to the civil remedies

under section 1203, forfeit the exemption provided under paragraph (1).

''(4) This subsection may not be used as a defense to a claim under subsection (a)(2) or (b), nor may this subsection permit a nonprofit library, archives, or educational institution to manufacture, import, offer to the public, provide, or otherwise traffic in any technology which circumvents a technological protection measure.

''(5) In order for a library or archives to qualify for the exemption under this subsection, the collections of that library or archives shall be—

''(A) open to the public; or

''(B) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.

''(e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of an officer, agent or employee of the United States, a State, or a political subdivision of a State, or a person acting pursuant to a contract with such entities.

''(f) Notwithstanding the provisions of subsection (a)(1), a person who has lawfully obtained the right to use a copy of a computer program may circumvent a technological protection measure that effectively controls access to a particular portion of that program for the sole purpose of identifying and analyzing those elements of the program that are necessary to achieve interoperability of an independently created computer program with other programs, and that have not previously been readily available to the person engaging in the circumvention, to the extent any such acts of identification and analysis do not constitute infringement under this title.

''(g) Notwithstanding the provisions of subsections (a)(2) and (b), a person may develop and employ technological means to circumvent for the identification and analysis described in subsection (f), or for the limited purpose of achieving interoperability of an independently created computer program with other programs, where such means are necessary to achieve such interoperability, to the extent that doing so does not constitute infringement under this title.

''(h) The information acquired through the acts permitted under subsection (f), and the means permitted under subsection (g), may be made available to others if the person referred to in subsections (f) or (g) provides such information or means solely for the purpose of achieving interoperability of an independently created computer program with other programs, and to the extent that doing so does not constitute infringement under this title, or violate applicable law other than this title.

''(i) For purposes of subsections (f), (g), and (h), the term ''interoperability'' means the ability of computer programs to exchange information, and for such programs mutually to use the information which has been exchanged.

''(j) In applying subsection (a) to a component or part, the court may consider the necessity for its intended and actual incorporation in a technology, product, service or device, which (i) does not itself violate the provisions of this chapter and (ii) has the sole purpose to prevent the access of minors to material on the Internet.

**''§ 1202. Integrity of copyright management information**

''(a) FALSE COPYRIGHT MANAGEMENT INFORMATION.—No person shall knowingly and with the intent to induce, enable, facilitate or conceal infringement—

''(1) provide copyright management information that is false, or

''(2) distribute or import for distribution copyright management information that is false.

''(b) REMOVAL OR ALTERATION OF COPYRIGHT MANAGEMENT INFORMATION.—No person shall, without the authority of the copyright owner or the law—

''(1) intentionally remove or alter any copyright management information,

''(2) distribute or import for distribution copyright management information knowing that the copyright management information has been removed or altered without authority of the copyright owner or the law, or

''(3) distribute, import for distribution, or publicly perform works, copies of works, or phonorecords, knowing that copyright management information has been removed or altered without authority of the copyright owner or the law,

knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate or conceal an infringement of any right under this title.

''(c) DEFINITION.—As used in this chapter, 'copyright management information' means the following information conveyed in connection with copies or phonorecords of a work or performances or displays of a work, including in digital form—

''(1) the title and other information identifying the work, including the information set forth on a notice of copyright;

''(2) the name of, and other identifying information about, the author of a work;

''(3) the name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright;

''(4) with the exception of public performances of works by radio and television broadcast stations the name of, and other identifying information about, a performer whose performance is fixed in a work other than an audiovisual work;

''(5) with the exception of public performances of works by radio and television broadcast stations, in the case of an audiovisual work, the name of, and other identifying information about, a writer, performer, or director who is credited in the audiovisual work;

''(6) terms and conditions for use of the work;

''(7) identifying numbers or symbols referring to such information or links to such information; or

''(8) such other information as the Register of Copyrights may prescribe by regulation, except that the Register of Copyrights may not require the provision of any information concerning the user of a copyrighted work.

''(d) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting pursuant to a contract with such entities.

''(e) LIMITATIONS ON LIABILITY.—

''(1) ANALOG TRANSMISSIONS.—In the case of an analog transmission, a person who is making transmissions in its capacity as a radio or television broadcast station, or as a cable system, or someone who provides programming to such station or system, shall not be liable for a violation of subsection (b) if—

''(A) avoiding the activity that constitutes such violation is not technically feasible or would create an undue financial hardship on such person; and

''(B) such person did not intend, by engaging in such activity, to induce, enable, facilitate or conceal infringement.

''(2) DIGITAL TRANSMISSIONS.—

''(A) If a digital transmission standard for the placement of copyright management information for a category of works is set in a voluntary, consensus standard-setting process involving a representative cross-section of radio or television broadcast stations or cable systems and copyright owners of a category of works that are intended for public performance by such stations or systems, a person identified in subsection (e)(1) shall not be liable for a violation of subsection (b) with respect to the particular copyright management information addressed by such standard if—

''(i) the placement of such information by someone other than such person is not in accordance with such standard; and

''(ii) the activity that constitutes such violation is not intended to induce, enable, facilitate or conceal infringement.

''(B) Until a digital transmission standard has been set pursuant to subparagraph (A) with respect to the placement of copyright management information for a category or works, a person identified in subsection (e)(1) shall not be liable for a violation of subsection (b) with respect to such copyright management information, where the activity that constitutes such violation is not intended to induce, enable, facilitate or conceal infringement, if—

''(i) the transmission of such information by such person would result in a perceptible visual or aural degradation of the digital signal; or

''(ii) the transmission of such information by such person would conflict with—

''(I) an applicable government regulation relating to transmission of information in a digital signal;

''(II) an applicable industry-wide standard relating to the transmission of information in a digital signal that was adopted by a voluntary consensus standards body prior to the effective date of this section; or

''(III) an applicable industry-wide standard relating to the transmission of information in a digital signal that was adopted in a voluntary, consensus standards-setting process open to participation by a representative cross-section of radio or television broadcast stations or cable systems and copyright owners of a category of works that are intended for public performance by such stations or systems.

**''§ 1203. Civil remedies**

''(a) CIVIL ACTIONS.—Any person injured by a violation of section 1201 or 1202 may bring a civil action in an appropriate United States district court for such violation.

''(b) POWERS OF THE COURT.—In an action brought under subsection (a), the court—

''(1) may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain a violation;

''(2) at any time while an action is pending, may order the impounding, on such terms as it deems reasonable, of any device or product that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation;

''(3) may award damages under subsection (c);

''(4) in its discretion may allow the recovery of costs by or against any party other than the United States or an officer thereof;

''(5) in its discretion may award reasonable attorney's fees to the prevailing party; and

''(6) may, as part of a final judgment or decree finding a violation, order the remedial modification or the destruction of any device or product involved in the violation that is

in the custody or control of the violator or has been impounded under paragraph (2).

''(c) AWARD OF DAMAGES.—

''(1) IN GENERAL.—Except as otherwise provided in this chapter, a person committing a violation of section 1201 or 1202 is liable for either—

''(A) the actual damages and any additional profits of the violator, as provided in paragraph (2), or

''(B) statutory damages, as provided in paragraph (3).

''(2) ACTUAL DAMAGES.—The court shall award to the complaining party the actual damages suffered by the party as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages at any time before final judgment is entered.

''(3) STATUTORY DAMAGES.—

''(A) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1201 in the sum of not less than $200 or more than $2,500 per act of circumvention, device, product, component, offer, or performance of service, as the court considers just.

''(B) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1202 in the sum of not less than $2,500 or more than $25,000.

''(4) REPEATED VIOLATIONS.—In any case in which the injured party sustains the burden of proving, and the court finds, that a person has violated section 1201 or 1202 within three years after a final judgment was entered against the person for another such violation, the court may increase the award of damages up to triple the amount that would otherwise be awarded, as the court considers just.

''(5) INNOCENT VIOLATIONS.—

''(A) IN GENERAL.—The court in its discretion may reduce or remit the total award of damages in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that its acts constituted a violation.

''(B) NONPROFIT LIBRARY, ARCHIVES, OR EDUCATIONAL INSTITUTIONS.—In the case of a nonprofit library, archives, or educational institution, the court shall remit damages in any case in which the library, archives, or educational institution sustains the burden of proving, and the court finds, that the library, archives, or educational institution was not aware and had no reason to believe that its acts constituted a violation.

**''§ 1204. Criminal offenses and penalties**

''(a) IN GENERAL.—Any person who violates section 1201 or 1202 willfully and for purposes of commercial advantage or private financial gain—

''(1) shall be fined not more than $500,000 or imprisoned for not more than 5 years, or both for the first offense; and

''(2) shall be fined not more than $1,000,000 or imprisoned for not more than 10 years, or both for any subsequent offense.

''(b) LIMITATION FOR NONPROFIT LIBRARY, ARCHIVES, OR EDUCATIONAL INSTITUTION.—Subsection (a) shall not apply to a nonprofit library, archives, or educational institution.

''(c) STATUTE OF LIMITATIONS.—Notwithstanding section 507(a) of this title, no criminal proceeding shall be brought under this section unless such proceeding is commenced within five years after the cause of action arose.

**''§ 1205. Savings Clause**

''Nothing in this chapter abrogates, diminishes or weakens the provisions of, nor provides any defense or element of mitigation in a criminal prosecution or civil action under, any Federal or State law that prevents the violation of the privacy of an individual in connection with the individual's use of the Internet.''.

**SEC. 104. CONFORMING AMENDMENT.**

The table of chapters for title 17, United States Code, is amended by adding at the end the following:

''12. Copyright Protection and Management Systems ..... 1201''.

**SEC. 105. EFFECTIVE DATE.**

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) AMENDMENTS RELATING TO CERTAIN INTERNATIONAL AGREEMENTS.—(1) The following shall take effect upon entry into force of the WIPO Copyright Treaty with respect to the United States:

(A) paragraph (5) of the definition of ''international agreement'' contained in section 101 of title 17, United States Code, as amended by section 102(a)(8) of this title.

(B) the amendment made by section 102(a)(10) of this title;

(C) subparagraph (C) of section 104A(h)(1) of title 17, United States Code, as amended by section 102(c)(1) of this title; and

(D) subparagraph (C) of section 104A(h)(3) of title 17, United States Code, as amended by section 102(c)(2) of this title.

(2) The following shall take effect upon the entry into force of the WIPO Performances and Phonograms Treaty with respect to the United States:

(A) paragraph (6) of the definition of ''international agreement'' contained in section 101 of title 17, United States Code, as amended by section 102(a)(8) of this title.

(B) the amendment made by section 102(a)(11) of this title;

(C) the amendment made by section 102(b)(7) of this title;

(D) Subparagraph (D) of section 104A(h)(1) of title 17, United States Code, as amended by section 102(c)(2) of this title; and

(E) the amendment made by section 102(c)(4) of this title; and

(F) the amendment made by section 102(c)(5) of this title.

## TITLE II—INTERNET COPYRIGHT INFRINGEMENT LIABILITY

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Internet Copyright Infringement Liability Clarification Act of 1998''.

**SEC. 202. LIMITATIONS ON LIABILITY FOR INTERNET COPYRIGHT INFRINGEMENT.**

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding after section 511 the following new section:

**''§ 512. Liability of service providers for online infringement of copyright**

''(a) DIGITAL NETWORK COMMUNICATIONS.—A service provider shall not be liable for monetary relief, or except as provided in subsection (i) for injunctive or other equitable relief, for infringement for the provider's transmitting, routing, or providing connections for, material through a system or network controlled or operated by or for the service provider, or the intermediate and transient storage of such material in the course of such transmitting, routing or providing connections, if—

''(1) it was initiated by or at the direction of a person other than the service provider;

''(2) it is carried out through an automatic technical process without selection of such material by the service provider;

''(3) the service provider does not select the recipients of such material except as an automatic response to the request of another;

''(4) no such copy of such material made by the service provider is maintained on the system or network in a manner ordinarily accessible to anyone other than anticipated recipients, and no such copy is maintained on the system or network in a manner ordinarily accessible to the anticipated recipients for a longer period than is reasonably necessary for the communication; and

''(5) the material is transmitted without modification to its content.

''(b) SYSTEM CACHING.—A service provider shall not be liable for monetary relief, or except as provided in subsection (i) for injunctive or other equitable relief, for infringement for the intermediate and temporary storage of material on the system or network controlled or operated by or for the service provider, where (i) such material is made available online by a person other than such service provider, (ii) such material is transmitted from the person described in clause (i) through such system or network to someone other than that person at the direction of such other person, and (iii) the storage is carried out through an automatic technical process for the purpose of making such material available to users of such system or network who subsequently request access to that material from the person described in clause (i), provided that:

''(1) such material is transmitted to such subsequent users without modification to its content from the manner in which the material otherwise was transmitted from the person described in clause (i);

''(2) such service provider complies with rules concerning the refreshing, reloading or other updating of such material when specified by the person making that material available online in accordance with an accepted industry standard data communications protocol for the system or network through which that person makes the material available; provided that the rules are not used by the person described in clause (i) to prevent or unreasonably impair such intermediate storage;

''(3) such service provider does not interfere with the ability of technology associated with such material that returns to the person described in clause (i) the information that would have been available to such person if such material had been obtained by such subsequent users directly from such person, provided that such technology—

''(A) does not significantly interfere with the performance of the provider's system or network or with the intermediate storage of the material;

''(B) is consistent with accepted industry standard communications protocols; and

''(C) does not extract information from the provider's system or network other than the information that would have been available to such person if such material had been accessed by such users directly from such person;

''(4) either—

''(A) the person described in clause (i) does not currently condition access to such material; or

''(B) if access to such material is so conditioned by such person, by a current individual pre-condition, such as a pre-condition based on payment of a fee, or provision of a password or other information, the service provider permits access to the stored material in significant part only to users of its system or network that have been so authorized and only in accordance with those conditions; and

''(5) if the person described in clause (i) makes that material available online without the authorization of the copyright owner, then the service provider responds expeditiously to remove, or disable access to, the material that is claimed to be infringing

upon notification of claimed infringements described in subsection (c)(3); provided that the material has previously been removed from the originating site, and the party giving the notification includes in the notification a statement confirming that such material has been removed or access to it has been disabled or ordered to be removed or have access disabled.

''(c) INFORMATION STORED ON SERVICE PROVIDERS.—

''(1) IN GENERAL.—A service provider shall not be liable for monetary relief, or except as provided in subsection (i) for injunctive or other equitable relief, for infringement for the storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider—

''(A)(i) does not have actual knowledge that the material or activity is infringing,

''(ii) in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent, or

''(iii) if upon obtaining such knowledge or awareness, the service provider acts expeditiously to remove or disable access to, the material;

''(B) does not receive a financial benefit directly attributable to the infringing activity, where the service provider has the right and ability to control such activity; and

''(C) in the instance of a notification of claimed infringement as described in paragraph (3), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity.

''(2) DESIGNATED AGENT.—The limitations on liability established in this subsection apply only if the service provider has designated an agent to receive notifications of claimed infringement described in paragraph (3), by substantially making the name, address, phone number, electronic mail address of such agent, and other contact information deemed appropriate by the Register of Copyrights, available through its service, including on its website, and by providing such information to the Copyright Office. The Register of Copyrights shall maintain a current directory of agents available to the public for inspection, including through the Internet, in both electronic and hard copy formats.

''(3) ELEMENTS OF NOTIFICATION.—

''(A) To be effective under this subsection, a notification of claimed infringement means any written communication provided to the service provider's designated agent that includes substantially the following:

''(i) a physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;

''(ii) identification of the copyrighted work claimed to have been infringed, or, if multiple such works at a single online site are covered by a single notification, a representative list of such works at that site;

''(iii) identification of the material that is claimed to be infringing or to be the subject of infringing activity that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material;

''(iv) information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available an electronic mail address at which the complaining party may be contacted;

''(v) a statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, or its agent, or the law; and

''(vi) a statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party has the authority to enforce the owner's rights that are claimed to be infringed.

''(B) A notification from the copyright owner or from a person authorized to act on behalf of the copyright owner that fails substantially to conform to the provisions of paragraph (3)(A) shall not be considered under paragraph (1)(A) in determining whether a service provider has actual knowledge or is aware of facts or circumstances from which infringing activity is apparent, provided that the provider promptly attempts to contact the complaining party or takes other reasonable steps to assist in the receipt of notice under paragraph (3)(A) when the notice is provided to the service provider's designated agent and substantially satisfies the provisions of paragraphs (3)(A) (ii), (iii), and (iv).

''(d) INFORMATION LOCATION TOOLS.—A service provider shall not be liable for monetary relief, or except as provided in subsection (i) for injunctive or other equitable relief, for infringement for the provider referring or linking users to an online location containing infringing material or activity by using information location tools, including a directory, index, reference, pointer or hypertext link, if the provider—

''(1) does not have actual knowledge that the material or activity is infringing or, in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent;

''(2) does not receive a financial benefit directly attributable to the infringing activity, where the service provider has the right and ability to control such activity; and

''(3) responds expeditiously to remove or disable the reference or link upon notification of claimed infringement as described in subsection (c)(3); provided that for the purposes of this paragraph, the element in subsection (c)(3)(A)(iii) shall be identification of the reference or link, to material or activity claimed to be infringing, that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate such reference or link.

''(e) MISREPRESENTATIONS.—Any person who knowingly materially misrepresents under this section (1) that material or activity is infringing, or (2) that material or activity was removed or disabled by mistake or misidentification, shall be liable for any damages, including costs and attorneys' fees, incurred by the alleged infringer, by any copyright owner or copyright owner's authorized licensee, or by the service provider, who is injured by such misrepresentation, as the result of the service provider relying upon such misrepresentation in removing or disabling access to the material or activity claimed to be infringing, or in replacing the removed material or ceasing to disable access to it.

''(f) REPLACEMENT OF REMOVED OR DISABLED MATERIAL AND LIMITATION ON OTHER LIABILITY.—

''(1) Subject to paragraph (2) of this subsection, a service provider shall not be liable to any person for any claim based on the service provider's good faith disabling of access to, or removal of, material or activity claimed to be infringing or based on facts or circumstances from which infringing activity is apparent, regardless of whether the material or activity is ultimately determined to be infringing.

''(2) Paragraph (1) of this subsection shall not apply with respect to material residing at the direction of a subscriber of the service provider on a system or network controlled or operated by or for the service provider that is removed, or to which access is disabled by the service provider pursuant to a notice provided under subsection (c)(1)(C), unless the service provider—

''(A) takes reasonable steps promptly to notify the subscriber that it has removed or disabled access to the material;

''(B) upon receipt of a counter notice as described in paragraph (3), promptly provides the person who provided the notice under subsection (c)(1)(C) with a copy of the counter notice, and informs such person that it will replace the removed material or cease disabling access to it in ten business days; and

''(C) replaces the removed material and ceases disabling access to it not less than ten, nor more than fourteen, business days following receipt of the counter notice, unless its designated agent first receives notice from the person who submitted the notification under subsection (c)(1)(C) that such person has filed an action seeking a court order to restrain the subscriber from engaging in infringing activity relating to the material on the service provider's system or network.

''(3) To be effective under this subsection, a counter notification means any written communication provided to the service provider's designated agent that includes substantially the following:

''(A) a physical or electronic signature of the subscriber;

''(B) identification of the material that has been removed or to which access has been disabled and the location at which such material appeared before it was removed or access was disabled;

''(C) a statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled;

''(D) the subscriber's name, address and telephone number, and a statement that the subscriber consents to the jurisdiction of Federal Court for the judicial district in which the address is located, or if the subscriber's address is outside of the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided notice under subsection (c)(1)(C) or agent of such person.

''(4) A service provider's compliance with paragraph (2) shall not subject the service provider to liability for copyright infringement with respect to the material identified in the notice provided under subsection (c)(1)(C).

''(g) IDENTIFICATION OF DIRECT INFRINGER.—The copyright owner or a person authorized to act on the owner's behalf may request an order for release of identification of an alleged infringer by filing (i) a copy of a notification described in subsection (c)(3)(A), including a proposed order, and (ii) a sworn declaration that the purpose of the order is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of this title, with the clerk of any United States district court. The order shall authorize and order the service provider receiving the notification to disclose expeditiously to the copyright owner or person authorized by the copyright owner information sufficient to identify the alleged direct infringer of the material described in the notification to the extent such information is available to the service provider. The order shall be expeditiously issued if the accompanying notification satisfies the provisions of subsection (c)(3)(A) and the accompanying declaration is properly executed. Upon receipt of the order, either accompanying or subsequent to the receipt of a notification described in subsection (c)(3)(A), a service provider shall expeditiously give to the

copyright owner or person authorized by the copyright owner the information required by the order, notwithstanding any other provision of law and regardless of whether the service provider responds to the notification.

''(h) CONDITIONS FOR ELIGIBILITY.—

''(1) ACCOMMODATION OF TECHNOLOGY.—The limitations on liability established by this section shall apply only if the service provider—

''(A) has adopted and reasonably implemented, and informs subscribers of the service of, a policy for the termination of subscribers of the service who are repeat infringers; and

''(B) accommodates and does not interfere with standard technical measures as defined in this subsection.

''(2) DEFINITION.—As used in this section, ''standard technical measures'' are technical measures, used by copyright owners to identify or protect copyrighted works, that—

''(A) have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair, voluntary, multi-industry standards process;

''(B) are available to any person on reasonable and nondiscriminatory terms; and

''(C) do not impose substantial costs on service providers or substantial burdens on their systems or networks.

''(i) INJUNCTIONS.—The following rules shall apply in the case of any application for an injunction under section 502 against a service provider that is not subject to monetary remedies by operation of this section:

''(1) SCOPE OF RELIEF.—

''(A) With respect to conduct other than that which qualifies for the limitation on remedies as set forth in subsection (a), the court may only grant injunctive relief with respect to a service provider in one or more of the following forms:

''(i) an order restraining it from providing access to infringing material or activity residing at a particular online site on the provider's system or network;

''(ii) an order restraining it from providing access to an identified subscriber of the service provider's system or network who is engaging in infringing activity by terminating the specified accounts of such subscriber; or

''(iii) such other injunctive remedies as the court may consider necessary to prevent or restrain infringement of specified copyrighted material at a particular online location, provided that such remedies are the least burdensome to the service provider that are comparably effective for that purpose.

''(B) If the service provider qualifies for the limitation on remedies described in subsection (a), the court may only grant injunctive relief in one or both of the following forms:

''(i) an order restraining it from providing access to an identified subscriber of the service provider's system or network who is using the provider's service to engage in infringing activity by terminating the specified accounts of such subscriber; or

''(ii) an order restraining it from providing access, by taking specified reasonable steps to block access, to a specific, identified, foreign online location.

''(2) CONSIDERATIONS.—The court, in considering the relevant criteria for injunctive relief under applicable law, shall consider:

''(A) whether such an injunction, either alone or in combination with other such injunctions issued against the same service provider under this subsection, would significantly burden either the provider or the operation of the provider's system or network;

''(B) the magnitude of the harm likely to be suffered by the copyright owner in the digital network environment if steps are not taken to prevent or restrain the infringement;

''(C) whether implementation of such an injunction would be technically feasible and effective, and would not interfere with access to noninfringing material at other online locations; and

''(D) whether other less burdensome and comparably effective means of preventing or restraining access to the infringing material are available.

''(3) NOTICE AND EX PARTE ORDERS.—Injunctive relief under this subsection shall not be available without notice to the service provider and an opportunity for such provider to appear, except for orders ensuring the preservation of evidence or other orders having no material adverse effect on the operation of the service provider's communications network.

''(j) DEFINITIONS.—

''(1)(A) As used in subsection (a), the term ''service provider'' means an entity offering the transmission, routing or providing of connections for digital online communications, between or among points specified by a user, of material of the user's choosing, without modification to the content of the material as sent or received.

''(B) As used in any other subsection of this section, the term ''service provider'' means a provider of online services or network access, or the operator of facilities therefor, and includes an entity described in the preceding paragraph of this subsection.

''(2) As used in this section, the term ''monetary relief'' means damages, costs, attorneys' fees, and any other form of monetary payment.

''(k) OTHER DEFENSES NOT AFFECTED.—The failure of a service provider's conduct to qualify for limitation of liability under this section shall not bear adversely upon the consideration of a defense by the service provider that the service provider's conduct is not infringing under this title or any other defense.

''(l) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to condition the applicability of subsections (a) through (d) on—

''(1) a service provider monitoring its service or affirmatively seeking facts indicating infringing activity except to the extent consistent with a standard technical measure complying with the provisions of subsection (h); or

''(2) a service provider accessing, removing, or disabling access to material where such conduct is prohibited by law.

''(m) RULE OF CONSTRUCTION.—Subsections (a), (b), (c), and (d) are intended to describe separate and distinct functions for purposes of analysis under this section. Whether a service provider qualifies for the limitation on liability in any one such subsection shall be based solely on the criteria in each such subsection and shall not affect a determination of whether such service provider qualifies for the limitations on liability under any other such subsection.''.

**SEC. 203. CONFORMING AMENDMENT.**

The table of sections for chapter 5 of title 17, United States Code, is amended by adding at the end the following:

''512. Liability of service providers for online infringement of copyright.''.

**SEC. 204. LIABILITY OF EDUCATIONAL INSTITUTIONS FOR ONLINE INFRINGEMENT OF COPYRIGHT.**

(a) Not later than six months after the date of enactment of this Act, the Register of Copyrights, after consultation with representatives of copyright owners and nonprofit educational institutions, shall submit to the Congress recommendations regarding the liability of nonprofit educational institutions for copyright infringement committed with the use of computer systems for which such an institution is a service provider, as that term is defined in section 512 of title 17, United States Code, (as amended by this Act), including recommendations for legislation the Register of Copyrights considers appropriate regarding such liability, if any.

(b) In formulating recommendations, the Register of Copyrights shall consider, where relevant—

(1) current law regarding the direct, vicarious, and contributory liability of nonprofit educational institutions for infringement by faculty, administrative employees, students, graduate students, and students who are employees of a nonprofit educational institution;

(2) other users of their computer systems for whom nonprofit educational institutions may be responsible;

(3) the unique nature of the relationship between nonprofit educational institutions and faculty;

(4) what policies nonprofit educational institutions should adopt regarding copyright infringement by users of their computer systems;

(5) what technological measures are available to monitor infringing uses;

(6) what monitoring of their computer systems by nonprofit educational institutions is appropriate;

(7) what due process nonprofit educational institutions should afford in disabling access by users of their computer systems who are alleged to have committed copyright infringement;

(8) what distinctions, if any, should be drawn between computer systems which may be accessed from outside the nonprofit educational systems, those which may not, and combinations thereof;

(9) the tradition of academic freedom; and

(10) such other issues relating to the liability of nonprofit educational institutions for copyright infringement committed with the use of computer systems for which such an institution is a service provider that the Register considers appropriate.

**SEC. 205. EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

## TITLE III—COMPUTER MAINTENANCE OR REPAIR

**SEC. 301. LIMITATION ON EXCLUSIVE RIGHTS; COMPUTER PROGRAMS.**

Section 117 of title 17, United States Code, is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(a) MAKING OF ADDITIONAL COPY OR ADAPTATION BY OWNER OF COPY.—Notwithstanding'';

(2) by striking ''Any exact'' and inserting the following:

''(b) LEASE, SALE, OR OTHER TRANSFER OF ADDITIONAL COPY OR ADAPTATION.—Any exact''; and

(3) by adding at the end the following new subsections:

''(c) MACHINE MAINTENANCE OR REPAIR.—Notwithstanding the provisions of section 106, it is not an infringement for an owner or lessee of a machine to make or authorize the making of a copy of a computer program if such copy is made solely by virtue of the activation of a machine that lawfully contains an authorized copy of the computer program, for purposes only of maintenance or repair of that machine, if—

''(1) such new copy is used in no other manner and is destroyed immediately after the maintenance or repair is completed; and

''(2) with respect to any computer program or part thereof that is not necessary for that

machine to be activated, such program or part thereof is not accessed or used other than to make such new copy by virtue of the activation of the machine.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the 'maintenance' of a machine is the servicing of the machine in order to make it work in accordance with its original specifications and any changes to those specifications authorized for that machine; and

''(2) the 'repair' of a machine is the restoring of the machine to the state of working in accordance with its original specifications and any changes to those specifications authorized for that machine.''.

**TITLE IV—EPHEMERAL RECORDINGS; DISTANCE EDUCATION; EXEMPTION FOR LIBRARIES AND ARCHIVES**

**SEC. 401. EPHEMERAL RECORDINGS.**

Section 112 of title 17, United States Code is amended by—

(1) redesignating section 112(a) as 112(a)(1), and renumbering sections 112(a) (1), (2), and (3) as sections 112(a)(1) (A), (B), and (C), respectively;

(2) in section 112(a)(1), after the reference to section 114(a), add the words ''or for a transmitting organization that is a broadcast radio or television station licensed as such by the Federal Communications Commission that broadcasts a performance of a sound recording in a digital format on a nonsubscription basis,'';

(3) adding new section 112(a)(2) as follows:

''(2) Where a transmitting organization entitled to make a copy or phonorecord under section 112(a)(1) in connection with the transmission to the public of a performance or display of a work pursuant to that section is prevented from making such copy or phonorecord by reason of the application by the copyright owner of technical measures that prevent the reproduction of the work, such copyright owner shall make available to the transmitting organization the necessary means for permitting the making of such copy or phonorecord within the meaning of that section, provided that it is technologically feasible and economically reasonable for the copyright owner to do so, and provided further that, if such copyright owner fails to do so in a timely manner in light of the transmitting organization's reasonable business requirements, the transmitting organization shall not be liable for a violation of section 1201(a)(1) of this title for engaging in such activities as are necessary to make such copies or phonorecords as permitted under section 112(a)(1).''.

**SEC. 402. LIMITATIONS ON EXCLUSIVE RIGHTS; DISTANCE EDUCATION.**

(a) Not later than six months after the date of enactment of this Act, the Register of Copyrights, after consultation with representatives of copyright owners, nonprofit educational institutions and nonprofit libraries and archives, shall submit to the Congress recommendations on how to promote distance education through digital technologies, including interactive digital networks, while maintaining an appropriate balance between the rights of copyright owners and the needs of users. Such recommendations shall include any legislation the Register of Copyrights considers appropriate to achieve the foregoing objective.

(b) In formulating recommendations, the Register of Copyrights shall consider—

(1) the need for an exemption from exclusive rights for distance education through digital networks;

(2) the categories of works to be included under any distance education exemption;

(3) the extent of appropriate quantitative limitations on the portions of works that may be used under any distance education exemption;

(4) the parties who should be entitled to the benefits of any distance education exemption;

(5) the parties who should be designated as eligible recipients of distance education materials under any distance education exemption;

(6) whether and what types of technological measures can and/or should be employed to safeguard against unauthorized access to, and use or retention of, copyrighted materials as a condition to eligibility for any distance education exemption, including, in light of developing technological capabilities, the exemption set out in section 110(2);

(7) the extent to which the availability of licenses for the use of copyrighted works in distance education through interactive digital networks should be considered in assessing eligibility for any distance education exemption; and

(8) such other issues relating to distance education through interactive digital networks that the Register considers appropriate.

**SEC. 403. EXEMPTION FOR LIBRARIES AND ARCHIVES.**

Section 108 of title 17, United States Code, is amended—

(1) in subsection (a) by—

(A) striking ''Notwithstanding'' and inserting ''Except as otherwise provided and notwithstanding'';

(B) inserting after ''no more than one copy of phonorecord of a work'' the following: ''except as provided in subsections (b) and (c),''; and

(C) by inserting after ''copyright'' in clause (3) the following: ''if such notice appears on the copy or phonorecord that is reproduced under the provisions of this section, or a legend stating that the work may be protected by copyright if no such notice can be found on the copy or phonorecord that is reproduced under the provisions of this section'';

(2) in subsection (b) by—

(A) striking ''a copy or phonorecord'' and inserting in lieu thereof ''three copies or phonorecords'';

(B) striking ''in facsimile form''; and

(C) striking ''if the copy or phonorecord reproduced is currently in the collections of the library or archives.'' and inserting in lieu thereof ''if—

''(1) the copy or phonorecord reproduced is currently in the collections of the library or archives; and

''(2) any such copy or phonorecord that is reproduced in digital format is not otherwise distributed in that format and is not made available to the public outside the premises of the library or archives in that format.''; and

(3) in subsection (c) by—

(A) striking ''a copy or phonorecord'' and inserting in lieu thereof ''three copies or phonorecords'';

(B) striking ''in facsimile form'';

(C) inserting ''or if the existing format in which the work is stored has become obsolete,'' after ''stolen,''; and

(D) striking ''if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price.'' and inserting in lieu thereof ''if—

''(1) the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price; and

''(2) any such copy or phonorecord that is reproduced in digital format is not made available to the public in that format except for use on the premises of the library or archives in lawful possession of such copy.'';

(E) adding at the end the following: ''For purposes of this subsection, a format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace.''.

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

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

## MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

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

## TRIBUTE TO REAR ADMIRAL KENDELL PEASE, USN

Mr. LOTT. Mr. President, I want to recognize and honor Rear Admiral Kendell Pease, United States Navy, as he prepares to retire upon completion of more than 34 years of faithful service to our great nation.

A Boston native, Rear Admiral Pease grew up in Natick, Massachusetts, enlisted in the United States Navy in 1963 and was selected to attend the United States Naval Academy. Upon graduation in 1968, he was commissioned an Ensign and began a distinguished career as a Public Affairs Officer. He initially served in the Republic of Vietnam and had follow-on public affairs assignments in Charleston, South Carolina; Naples, Italy; and Norfolk, Virginia. He served as the Public Affairs Officer for the Navy's Atlantic Fleet, the Naval Academy, and was assigned to multiple tours in Washington including the Department of Defense, the On-Site Inspection Agency and the Department of the Navy.

Since 1992, Rear Admiral Pease served as the Navy's Chief of Information. In this capacity, he has been instrumental in educating the American public about the Navy's role in protecting American interests around the world. During his watch, he led hundreds of successful efforts to communicate Navy operations in areas from A to Z, Albania to Zaire, including Bosnia, the Persian Gulf and Somalia. He also deserves tremendous credit for his efforts to communicate the need for very important Navy programs such as the SEAWOLF and NSSN submarine programs; CVN 77 and CVX; DDG 51 and DD 21; and Super Hornet. He accomplished all of this while navigating the Navy through a number of contentious issues, earning deep respect for his style of aggressively and honestly communicating all of the facts.

Most significantly, Rear Admiral Pease served as a passionate advocate for the Sailors in the Fleet—the men and women who serve far from home

anywhere, anytime, 24 hours a day, seven days a week. Their welfare was always his number one priority, for he truly understood that Sailors are the backbone of our nation's strategy of forward presence, and providing them with better internal communication would make for a more successful Sailor. He focused on improving the Navy's internal communication tools and methods—including improvements to the fleet-wide internal magazine (All Hands), the television program ''Navy and Marine Corps News'' shown each week aboard ships at sea, and a new program to take satellite television direct to Sailors at sea. Rear Admiral Pease made it his mission to ensure that opinion leaders and decision makers understood the special needs of Sailors and their families.

An individual of exceptional character and uncommon vision, this great Nation and our military are indebted to Rear Admiral Pease for his many years of outstanding service. I am proud, Mr. President, to thank him for his honorable service in the United States Navy and to wish him ''fair winds and following seas'' as he closes his distinguished military career.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you, Mr. President.

## NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. KEMPTHORNE. Mr. President, I stand today as the sponsor of Senate Resolution 201 designating May 15, 1998, as National Peace Officers Memorial Day.

This is the fifth year in a row that I have sponsored this resolution and I am proud to be joined this year by 62 of my Senate colleagues in honoring the brave men and women who serve this country as peace officers.

Mr. President, tomorrow we will be adding the names of 159 officers to the National Law Enforcement Officers Memorial. Since the inception of this memorial, 14,662 peace officers names have been inscribed on the wall. I am also pleased to share with my Colleagues that tomorrow, at the State Police complex in Meridian, Idaho, the State will dedicate its own Law Enforcement Memorial to those Idahoans who have paid the ultimate sacrifice.

These memorials, and others around the nation, serve as proof that the individuals who serve this nation as our guardians of peace do so at great personal risk. There are few communities in America that have not been touched by the senseless death of a peace officer by violent means. Last year, two communities in Idaho experienced the tragic deaths of two very talented and brave officers. I would like to share with you the sacrifices these men gave to protect the sanctity of their communities. It is my hope that while I relay their stories each of us would realize the important role that peace officers play in our everyday lives.

While searching for the body of an 18 month old infant who had been lost in the Salmon River, William Inman, a Lemhi County deputy Sheriff, was killed when his hyper-light aircraft struck an unmarked power line and he tragically plunged into the river.

Deputy Inman devoted his entire life to being an excellent police officer. He was a Sergeant in the police force in Peoria, Illinois, where he retired in order to become the Chief of Police in Farmington. After retiring from the Farmington force he moved to Salmon, Idaho, where he went to work as Sheriff's Deputy for Lemhi County. After his death deputy Inman was inducted posthumously into the American Police Hall of Fame.

William Inman was a father of four children: Maria, Tracy, Jeff and Jennifer and was a loving husband to his wife Donna. Along with spending as much time with his family as he could, Bill was an avid outdoorsman.

Bill Inman will be greatly missed by many, many people.

The second tragedy struck Idaho's capital city of Boise in the early morning hours of September 20, 1997. Boise Police Officer Mark Stall pulled over a car bearing Pennsylvania plates that had committed a traffic violation. The driver and passenger of the vehicle refused to cooperate with Officer Stall's requests, when the driver suddenly removed a gun from under his coat and shot Officer Stall. Officer Stall, inflicted with a mortal gunshot wound, fell back to his patrol vehicle for cover and continued firing at the men in order to protect other Bosie officers in the ensuing gunfight. Both Officer Mark Stall and the two assailants were killed. Mark Stall's sacrifice protected not only the officers at the scene but the entire community, when a search of the suspect's residence revealed an arsenal of guns and explosive materials. You know it was not for peaceful purposes.

Officer Stall was an exemplary police officer and set the standard for other officers both in Boise and around the nation. He was a loving father to his daughters Jonelle and Julia, and a devoted husband and best friend to his wife, Cheryl. Officer Stall was committed to his family, his community, his job and above all his God. I would like to share with you an excerpt from an Idaho Statesman article that outlines the lives of Idaho Peace Officers. In the article Officer Heath Compton characterized his hero, Mark Stall. ''One night quite a while back, I was driving down State Street in my patrol car, when a Boise police officer shined his spotlight in my face. I stopped to talk with him. I had never met the officer before, but realized quickly that he was very likable. He introduced himself as Mark Stall. Over the next several months, I got to know Mark quite well. What I learned was that Mark loved God, his family, the people he worked for and with. He always had a smile on his face and a good word.''

The bravery and commitment to community that these men possessed will be carried on by their families. I am pleased to say that I have had the opportunity to spend time with the families of both officers.

I met with the Inman family this morning, and yesterday I met with the Stall family, with his wife and his daughters and also with his mother and father, with his mother-in-law and father-in-law, brothers and sisters and all of their children. What a beautiful family. The only thing that was missing was Mark. But you can see the blessing that Mark had given to that family because of the wonderful memories of a great man. He will be missed greatly by his community and by his family, but every life that Mark touched will be blessed because of his being here.

The strength and perseverance that is exemplified by each of them is an inspiration to me. My thoughts and prayers go out to these families and others that have been devastated by this type of senseless loss.

This resolution is not the answer to the meaningless violence that occurs in our communities but it is a small attempt to celebrate and memorialize the lives of the officers who serve and protect us. I would like to thank my colleagues for their cosponsorship and would like to again thank the officers and the families that have come from all fifty states to our Nation's capital on this special day to eulogize these officers that have given the greatest sacrifice of all—their lives—in the performance of their duties.

Mr. President, I know I speak for all Senators and for Americans when I salute the peace officers of America in all the communities, large and small. When they perform their duties, they are not sure what the outcome will be. They are never sure if it is going to be a peaceful stop or one that ends in violence and the loss of life.

I know many of the police officers throughout my State of Idaho. I am proud to know each and every one of them, and I pray for their safety and that the officers will return safely to their families.

It is an honor to serve here, with all of the police officers on Capitol Hill who we come to know personally. Again, they are an outstanding group of peace officers, as they are throughout this Nation.

Today, Mr. President, I thank the Senate for properly acknowledging the role of peace officers and saying to the Inman family and to the Stall family, thank you for your sacrifice. God bless you and may you have peace in the days that follow.

Thank you, Mr. President.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 13, 1998, the federal debt

stood at $5,492,157,484,525.10 (Five trillion, four hundred ninety-two billion, one hundred fifty-seven million, four hundred eighty-four thousand, five hundred twenty-five dollars and ten cents).

One year ago, May 13, 1997, the federal debt stood at $5,337,495,000,000 (Five trillion, three hundred thirty-seven billion, four hundred ninety-five million).

Five years ago, May 13, 1993, the federal debt stood at $4,247,269,000,000 (Four trillion, two hundred forty-seven billion, two hundred sixty-nine million).

Ten years ago, May 13, 1988, the federal debt stood at $2,510,149,000,000 (Two trillion, five hundred ten billion, one hundred forty-nine million).

Fifteen years ago, May 13, 1983, the federal debt stood at $1,258,087,000,000 (One trillion, two hundred fifty-eight billion, eighty-seven million) which reflects a debt increase of more than $4 trillion—$4,234,070,484,525.10 (Four trillion, two hundred thirty-four billion, seventy million, four hundred eighty-four thousand, five hundred twenty-five dollars and ten cents) during the past 15 years.

## U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MAY 8TH

Mr. HELMS. Mr. President, the American Petroleum Institute's report for the week ending May 8, disclosed that the U.S. imported 8,772,000 barrels of oil each day, an increase of 1,206,000 barrels over the 7,566,000 imported every day during the same week a year ago.

Americans relied on foreign oil for 57.9 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Politicians had better give consideration to the the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,772,000 barrels a day.

## MESSAGES FROM THE HOUSE

At 5:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 10. An act to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes.

H.R. 2431. An act to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 10. An act to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–400. A resolution adopted by the Society of Guerrillas and Scouts International relative to benefits for Filipino-American World War II veterans; to the Committee on Veterans' Affairs.

POM–401. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 85

Whereas, the people of the Commonwealth of Virginia revere the deeds of men and women on both sides who struggled through four years of conflict, 1861–1865; and

Whereas, Virginia's Civil War battlefields are places of contemplation, reverence, and education, and are of incalculable value to the health and identity of the Commonwealth and the nation; and

Whereas, the preservation of these hallowed places is critical to a tourism industry that attracts millions of visitors and supports thousands of jobs across the Commonwealth; and

Whereas, many of Virginia's battlefields sit astride important historic transportation corridors that link or traverse rapidly-growing areas; and

Whereas, a critical need exists to modernize, expand, and modify many of the roadways and transportation systems on or near these historic battlefields; and

Whereas, the continued health and vitality of Virginia's Civil War tourism industry depends upon better long-range transportation planning and greater cooperation and dialogue among the various stakeholders in the nation's historic resources and Virginia's transportation system, including private property owners and local governments; now, therefore, be it

*Resolved by the Senate, the House of Delegates concurring,* That Congress, the Governor of the Commonwealth of Virginia, and local governing bodies of those jurisdictions where major Civil War battlefields are located be urged to identify, fund, and implement policies and programs to address transportation needs within the historic battlefields in Virginia. In developing legislation, administrative policies and regulations affecting the National Park Service, the U.S. Department of Transportation, the Commonwealth Transportation Board, and local transportation agencies, the Congress, the Governor, and affected local governing bodies are encouraged to undertake cooperative and integrated long-range transportation planning, particularly for the construction of new highways affecting historic battlefields in Virginia and to jointly seek new and innovative transportation strategies that will (i) meet the long-term transportation needs of Virginia's citizens, (ii) respect the interests of all levels of government and the rights of private property owners, and (iii) minimize the impact on Virginia's Civil War battlefields; and, be it

*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Congressional Delegation of Virginia, and the Governor in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

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POM–402. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Rules and Administration.

HOUSE JOINT RESOLUTION 21

Whereas, the voters and citizens of the state of New Hampshire demand and are entitled to the highest level of integrity in the electoral and legislative processes; and

Whereas, the general court has enacted laws to limit political contributions and political expenditures to improve the integrity of the electoral and legislative processes; and

Whereas, the general court has also enacted laws requiring disclosure of contributions to candidates and gifts to elected officials to improve the integrity of the electoral and legislative processes; and

Whereas, notwithstanding the desires of the voters and the citizens of the state of New Hampshire, the United States Congress, relying upon article I, section 4 of the United States Constitution, has preempted the power of the states to regulate campaign financing in connection with elections for the United Senate and House of Representatives; and

Whereas, article I, section 4 of the United States Constitution was never intended to deprive the states of the authority to regulate campaign financing; and

Whereas, recent hearings conducted by the United States Senate have established that political parties receive large contributions of ''soft money'' in order to ''buy'' direct access to Congress and to the President; and

Whereas, the revelations concerning these contributions foster voter cynicism; and

Whereas, the use of ''soft money'' by the major parties has undermined the utility of New Hampshire's voluntary limitations on political expenditures laws; and

Whereas, ''soft money'' contributions undermine the campaign disclosure laws because the source of the contributions is untraceable, thereby making it impossible for the voter to determine the likelihood of improper influence on policy decisions; now, therefore, be it

*Resolved by the Senate and House of Representatives in General Court convened:*

That the general court of the state of New Hampshire hereby urges the United States Congress to take such actions as are necessary to return to the states the power to regulate campaign financing in connection with elections for the United States Senate and House of Representatives and to take immediate action to adequately regulate ''soft money'' donations to political committees of political parties; and

That, if the United States Congress has not taken such action prior to the commencement of the filing period for the New Hampshire presidential primary election, the secretary of state is directed to deliver to each presidential candidate a copy of this resolution and a declaration to be executed by the candidate stating whether the candidate supports or opposes this resolution; and

That copies of this resolution be sent by the clerk of the house of representatives to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representative, and to each member of the New Hampshire Congressional delegation.

POM–403. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the proposed ''Safety Advancement for Employees Act''; to the Committee on Labor and Human Resources.

POM–404. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the proposal entitled ''Child Care That Strengthens American Families''; to the Committee on Labor and Human Resources.

POM–405. A resolution adopted by the Superintendent and Board of Education of Lauderdale County (Alabama) relative to public schools; to the Committee on Labor and Human Resources.

POM–406. A joint resolution adopted by the General Assembly of the State of Georgia; to the Committee on Labor and Human Resources.

SENATE RESOLUTION 766

Whereas, Congress is considering legislation to exempt insurance arrangements offered by associations and multiple employer welfare arrangements from state insurance reform standards; and

Whereas, this proposal would allow associations and multiple employer welfare arrangements to be regulated by the federal government under inadequate federal standards; and

Whereas, Congress explicitly gave states the authority to regulate multiple employer welfare arrangements in 1983 after numerous cases of fraud, abuse, and insolvency regarding multiple employer welfare arrangements; and

Whereas, the states, as the primary regulators of the local insurance market, are better able to ensure effective regulation of those entities than the federal government; and

Whereas, federal preemption would undermine efforts states have made to protect consumers through establishing minimum standards for health plans; and

Whereas, federal preemption would undermine state insurance reforms passed in recent years at the urging of business groups to improve access and affordability for small employers; and

Whereas, this exemption would seriously erode the funding mechanisms of access measures for the uninsured and for uncompensated care enacted by the states: now, therefore, be it

*Resolved by the General Assembly of Georgia,* That the members of this body urge the Georgia congressional delegation and the United States Congress to reject any legislation that would exempt health plans sponsored by associations and multiple employer welfare arrangements from state insurance standards and oversight; be it further

*Resolved,* That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to each member of the Georgia congressional delegation, the Speaker of the United States House of Representatives, and the President of the United States Senate.

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POM–407. A resolution adopted by the Senate of the Legislature of the State of Alaska; to the Committee on Foreign Relations.

Whereas, when the Nazis came to power in Germany more than half a century ago, many European Jews and other individuals frantically sent their valuables to secret bank accounts in neutral Switzerland, trusting their possessions would be safe; and

Whereas Swiss bank deposits made by Jews and other individuals later murdered in the Holocaust have not all been made available to heirs or to the world Jewish community; and

Whereas all Americans have a responsibility to ensure that justice is done; and

Whereas it is appropriate for Alaska to join other states in the effort to encourage Swiss banking institutions to release information that will bring closure to the painful chapter in history we know as the Holocaust and justice to those who lost everything, even their lives, to the actions of the Nazi Germans and the Swiss banks; and

Whereas the establishment of two commissions by the Swiss government to investigate Switzerland's wartime dealings reflects Swiss recognition of a moral obligation to uncover the truth, especially in light of the advanced age of the Holocaust survivor population; be it

*Resolved,* That the Senate expresses its gratitude to the members of the Swiss government and banking officials who have cooperated thus far in allowing investigations to be carried out because, without their assistance, these investigations would not be possible and none of the assets in question would be recoverable by their rightful owners or their heirs; and be it further

*Resolved,* That the Senate requests the government of Switzerland and the Swiss banking industry to compensate Holocaust survivors, their heirs, and Jewish communities in Switzerland and throughout the world for denying their property for more than 50 years.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the seven members of the Federal Council, or Bundesrat, of the Swiss government.

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POM–408. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 28

Whereas, the Republic of Poland, the Republic of Hungary, and the Czech Republic are free, democratic, and independent nations with long and proud histories and cultures; and

Whereas, their recently attained freedom was achieved following decades of struggle under the repressive yoke of brutal Communist regimes; and

Whereas, the North Atlantic Treaty Organization (NATO) is a defense alliance comprised of democratic states and is dedicated to the preservation and security of its member nations; and

Whereas, the Republic of Poland, the Republic of Hungary, and the Czech Republic desire to share in both the benefits and obligations of NATO in pursuing the development, growth, and promotion of democratic institutions and ensuring free market economic development; and

Whereas, article 10 of the North Atlantic Treaty provides the opportunity for NATO to accept as new members those nations that will promote the high standards of the Alliance and will contribute to the strengthening of the North Atlantic region; and

Whereas, Poland's, Hungary's, and the Czech Republic's democratic governments and free market economies place them in full compliance with the membership criteria in accordance with Article 10 of the North Atlantic Treaty as well as the ''Study on the Expansion of NATO''; and

Whereas, Poland's, Hungary's and the Czech Republic's economies are the fastest growing and most robust of the eastern European nations, their economic ties to the United States overall, and in particular to California, have broadened significantly from year to year, and the 1990 United States Census indicates that well over 750,000 Californians claim Polish, Hungarian, or Czech ancestry; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California expresses its complete support for full inclusion of the Republic of Poland, the Republic of Hungary, and the Czech Republic into the North Atlantic Treaty Organization; and be it further

*Resolved,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take all actions necessary to support inclusion of the Republic of Poland, the Republic of Hungary, and the Czech Republic as full members of the North Atlantic Treaty Organization; and be it further

*Resolved,* That the Legislature of the State of California respectfully memorializes the United States Senate to promptly ratify the proposed amendment to the North Atlantic Treaty to include the Republic of Poland, the Republic of Hungary, and the Czech Republic as full members of the North Atlantic Treaty Organization; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Majority Leader of the United States Senate, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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POM–409. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 47

Whereas, the State of Israel was founded on the 19th century Zionist vision of Theodor Herzl and came into existence on May 14, 1948, as a homeland for Jewish people from all parts of the world; and

Whereas, for half a century, Israel has been one of America's closest allies and has served as a stable, democratic anchor in a turbulent region; and

Whereas, Israel has shared America's perspective in advancing democracy and free markets worldwide and in offering humane treatment to refugees fleeing religious persecution; and

Whereas, Israel has served as an invaluable ally against both unstable, anti-Western states and terrorists, and has worked well with America's military, sharing key technological advances; and

Whereas, the longstanding and close emotional ties between Israel and the United States have forged an unshakable cultural bond between the two nations; and

Whereas, with the launching of the Middle East peace process, the United States looks forward to continuing its uniquely intimate relationship with the State of Israel in a new context characterized by peace, stability, and prosperity; and

Whereas, many Californians hold close personal ties to Israel and many more share the dream of a peaceful and prosperous Israel; and

Whereas, the State of Israel has been and continues to be a vital economic partner with this state in areas ranging from high technology to agriculture; and

Whereas, a year-long celebration of Israel's 50th anniversary, involving art exhibits, conferences, festivals, films, lectures, concerts, parties, religious services, and organized trips to Israel, has begun throughout the state; and

Whereas, when looking back upon the accomplishments of the State of Israel during its first 50 years, Americans should expect this special relationship with Israel to continue long into the foreseeable future; now, therefore, be it

*Resolved, by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California hereby acknowledges the 50th anniversary of independence for the State of Israel and looks forward to the celebration of the centurion in the Jewish calendar year 5808; and be it further

*Resolved,* That the Legislature hereby extends its heartiest congratulations to the State of Israel and the entire Jewish and pro-Israel community throughout California upon the occasion of Israel's 50th anniversary of its founding and reaffirms the link of common culture and values between the Israeli and American peoples; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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POM–410. A resolution adopted by the House of the Legislature of the State of Arizona; to the Committee on Foreign Relations.

HOUSE MEMORIAL 2001

Whereas, in December, 1997, the United Nations framework convention on climate change met at Kyoto, Japan and adopted a treaty that commits the United States to reducing carbon dioxide emissions to seven percent below 1990 levels; and

Whereas, fears of global warming due to increased levels of carbon dioxide are not based on sound scientific evidence; and

Whereas, studies of past records of carbon dioxide levels in the atmosphere show no correlation to global temperatures; and

Whereas, the general circulation models that have been developed to predict future global temperatures based on atmospheric levels of carbon dioxide have failed to produce credible results when compared to past records of global temperatures; and

Whereas, the adoption of the Kyoto treaty may lead to government control of industry through the imposition of carbon production permits, rationing and a tax levy on consumer carbon emissions, resulting in sharply increased costs and the loss of thousands of jobs; and

Whereas, many major countries, including certain Latin American and Asian nations, are exempt from the restrictions of the Kyoto treaty, putting the United States at a severe competitive disadvantage in the global economy.

*Wherefore your* memorialist, the House of Representatives of the State of Arizona, prays:

1. That the members of the Senate of the United States not ratify the Kyoto treaty adopted by the United Nations framework convention on climate change under its present terms and enact legislation prohibiting the adoption of an executive order or regulation attempting to make effective any provision of the treaty.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the Senate of the United States and to each Member of Congress from the State of Arizona.

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POM–411. A resolution adopted by the Legislature of the State of Alabama; to the Committee on Finance.

HOUSE JOINT RESOLUTION 227

Whereas, private activity tax-exempt bonds finance many worthy projects with a public benefit such as environmental infrastructure projects, including sewage facilities, solid waste disposal facilities, hazardous waste disposal facilities, industrial development projects, student loans, and low-income housing project; and

Whereas, in 1988, Congress lowered the volume cap on the issuance of such bonds to $50 per person, even though this cap is lower than the 1986 cap originally established, which fails to factor in the passage of time and inflation; and

Whereas, many of these worthy projects are not going forward due to the lack of available financing; and

Whereas, while taxable financing may be available, the cost of such financing can make a project economically unfeasible because most of these projects do not provide a positive rate of return; and

Whereas, the allocation of these bonds in Alabama has been oversubscribed for many years, and in 1997, applications exceeded allocations by a large percentage; and

Whereas, demand for private activity bond cap allocation will certainly continue to increase, given Alabama's growing economy, but the $50 per person allocation will decrease in real value over time, increasing demand relative to the available ceiling; and

Whereas, unless Congress increases the volume cap and provides an inflation adjustment for the future, there will be fewer and fewer of these projects that will receive financing; and

Whereas, as entities decide to delay or cancel planned investments, economic growth will necessarily slow, causing negative ripple effects throughout the economy; and

Whereas, legislation has been introduced in the Congress of the United States that would increase the volume caps and index them for inflation in the future; now therefore, be it

*Resolved by the Legislature of Alabama, both Houses thereof concurring,* That we hereby respectfully request the Congress of the United States to enact legislation that would increase the volume caps on private activity tax-exempt bonds.

*Resolved further,* That we request Congress to consider the impact of inflation in any future legislation concerning this issue.

*Resolved further,* That we request Congress to consider the funds for this program that are not used by other states should be allowed to be allocated to oversubscribed states such as Alabama.

*Resolved further,* That copies of this resolution be provided to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Alabama delegation to Congress with the request that this resolution be officially entered on the Congressional Record as a memorial to the Congress of the United States of America.

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POM–412. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Finance.

HOUSE RESOLUTION NO. 211

Whereas, over the past quarter century, mortgage revenue bonds have helped many families in our state and across the country realize their goal of purchasing their first home. Mortgage revenue bonds help people of modest means gain a greater stake in their communities through home ownership. As many as 125,000 lower income families buy their first home each year through programs in the states financed with mortgage revenue bonds; and

Whereas, the cap on the amount of money the states can use for home ownership programs based on mortgage revenue bonds was last adjusted a decade ago. As a result, annual demand exceeds supply for mortgage revenue bond money by approximately $2 billion; and

Whereas, mortgage revenue bonds help finance mortgages for buyers with nearly 80 percent of the national median income, with the average price of the homes also approximately 80 percent of average conventionally financed, first-time homes. The programs' requirements for income levels and the safeguards against abuse make this one of the most successful initiatives for home ownership in our country; and

Whereas, there are two bills currently before Congress that seek to raise the cap for mortgage revenue bonds. These bills, H.R. 979 and S. 1251, would amend the Internal Revenue Code to raise the cap. An important feature of the proposal is that this amount would be indexed to inflation, beginning in 1999. This is an approach that is long overdue; now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the Congress of the United States to enact legislation to raise the cap on mortgage revenue bonds; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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POM–413. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Finance.

RESOLUTION NO. 7

Whereas, seventy-four percent of working-age adults with severe disabilities are unemployed; and

Whereas, many people with disabilities are highly dependent on local, state, and federal assistance for support and survival, particularly for necessary health care; and

Whereas, a 1995 Lou Harris poll reported that two-thirds of unemployed people with disabilities are eager to work; and

Whereas, advances in technology, the civil rights protections of the Americans with Disabilities Act, and the current labor shortage are opening up many new employment opportunities for people with disabilities; and

Whereas, current government policies, particularly those relating to Medicaid, discourage people with disabilities from working; and

Whereas, existing Medicaid work incentives are flawed and are completely unavailable to people with disabilities who do not qualify for the SSI 1619(b) program; and

Whereas, removing policy barriers to employment would enable more people with disabilities to reduce their dependence on Social Security, Medicaid, Medicare, subsidized housing, food stamps, and other state, local, and federal government programs; and

Whereas, becoming employed allows individuals with disabilities to contribute to society by becoming taxpayers themselves; and

Whereas, employer-based health care and government programs, such as Medicare, Minnesota Comprehensive Health Association, and MinnesotaCare, do not typically cover long-term supports needed by people with disabilities: Now, therefore, be it

*Resolved by the Legislature of the State of Minnesota,* That it urges the Congress of the United States to adopt Medicaid buy-in legislation that would allow people with permanent disabilities to retain Medicaid coverage to address unmet health needs when they become employed; be it further

*Resolved,* That such Medicaid buy-in legislation should require individuals to take advantage of employer-based health coverage,

if available and affordable, and should further require individuals to purchase needed Medicaid coverage on a sliding fee scale, based on their ability to pay; and be it further

*Resolved,* That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

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POM–414. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Finance.

HOUSE JOINT MEMORIAL 4030

Whereas, Medicaid has emerged as the most important governmental program to provide health and long-term care services to low-income persons and such program has continued to grow substantially placing an ever-growing demand on budgets of the national and state governments, and if the spiraling costs of Medicaid is left unchecked it will continue to have a detrimental effect on the social and economic viability of our communities; and

Whereas, Although it is well accepted by the people and most policymakers that public programs can be more effective and efficiently administered in our states and communities without excessive regulations, Medicaid remains highly bureaucratic granting flexibility to states sparingly and only after an extensive and costly waiver process; and

Whereas, The recent success of welfare reform is closely associated with the degree of flexibility granted states in administering that program and that similar success can be realized in Medicaid if states are given the same authority;

Now, therefore, Your Memorialists respectfully pray that the President submit and Congress quickly pass legislation that grants states extensive flexibility in the use of Medicaid funding for acute and long-term care services.

*Be It Resolved,* That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington, and the Secretary of the United States Department of Health and Human Services.

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POM–415. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Finance.

HOUSE RESOLUTION NO. 358

Whereas, four domestic producers of stainless steel products have filed a complaint with the Department of Commerce alleging that the subsidies and other practices of several foreign companies have allowed foreign companies to sell stainless steel products in the American marketplace at prices well below what they are being sold for in their home markets; and

Whereas, preliminary findings released by the Department of Commerce indicate that the allegations of dumping relating to certain stainless steel products have merit; therefore be it

*Resolved,* That the House of Representatives memorialize the Congress of the United States to urge the Department of Commerce to continue in a timely fashion this ongoing investigation and to take the matter before the International Trade Commission for the imposition of appropriate sanctions; and be it further

*Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

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POM–416. A resolution adopted by the Legislature of the State of Alabama; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 261

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule, or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates, in violation of the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America which was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; now therefore,

*Be It Resolved by the Legislature of Alabama, both Houses thereof concurring,* as follows:

1. That we hereby urge the Congress of the United States to prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes.''

2. That this resolution constitutes a continuing application in accordance with Article V of the Constitution of the United States.

3. That we urge the legislatures of each of the several states comprising the United States that have not yet made a similar request to apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment in the United States Constitution.

4. That copies of this resolution be provided to the President and Vice President of the United States, the presiding officer in each house of the legislature in each of the states in the union, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Alabama Congressional Delegation.

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POM–417. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 41

Whereas, the National Crime Victimization Survey from the Bureau of Justice Statistics, United States Department of Justice reports that in 1992 and 1993, nearly five million women age twelve or older were victims of violent crimes annually; and

Whereas, these acts of violence included homicide, rape, sexual assault, robbery, aggravated assault, and simple assault; and

Whereas, domestic violence is not just a household, home, or family problem but is a societal problem; and

Whereas, over the past twenty years there has been an increased acknowledgment of violence against women; and

Whereas, each year violence against women continues to be a major cause of injury to women:

(1) more than one thousand women, about four every day, die as a result of domestic violence;

(2) domestic violence continues to be a leading cause of homicide in our states,

(3) fifty percent of the men who abuse their female partners also abuse their children; and

Whereas, more than half of the female children who witness violence in the home become victims of domestic violence as adults; and

Whereas, in 1994, the Congress passed the Violence Against Women Act (Public Law No. 103–322, 42 U.S.C. §3796, et seq.) which gave states funding to create programs to help improve the responses of victim service providers and law enforcement authorities to violence against women and provided for vigorous apprehension and prosecution of persons committing crimes against women; and

Whereas, Congress will be considering reauthorization of this Act under the Violence Against Women Act of 1998 which seek funding to continue the important programs originally enacted in the first Violence Against Women Act of 1994; additional funding for new programs to address other issues including child custody, insurance discrimination, legal services eligibility, medical training, workplace safety, and campus crime; and funding for training programs for social service providers and law enforcement officials to target violence against older women, disabled women, and provisions to address the special needs of battered immigrant women; therefore, be it

*Resolved* That the Legislature of Louisiana memorializes the Congress of the United States to support reauthorization of and funding for the Violence Against Women Act of 1998; be it further

*Resolved* That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

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POM–418. A resolution adopted by the Board of Trustees, Northville Township, Michigan relative to land use zoning authority; to the Committee on the Judiciary.

POM–419. A resolution adopted by the Council of the City of Romulus, Michigan relative to land use zoning authority; to the Committee on the Judiciary.

POM–420. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 63

Whereas, Article V of the United States Constitution provides two methods by which the Constitution may be amended: by presentation of an amendment by Congress to the states for ratification and by Constitutional Convention, convened at the request of the state legislatures; and

Whereas, to date, the Constitution has been amended only by means of the first method, with many experts suggesting that a Constitutional Convention contains the inherent danger of altering the Constitution more extensively than the proponents of the Convention might have intended; and

Whereas, by providing both methods of amending the Constitution, the Framers clearly intended to provide a mechanism by which the several states could initiate the Constitutional amendment process but did not anticipate the later reluctance to convene a Constitutional Convention; and

Whereas, House Joint Resolution No. 84, introduced in the 105th Congress by Virginia Congressman Tom Bliley and cosponsored by Virginia Congressman Virgil Goode, proposes a process by which the states could initiate the amending process without the perils of a Constitutional Convention; and

Whereas, under the proposal, ''two thirds of the legislatures of the several states may propose an amendment to the Constitution by enacting identical legislation in each such legislature proposing the amendment''; and

Whereas, if two-thirds of the House and Senate did not vote to disapprove of the proposed amendment, it would be submitted to the states for ratification, and upon ratification by three-fourths of the state legislatures, the amendment would become part of the Constitution; and

Whereas, Congressman Bliley's Constitutional Amendment is a reasonable and prudent proposal to provide the states with a means of modifying the Constitution of the United States, thus providing the states an option that the Framers clearly intended; now, therefore, be it

*Resolved* By the Senate, the House of Delegates concurring, That the General Assembly hereby urge the Congress to approve House Joint Resolution No. 84, which proposes an amendment to the United States Constitution to provide a means by which the states can initiate the amendment process without the necessity of a Constitutional Convention; and, be it further

*Resolved*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Congressional delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with amendments:

S. 1415: A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled ''Allocation to Subcommittees on Budget Totals From the Concurrent Resolution for Fiscal Year 1999'' (Rept. 105–191).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Douglas S. Eakeley, of New Jersey, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1999. (Reappointment)

Jeanne Hurley Simon, of Illinois, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2002. (Reappointment)

Cyril Kent McGuire, of New Jersey, to be Assistant Secretary for Educational Research and Improvement, Department of Education.

William James Ivey, of Tennessee, to be Chairperson of the National Endowment for the Arts for a term of four years.

Raymond L. Bramucci, of New Jersey, to be an Assistant Secretary of Labor.

Seth D. Harris, of New York, to be Administrator of the Wage and Hour Division, Department of Labor.

Robert H. Beatty, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2004. (Reappointment)

Thomas Ehrlich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years. (Reappointment)

Dorothy A. Johnson, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years.

Rita R. Colwell, of Maryland, to be Director of the National Science Foundation for a term of six years.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SMITH of Oregon (for himself, Mr. HATCH, Mr. GRAMS, Mr. ABRAHAM, Mr. WYDEN, and Mr. HUTCHINSON):

S. 2079. A bill to amend the Internal Revenue Code of 1986 to replace the dependent care credit for children age 5 and under with an increase in the amount of the child tax credit for such children; to the Committee on Finance.

By Mr. HELMS (for himself, Mr. LOTT, Mr. MACK, Mr. GRAHAM, Mr. TORRICELLI, Mr. COVERDELL, Mr. D'AMATO, Mr. REID, Mr. LIEBERMAN, Mr. HATCH, Mr. ROTH, Mr. THURMOND, Mr. NICKLES, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. ASHCROFT, Mr. FAIRCLOTH, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HOLLINGS, Mr. DEWINE, and Mr. THOMPSON):

S. 2080. A bill to provide for the President to increase support to the democratic opposition in Cuba, to authorize support under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 for the provision and transport of increased humanitarian assistance directly to the oppressed people of Cuba to help them regain their freedom, and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. SANTORUM, and Mr. LIEBERMAN):

S. 2081. A bill to guarantee the long-term national security of the United States by investing in a robust Defense Science and Technology Program; to the Committee on Armed Services.

By Mr. COCHRAN:

S. 2082. A bill to amend chapter 36 of title 39, United States Code, to provide authority to fix rates and fees for domestic and international postal services, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 2083. A bill to provide for Federal class action reform, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. SARBANES, Mr. ROBB, Mr. LAUTENBERG, Mrs. MURRAY, and Mr. GRAHAM):

S. 2084. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on mineral exploration, development, or production activity in adjacent State waters; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 2085. A bill to assist small businesses and labor organizations in defending themselves against Government bureaucracy; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers; to the Committee on Labor and Human Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S. Con. Res. 96. A concurrent resolution expressing the sense of Congress that a postage stamp should be issued honoring Oskar Schindler; to the Committee on Governmental Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of Oregon (for himself, Mr. HATCH, Mr. GRAMS, Mr. ABRAHAM, Mr. WYDEN, and Mr. HUTCHINSON):

S. 2079. A bill to amend the Internal Revenue Code of 1986 to replace the dependent care credit for children age 5 and under with an increase in the amount of the child tax credit for such children; to the Committee on Finance.

CHILD TAX CREDIT LEGISLATION

Mr. SMITH of Oregon. Mr. President, colleagues, and ladies and gentlemen, I rise today to introduce legislation to change the Tax Code to put stay-at-home moms and dads on an equal footing with two-income families. My legislation is cosponsored by Senators HATCH, GRAMS, WYDEN, and ABRAHAM. This legislation that we introduce will

increase the current $500-per-child credit to $1,500 per child for children up to 6 years of age. This credit would replace the current dependent care tax credit with real money that directly benefits families and restores equality and fairness in child care.

Mr. President, there are many proposals to reduce tax burdens, many of which I wholeheartedly support, such as the elimination of the marriage penalty. But I must confess some frustration that I felt on the night our President gave his State of the Union Address when he spoke at great length about child care. He made a proposal, about $20 billion worth, that contained many laudable provisions and parts of which I could support. But it contained a very glaring omission, in my view. The Clinton administration policy is both a direct and indirect subsidy to the marketplace day care industry. The administration seeks to help only a small portion of working parents, ruling out those who wish to stay at home to take care of their child and those who do not want to use marketplace day care. Government policy ought not to discriminate in this manner against the best form of child care where the child is taken care of by his or her own parents or family member.

A few months ago Renée Anderson of Medford, OR, sent me an e-mail commenting that government spending will not give tax relief to parents of preschoolers who take care of their own children.

Here is her letter, Mr. President. I ask unanimous consent it be printed in the RECORD.

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

MEDFORD, OR,
*March 7, 1998.*

Re the President's National Day Care Plan.

DEAR SENATOR GORDON SMITH: Please do all you can to squelch Bill and Hillary Clinton's $21.7 billion National Day Care Plan.

It is loaded with a number of government-controlled programs.

New spending will not give tax relief to parents of preschoolers who take care of their own children.

Not one penny of relief will help increase the amount of time parents will have available to spend with their children.

This is ''day care,'' not ''child care.'' Child care is something that every family does. Day care is the activity, undertaken out of preference or necessity, that some families choose.

There is a rampant prejudice against stay-at-home parents.

Here's what's at stake: the continued importance of parental care of children and through that care, passing on the values that families hold dear.

Commercial day care is often avoided if at all possible because there is a lack of personalized attention and affection. Plus there is a greater exposure to childhood diseases and many other sicknesses.

Surely this new public policy is very characteristic of today's government arrogance.

I strongly oppose this $21.7 billion national day care plan. It is an alarming example of government encroachment.

Sincerely,

RENÉE ANDERSON.

Mr. SMITH of Oregon. Renée, like many mothers and fathers, sees most government spending as ''day care'' and not ''child care.'' Child care, she says, is something that every family does. Day care is the activity undertaken out of either preference or necessity that some families are able to choose or forced to choose.

A recent Wirthlin poll shows that care by a child's own parent or immediate family member is rated as the most desirable form of child care, with child care by a family's mother ranking the highest.

Census Bureau statistics show that many families—nearly half of those with children under 6 years of age—pass up a second income and care for their children themselves, and yet where is the tax relief to help ease the burden of child care expenses for families that choose to take care of their children in their homes? It simply is not there. This legislation will eliminate the current discriminatory tax policy and replace it with one that is fair to all families regardless of the child care choices they make.

I hope many of my colleagues can join in supporting this legislation. I know it competes with many other proposals, but I, frankly, can think of no greater priority that we ought to have than helping mothers and fathers take care of their children, for truly the hand that rocks the cradle is the hand that controls the future. There is no more important responsibility that any of us as mortals undertake than to rear a child. So the Federal Government ought to not get in the way of that but ought to reduce its take and leave more resources to mothers and fathers to leave them at home where they can serve real human and child needs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2079

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

**SECTION 1. REPLACEMENT OF DEPENDENT CARE CREDIT FOR CHILDREN UNDER AGE 6 WITH INCREASE IN CHILD TAX CREDIT.**

(a) INCREASE IN CHILD TAX CREDIT.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended by striking ''an amount equal to $500'' and all that follows through the period and inserting the following: ''an amount equal to—

''(1) $1,500 in the case of a qualifying child who is 5 years of age or less, and

''(2) $500 in the case of all other qualifying children.''.

(b) COORDINATION OF DEPENDENT CARE CREDIT.—Section 21 of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended by inserting ''over the age of 5 and'' before ''under the age of 13'' each place it appears in subsections (b)(1)(A) and (e)(5)(B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. HELMS (for himself, Mr. LOTT, Mr. MACK, Mr. GRAHAM, Mr. TORRICELLI, Mr. COVERDELL, Mr. D'AMATO, Mr. REID, Mr. LIEBERMAN, Mr. HATCH, Mr. ROTH, Mr. THURMOND, Mr. NICKLES, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. ASHCROFT, Mr. FAIRCLOTH, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HOLLINGS, Mr. DEWINE, and Mr. THOMPSON):

S. 2080. A bill to provide for the President to increase support to the democratic opposition in Cuba, to authorize support under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 for the provision and transport of increased humanitarian assistance directly to the oppressed people of Cuba to help them regain their freedom, and for other purposes; to the Committee on Foreign Relations.

THE CUBAN SOLIDARITY ACT OF 1998 (SOLIDARIDAD)

Mr. HELMS. Mr. President, immediately upon his return from Cuba, Pope John Paul II gave an audience at the Vatican where he discussed his historic Cuban pilgrimage. While Fidel Castro and others were working hard to distort the purpose of his visit, the Pope was unambiguous about the aims and purposes of his visit in Cuba.

His Holiness said: ''I wish for our brothers and sisters on that beautiful island that the fruits of this pilgrimage will be similar to the fruits of that pilgrimage in Poland,'' referring to his June 1979 visit to his native Poland—a visit which is widely credited with inspiring the Polish people to throw off the shackles of their oppression, and embrace their God-given spiritual and political freedom.

That visit marked the beginning of the end for Poland's communist dictatorship—just as, I believe, the Pope's historic visit to Cuba has marked the beginning of the end of Fidel Castro's despotic rule.

With his Cuban pilgrimage, John Paul II has sown the seeds of spiritual and political liberation in the Cuban mind. The United States must now help the Cuban people to cultivate those seeds of liberation which His Holiness had planted in Cuba—just as the United States worked with him in helping the Polish people in their struggle against communist oppression nearly two decades ago.

That is why today—along with more than 20 of my Senate colleagues—I am introducing legislation that will bring new energy and focus to the U.S. Cuba policy—''The Cuban Solidarity Act of 1998'' or ''SOLIDARIDAD'' Act.

The buttons we are all wearing may look familiar to many watching today. Our buttons bear the logo of the Polish Solidarity movement—but with a Cuban twist. You see, we are calling this legislation the ''Cuban Solidarity Act'' for a reason. Our goal is to do today for the people of Cuba, what the United States did for the Solidarity

movement in Poland during the 1980s: Give the Cuban people the resources they need to build a free, functioning civil society within the empty shell of Castro's bankrupt communist ''revolution.''

The Cuban Solidarity Act proposes to authorize $100 million over four years in U.S. government humanitarian assistance to the Cuban people—donations of food and medicine, to be delivered through the Catholic Church and truly independent relief organizations in Cuba like Caritas.

The legislation we are introducing today will authorize direct humanitarian flights to deliver both private and U.S. government donations to Cuba. And it will mandate a proactive U.S. policy to support the internal opposition in Cuba, just as the U.S. supported the Solidarity movement in Poland during the 1980s.

This legislation is not about the Cuban embargo. It does not tighten the embargo; it does not loosen the embargo. What it does is add a new dimension to the U.S. policy regarding Cuba: With the enactment of this legislation, U.S. policy will no longer be simply to isolate the Castro regime, but to actively support those working to bring about change inside Cuba.

As Secretary of State Madeline Albright recently put it, there are two embargoes in Cuba today: The U.S. embargo on the Castro regime, and Castro's embargo on his own people. We must, Secretary Albright said, maintain the first, while breaking the second.

This legislation is designed to break Fidel Castro's brutal embargo on the Cuban people. The Cuban Solidarity Act has four central objectives:

First, this bill will provide free food and medicine to Cubans most in need—those who cannot possibly afford to buy the necessities of life because they have no access to U.S. dollars.

Second, it will strengthen those institutions delivering this aid by giving them the resources they need to expand their space in Cuba and nurture a nascent civil society on the island.

Third, this bill will undermine the Castro regime's ability to stifle dissent through the denial of work and basic necessities. In Cuba today, anyone who dares to speak out against Castro's despotic rule can lose his or her job (or be thrown in jail) and thus lose their ability to feed their families. This bill will help undermine Castro's ability to maintain social control through deprivation, by helping build alternative sources of food and medicine in Cuba.

And finally, this bill will take away Fidel Castro's excuses, by neutralizing Castro's propaganda which falsely blames the U.S. embargo for the hardships suffered by the Cuban people.

This legislation puts Castro in a no-win situation. There is no way for him to be on the right side of denying the Cuban people access to free food and medicine from the United States.

If Castro allows this food and medicine into Cuba, it will bring relief to millions of Cubans who cannot afford to buy basic necessities; it will remove his ability to use deprivation as a tool of oppression; and it will help independent institutions create space for themselves in Cuba society.

But if he does not allow the food and medicine in, them 11 million Cubans will know exactly who is responsible for their daily suffering. They will know that the American people wanted to send them $100 million in food and medicine, but that Castro said ''No''.

In addition to this humanitarian relief, the Cuban Solidarity Act also instructs the President to take a series of steps intended to hasten the liberation of the Cuban people. Among other provisions:

The bill instructs the President to increase all forms of U.S. government support for ''democratic opposition groups in Cuba,'' who risk life and limb each day to challenge the regime.

The bill also urges the President to seek a U.N. Security Council resolution calling on Fidel Castro to ''immediately respect all human rights, free all political prisoners, legalize independent political parties, allow independent trade unions, and conduct freely contested elections.''

The Cuban Solidarity Act also calls for creative measures to overcome Castro's blockade on information coming into Cuba instructing the President to commence ''freedom broadcasting'' through Radio and TV Marti from the U.S. naval base at Guantanamo, and other suitable sites around Cuba.

The bill also requires the Administration to produce a series of reports on the plight of average Cubans, including conditions of human rights, workers' rights, and the apparent policy of coercing abortions among poor, less-educated Cuban women.

And the bill will authorize increased personnel in the Treasury and Commerce Departments to facilitate licenses for American medical sales to Cuba—which have been fully legal since 1992—taking away Castro's excuses for his failure to provide American medicine and medical equipment for his people.

The Cuban Solidarity Act is a bill that could and should be supported by all U.S. Senators, those for the Cuban embargo, and those opposed.

All of us should unite behind a policy of providing free food and medicine to those trapped in Castro's Orwellian economy. I cannot imagine that anyone would disagree with the notion that the United States should bring the same intense commitment to its Cuba policy that made the difference in Poland's struggle with communist tyranny.

Now some have suggested that we should not give the Cuban people free food and medicine—rather, we should sell it to them. My question is this: What exactly will they use to buy this American food and medicine? Soviet rubles?

The Cuban people can't afford to buy American food and medicine! Today, in Cuba, food and medicine is available everywhere. In Havana, there are bakeries overflowing with fresh bread, pharmacies stocked with Western medicines, grocery stores brimming with foods. But these products are completely out of reach to most Cubans.

Why? Castro allows them to be sold only for dollars, which the vast majority of Cubans don't have. Castro pays them in worthless Cuban pesos. The only Cubans who can afford to shop in these exclusive stores are cronies of the Castro regime, and those few lucky Cubans who get dollars from abroad—or those poor Cuban women and girls who are forced to prostitute themselves to foreign tourists from Canada and Europe in order to survive.

Instead of trading with the Castro regime (and thus subsidizing the brutal state security apparatus which keeps him in power), our call today is: Let us unite to circumvent this monstrous system Castro has built; Let's give food and medicine directly to the Cuban people.

The Cuban Solidarity Act will also encourage and facilitate increased private donations to Cuba. There are many in the private sector who have been enormously generous in their humanitarian efforts for the Cuban people, and we will be encouraging them to redouble their efforts.

But we will also be issuing a challenge to all of our big-hearted friends in the corporate community who have been lobbying to lift the Cuban embargo. Since they claim to have so much concern for the Cuban people, we will be asking them: What are you willing to donate to help suffering Cubans who cannot afford to buy food and medicine for themselves? We'll see if the floodgates of generosity open up, showing corporate America's concern for Cuba's suffering people.

Fidel Castro will never change his stripes. The Cuban Solidarity Act is based on the belief that we must do more than wait for Fidel Castro to die or ''get religion.'' We must do what was done for Lech Walesa and his courageous Polish brothers; that is, we must undertake a proactive policy under which the United States will lend decisive support to the cause of freedom in Cuba.

The Pope's visit planted the seeds of liberation in Cuba. The Cuban Solidarity Act is the American people's way of cultivating those seeds for the benefit of Cubans and freedom-loving people everywhere.

Let's get about it.

Mr. GRAHAM. Mr. President, I am proud to join Senators HELMS, LOTT, MACK, and nearly twenty other Senators in introducing the Cuban Solidarity Act. This bill will capitalize on the historic opportunity provided by Pope John Paul II's visit to Cuba this past January. It provides for $100 million in humanitarian assistance directly to the Cuban people over four years, and does so in a way that will strengthen

the Catholic Church and other independent organizations in Cuba. We must seize this opportunity to help our Cuban brothers and sisters who have suffered under Castro's brutal rule for far too long.

Communism has collapsed around the world, and the only countries that maintain this economic sytsem—Cuba and North Korea—are crumbling under their own weight. This failed system has created shortages of food and medicine, and Castro has denied the basic freedoms that we take for granted to millions of ordinary Cubans.

In addition to providing humanitarian assistance to Cuba, this bill also directs the administration to expedite the licensing of sales of medicine and medical supplies to Cuba. Since 1992, the embargo has been lifted on the sale of medicines, medical equipment, and medical supplies to Cuba. While Castro continues to claim that the United States is responsible for Cubans' lack of access to much needed medicines, the truth is that we are doing everything we can to ensure that the Cuban people can get the medical supplies denied them by the Castro government.

Pope John Paul II called the world's attention to the suffering of the Cuban people during his visit to Cuba in January. I feel the time is right to make assistance to oppressed Cubans more easily available through organizations such as the Catholic Church and other independent groups. Targeting additional aid in this matter will have three important effects. First, it will provide humanitarian assistance directly to the Cuban people who have suffered under communism. Second, it will strengthen the position of the Catholic Church as a more independent, viable institution in Cuba. Finally, it will help to undermine Castro's policy of denying food and medicine as a means of political control.

Pope John Paul II asked the world to open up to Cuba, and asked Cuba to open itself to the world. This bill will begin that process by providing humanitarian assistance to the Cuban people. We hope that Castro will respond by opening Cuba to the world.

Just yesterday, Cuban Cardinal Ortega expressed concern that the Castro regime was not making an effort to open Cuba to the world—specifically regarding the political prisoners that continue to fill Cuban jails. Four of these political prisoners are in particularly desperate condition—Marta Beatriz Roque, Vladimiro Roca, Felix Bonne, and Rene Gomez Manzano—and Castro has refused appeals by the Pope and Canadian Prime Minister Jean Chretien to release them on humanitarian grounds. In fact, Marta Beatriz Roque is very ill with breast cancer and is being denied medical attention in jail. I hope that these political prisoners, as well as thousands of others, live to see a time when expressing one's political ideas does not mean a death sentence.

This legislation will provide an upwelling of support for the advocates of freedom and human rights in Cuba. A number of periodic reports on exploitative labor conditions and the plight of political prisoners in Cuba will help bring the world's attention to the reality of Castro's oppression. Democracy efforts in Cuba will be bolstered through pro-active U.S. support for the Cuban opposition. Direct mail delivery from the U.S. to Cuba and additional Radio and TV Marti broadcasts will allow the Cuban people to receive uncensored news from the outside world, breaking Catro's monopoly on the dissemination of information.

Let us not forget that U.S. support for the democracy movements of Eastern Europe helped millions of people there win the freedom to express their ideas, live without fear, and create better lives for their children. We should not turn our backs on the Cuban people now, when they need our help more than ever. The Castro government does not need food and medicine: the Cuban people do. We must ensure that our aid does not go to those who torture and kill. The Cuban Solidarity Act works to give food and medicine to those who are forgotten by Castro's regime—the poor mothers who need prenatal care, the children who need bread and milk, the elderly who die of easily curable diseases.

Mr. President, the 11 million Cubans imprisoned by Castro's reign of terror are counting on us to enact this vital and historic piece of legislation. I hope that all of my colleagues will join Senators HELMS, LOTT, MACK, myself, and nearly twenty others in supporting this effort to provide a lifeline to the Cuban people.

Mr. THURMOND. Mr. President, I rise as an original cosponsor of the Cuban Assistance and Solidarity (SOLIDARIDAD) Act that my distinguished friend and Chairman of the foreign Relations Committee, Senator HELMS, is introducing today. I commend the Chairman for his leadership on this issue and strongly support him in this endeavor.

The intent of this legislation is very simple * * * to actively assist the repressed Cuban people and those dedicated to ending the regime of Fidel Castro.

This Act will authorize $100 million in humanitarian assistance over four years for food, medicine, and medical supplies, donated by the U.S. government. In addition, direct flights to deliver this humanitarian aid will be authorized and monitored to ensure that all aid is directly delivered to the Cubans who need it most, those who are unable to afford to make purchases in the Castro controlled dollar-only stores.

Mr. President, this is an important piece of legislation. This bill will eliminate Castro's claims that the U.S. embargo is the cause of the hardships suffered by the Cuban people. It effectively creates a Catch-22 for him. If he allows the aid, he loses his control by deprivation. If he prohibits the aid, he will no longer be able to prevent the people from receiving food and medicine without the knowledge that he is responsible for their pain and suffering, not the United States.

Further, this bill requires the President to take several timely and appropriate pro-democracy steps regarding Cuba, such as strengthening support for democratic opposition within Cuba; seeking a U.N. Security Council resolution on free elections; beginning ''freedom broadcasting'' through Radio and TV Marti; producing a series of reports on the plight of average Cubans; authorizing increased personnel to expedite American medical sales licenses; and obtaining the International Court of Justice indictment in the downing of two unarmed planes and the murder of four people in 1996.

Mr. President, I urge all of my colleagues to take a proactive stand for the people of Cuba and support the SOLIDARIDAD Act.

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By Mr. BINGAMAN (for himself, Mr. SANTORUM, and Mr. LIEBERMAN):

S. 2081. A bill to guarantee the long-term national security of the United States by investing in a robust Defense Science and Technology Program; to the Committee on Armed Services.

THE NATIONAL DEFENSE SCIENCE AND TECHNOLOGY ACT OF 1998

Mr. BINGAMAN. Mr. President, I am pleased to introduce today the National Defense Science and Technology Investment Act of 1998. In line with the clear bipartisan support for Defense research I am very pleased to be joined by Senator SANTORUM and LIEBERMAN in introducing this important bill.

The National Defense Science and Technology Investment Act of 1998 will lay the fiscal framework for the Defense research needed to achieve, early in the next century, what the Department of Defense call ''Full Spectrum Dominance''—the ability of our armed forces to dominate potential adversaries in any conceivable military operation, from humanitarian operations through the highest intensity conflict. The bill creates a plan that would achieve the equivalent of at least a $9 billion Defense Science and Technology Program budget in today's dollars within the next 10 years—an increase of 16% over today. The bill also sets similar increases for the non-proliferation research of the Department of Energy.

Much of the technology that gave the United States a quick victory with so few casualties in Desert Storm came from DoD's research of the 1960s and 1970s. More Defense research is needed today to prepare for the next century for a number of reasons.

First, as the DoD has noted, the two key enablers of ''Full Spectrum Dominance'' will be information superiority and technological innovation. The DoD has been the preeminent federal agency funding the disciplines undergirding these enablers, for example, supporting

roughly 80% of the federally sponsored research in electrical engineering, and 50% of that in computer science and mathematics. No other organizations, public or private, can be expected to substitute for the unique role of the DoD in these research areas. Second, the global spread of advanced technology and a nascent revolution in military affairs are creating new threats to the United States which will challenge our ability to achieve Full Spectrum Dominance. These include: information warfare; cheap precise cruise missiles; and the spread of weapons of mass destruction. Finally, we are now in a relatively secure interlude in our international relations, a time when we can afford to work on transforming our military forces. While the world is still a dangerous place, it will be even more dangerous in the future. So now is the time to undertake the Defense research needed to secure our future.

Yet, the DoD's current Science and Technology budget plans do not reflect these realities. The outyear budgets are basically flat in real terms out to 2003, at a level $200 million lower than 1998's level. This money pays for the research and concept experimentation needed to invent and experiment with new military capabilities. Worse yet, the Department of Energy's budget for non-proliferation research will decline by around 20% in real terms by 2003. Simply put, Mr. President, these budget plans are just not consistent with the vision of Full Spectrum Dominance, the threats on the horizon, and the opportunity we have today.

National Defense Science and Technology Investment Act creates budget plans that are consistent with the vision, threats, and opportunity. Starting with fiscal year 2000, the Act calls on the Secretary of Defense to increase the Defense Science and Technology budget request by at least 2% a year over inflation until fiscal year 2008. The end result will be a Defense Science and Technology budget that reaches at least $9 billion in today's dollars by 2008, an increase of $1.2 billion or 16% over today's level. The Department of Energy's non-proliferation research would also increase the same 2% over inflation yearly.

These budget increases are significant for research, yet modest and achievable; they will be an excellent investment. While they may require some shifting of funds within DoD's budget, the total amount shifted will be around half a percent of that total budget over ten years. I am extremely confident that the Secretary of Defense will be able to make this gradual shift in the budget without damaging other priorities. I am also quite sure its something we need to do.

Imagine, if you will, a large company in the most ferociously competitive high tech business in the world—a company that has done very well over the years, but faces downstream a series of new, highly aggressive, innovative and unpredictable competitors. Would we, as shareholders, say that shifting half a percent of its revenue into research over ten years would be something it couldn't afford to do? No. It would be clear that is something it couldn't afford not to do. I suggest the DoD is in a similar position.

Technological supremacy has been a keystone of America's security strategy since World War II. Supporting that supremacy has been Defense research, one of the highest return investments this nation makes. This coming decade is the time to start increasing this investment in our national security. The National Defense Science and Technology Investment Act of 1998 is a modest approach to making this investment, but one, I am sure, which will yield immodest returns to our military.

Mr. President, I urge my colleagues to join Senators SANTORUM, LIEBERMAN, and myself in support of this important bill.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

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

S. 2081

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''National Defense Science and Technology Investment Act of 1998.''

**SEC. 2. FINDINGS.**

The Congress of the United States finds the following:

(1) To provide for the national security of the United States in the 21st century, the U.S. military must be able to dominate the full range of military operations, from humanitarian assistance to full-scale conflict. The keys to achieving this ''Full Spectrum Dominance,'' as described in the Department of Defense's ''Joint Vision 2010,'' are technological innovation and information superiority.

(2) The global spread of advanced technology is transforming the military threats faced by the United States and will challenge our ability to achieve Full Spectrum Dominance. Some of the major technological challenges our military face include information warfare; proliferating weapons of mass destruction; inexpensive, precise, cruise missiles; and increasingly difficult operations in urban environments.

(3) The United States is now in a relatively secure interlude in its international relations, but the future security environment is very uncertain. Thus, now is the time to focus our Defense investments on the research and experimentation needs to meet new and undefined threats and achieve Full Spectrum Dominance.

(4) The Department of Defense has been the preeminent federal agency supporting research in engineering, mathematics, and computer science, and a key supporter of research in the physical and environmental sciences. These disciplines remain critical to achieving information superiority and maintaining technological innovation in our military. The Department of Energy has played a critical role in supporting the research needed to limit the spread of weapons of mass destruction. No other organizations, public or private, can be expected to substitute for the role of the Department of Defense and Department of Energy in these research areas.

(5) However, the current budget plan for the Defense Science and Technology Program is essentially flat in real terms through fiscal year 2003. The planned budget for nonproliferation science and technology activities at the Department of Energy will decline.

(6) These budget plans are not consistent with the vision of Full Spectrum Dominance, the threats or uncertainties on the horizon, or the opportunity presented by the current state of international relations. The planned level of investment could pose a serious threat to our national security in the next 15 years, given the usual time it takes from the start of Defense research to achieving new military capabilities.

(7) Consequently, the Congress must act to establish a long-term vision for the Defense Science and Technology Program's funding if the United States is to encourage the research and experimentation needed to seize the current opportunity and begin transforming our military to meet the new threats and achieve Full Spectrum Dominance early in the next century.

(8) The Congress must also act to establish a robust long-term vision and funding plan in support of nonproliferation science and technology activities at the Department of Energy.

**SEC. 3. PURPOSE AND FUNDING REQUIREMENTS.**

(a) PURPOSE.—The purpose of this Act is to create a ten-year budget plan to support the disciplines, research, and concept of operations experimentation that will transform our military and reduce the threat from weapons of mass destruction early in the next century.

(b) FUNDING REQUIREMENTS.—

(1) DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—For each year from fiscal year 2000 until fiscal year 2008, it shall be an objective of the Secretary of Defense to increase the Defense Science and Technology Program budget by no less than 2.0 percent over inflation greater than the previous fiscal year's budget requests.

(2) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—For each year from fiscal year 2000 until fiscal year 2008, it shall be an objective of the Secretary of Energy to increase the budget for nonproliferation science and technology activities by no less than 2.0 percent a year over inflation greater than the previous fiscal year's budget request.

**SEC. 4. GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.**

(a) SYNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—The Secretary of Defense may allocate a combination of funds from Department of Defense 6.1, 6.2, or 6.3 accounts in supporting any individual project or program of the Defense Science and Technology Program.

(b) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.—

(1) In supporting projects within the Defense Science and Technology Program, the Secretary of Defense shall attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense to the maximum extent practicable.

(2) Funds made available to the Defense Science and Technology Program must only be used to benefit the Department of Defense, which includes—

(A) the development of defense unique technology;

(B) the development of military useful, commercially viable technology; or

(C) the adaption of commercial technology, products, or processes for military purposes.

(c) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—The following shall be key objectives of the Defense Science and Technology Program—

(1) the sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense;

(2) the education and training of the next generation of scientists and engineers in disciplines relevant to future Defense systems, particularly through the conduct of basic research; and

(3) the continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at Historically Black Colleges and Universities and Minority Institutions.

**SEC. 5. DEFINITIONS.**

As used in this Act—

(1) DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.—The term ''Defense Science and Technology Program'' means work funded in Department of Defense accounts 6.1, 6.2, or 6.3; and

(2) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES.—The term ''nonproliferation science and technology activities'' means work related to preventing and countering the proliferation of weapons of mass destruction that is funded by the Department of Energy under the following programs and projects of the Department's Office of Nonproliferation and National Security and Office of Defense Programs:

(A) the Verification and Control Technology program within the Office of Nonproliferation and National Security;

(B) projects under the ''Technology and Systems Development'' element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security;

(C) projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security;

(D) projects relating to developing or integrating new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction; radiological emergencies; and related terrorist threats, under the Office of Defense Programs; and

(E) program direction costs for the programs and projects funded under subparagraphs (A) through (D).

Mr. LIEBERMAN. Mr. President, I am pleased to introduce, along with Senators BINGAMAN and SANTORUM, the National Defense Science and Technology Investment Act of 1998. I have been concerned for some time now that our investments in defense R&D are not commensurate with the opportunity that new technology developments afford. I recognize, Mr. President, that relative to the procurement budget, defense R&D has fared well in recent years. While the ratio of R&D funding relative to procurement was an appropriate benchmark during the Cold War, I would argue that it is a misleading indicator in the current environment.

We find ourselves in a comparatively peaceful historical interlude in which we face no peer military competitors. How likely is it that this set of circumstances will last? We don't know the answer to that question. The future is uncertain and, if history is our guide, will be considerably more dangerous than today. At the same time, the ongoing technology revolution is creating revolutionary new capabilities that will change the nature of warfare itself. These new capabilities would enable our forces to engage an enemy in a coordinated fashion across an entire theater of operations and thereby rapidly and totally dominate the battlespace. By aggressively exploiting the new capabilities that technology has to offer, the U.S. can assure its decisive military superiority over any potential adversary, even with numerically smaller forces than are fielded today. Our ability to realize this vision of the future, however, depends on the research and development we conduct today.

All of the assessments, both internal and external, of our nation's defense posture concur that we must transform our force structure through greatly accelerated rates of technology insertion. The transformed military force envisioned in, for example, General Shalikashvili's Joint Vision 2010 requires a much higher level of research, development, prototyping, and testing than we are engaged in today. Our current defense R&D budgets simply don't support the accelerated rates of technology insertion and integration that these assessments imply.

Mr. President, I realize that our military has many needs today that compete for scarce defense dollars. But we cannot mortgage our future security to short-term demands. Increased funding for our nation's defense R&D enterprise is essential if we are to realize the vision of a transformed force structure that takes advantage of the new opportunities that the high-tech revolution has to offer. The National Defense Science and Technology Investment Act of 1998 would put us on the path of higher defense R&D budgets by outlining a plan for real increases of 16% over ten years. This is a modest proposal, Mr. President, and one that holds the promise of very significant future returns. I urge my colleagues to join Senator BINGAMAN, SANTORUM, and me and support this important piece of legislation.

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By Mr. COCHRAN:

S. 2082. A bill to amend chapter 36 of title 39, United States Code, to provide authority to fix rates and fees for domestic and international postal services, and for other purposes; to the Committee on Governmental Affairs.

THE INTERNATIONAL POSTAL SERVICES ACT OF 1998

Mr. COCHRAN. Mr. President, today I am introducing the International Postal Services Act of 1998. This bill would amend section 3621 of title 39 of the U.S. Code, dealing with the authority of the Board of Governors of the U.S. Postal Service to establish rates and classes of postal services, by subjecting international postal services to review by the Postal Rate Commission.

At present, the Board of Governors' and Postal Rate Commission's authority to collect and review Postal Service data on costs, volumes, and revenues extends only to domestic mail. Therefore, the regulators and Congress, and the public, cannot require data to support statements by the Postal Service that international mail is covering its attributable costs.

Allegations have been made that the Postal Service uses its revenues from first class mail to subsidize its international postal services. The Postal Service denies this, and reminds its competitors that the Postal Reorganization Act prohibits the Postal Service from using the revenues from one service to reduce the price of another.

When Congress drafted, and later passed, the postal Reorganization Act of 1970, no specific language was included that would grant the Postal Rate Commission jurisdiction over international postal services—as it was granted for all domestic postal services. I believe this was an oversight by Congress, and I believe it would be best if, for the purposes of establishing classes and rates for mail, international postal services were to be treated the same as domestic postal services are treated.

I invite Senators to consider this proposal and support this effort to bring harmony to the treatment of international and domestic postal services.

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By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 2083. A bill to provide for Federal class action reform, and for other purposes; to the Committee on the Judiciary.

THE CLASS ACTION FAIRNESS ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce a bill that will help fight class action lawsuit abuses. This bill, which Senator KOHL and I are introducing today, will go a long way toward ending class action lawsuit abuses where the plaintiffs receive very little and their lawyers receive a whole lot. It will also preserve class action lawsuits as an important toll that bring representation to the unrepresented and result in important discrimination and consumer decisions.

My Judiciary Subcommittee held a hearing last Fall that exposed and discussed the problem of certain class action lawsuit settlements. Let me give you an example of a class action lawsuit settlement that I find particularly disturbing. In an antitrust case settled in the Northern District of Illinois in 1993, the plaintiff class alleged that multiple domestic airlines participated in pricefixing beginning at least as early as January 1, 1988. This pricefixing resulted in plaintiffs paying more for airline tickets that they otherwise would have had to pay.

The settlement in this case gave a coupon book to all of the plaintiffs. These coupons varied in amount and

number, according to how many plane tickets the plaintiffs had purchased. These coupons can be used toward the purchase of future airline tickets. The catch is that the plaintiff still has to pay for the majority of any new airline ticket out of his or her own pocket. This means that only $10 worth of coupons can be used towards the purchase of a $100 dollar ticket; up to $25 worth of coupons can be used towards the purchase of a $250 ticket; up to $50 worth of coupons can be used towards the purchase of a $500 ticket, and so on. In addition, these coupons cannot be used on certain blackout dates, which seem to include all holidays and peak travel times.

The attorneys, interestingly enough, did not get paid in coupons. The plaintiffs' attorneys got paid in cash. They got paid $16 million dollars in cash. If the coupons were good enough for their clients, I wonder why coupons were not good enough for the lawyers.

Another egregious class action lawsuit settlement was discussed by one of the witnesses in my subcommittee hearing. Ms. Martha Preston was a member of the class in Hoffman versus BancBoston, where some of the plaintiffs received under $10 dollars each in compensation for their injuries, yet were docked around $75 or $90 for attorneys' fees. This means that attorneys that they had never met, who were supposed to be representing their best interests, agreed to a settlement that cost some of the plaintiffs more money than they received in compensation for being wronged.

These lawsuit abuses happen for a number of reasons. One reason is that plaintiffs' lawyers negotiate their own fees as part of the settlement. This can result in distracting lawyers from focussing on their clients' needs, and settling or refusing to settle based on the amount of their own compensation.

During our hearing, evidence was presented that at least one group of plaintiffs' lawyers meets regularly to discuss initiating class action lawsuits. They scan the Federal Register and other publications to get ideas for lawsuits, and only after they have identified the wrong, do they find clients for their lawsuits. Rather than having clients complaining of harms, they find harms first, and then recruit clients with the promise of compensation.

The defendants are not always innocent, though. Plaintiffs' lawyers say that they are approached by lawyers from large corporations who urge them to find a class and sue the corporation. The corporations may use this as a tool to limit their liability. Once this suit is initiated and settled, no member of the class may sue based on that claim. In other words, if a corporation settles a class action lawsuit by paying all class members $10 as compensation for a faulty car door latch, the plaintiffs can no longer sue for any harm caused by the faulty door latch. this is one way of buying immunity for liability.

The Preliminary Results of the Rand Study of Class Action Litigation states that, ''It is generally agreed that fees drive plaintiffs' attorneys' filing behavior, that defendants' risk aversion in the face of large aggregate exposures drives their settlement behavior. . . . In other words, the problems with class actions flow from incentives that are embedded in the process itself.''

The Glassley/Kohl Class Action Fairness Act does the following:

PLAIN ENGLISH

Notice of proposed settlements (as well as all class notices) in all class actions must be in clear, easily understood English and must include all material settlement terms, including the amount and source of attorney's fees. One thing that I knew before our hearing, but that witness testimony confirm, is that the notice most plaintiffs receive are written in small print and confusing legal jargon. Even one of the lawyers testifying before my subcommittee said that he couldn't understand the notice he received as a plaintiff in a class action lawsuit. Since plaintiffs are giving up their right to sue, it is imperative that they understand what they are doing and the ramifications of their actions.

NOTICE TO STATE ATTORNEYS GENERAL

The Class Action Fairness Act requires that State Attorneys General be notified of any proposed class settlement that would affect residents of their states. The notice give a state AG the opportunity to object if the settlement terms are unfair.

ATTORNEYS' FEES BASED ON ACTUAL DAMAGES

Our bill requires that attorney's fees in all class actions must be a reasonable percentage of actual damages and actual costs of complying with the terms of a settlement agreement.

REMOVAL OF MULTISTATE CLASS ACTIONS TO FEDERAL COURT

This bill provides that class acting lawsuits may be removed to a federal court by a defendant or unnamed class member if the total damages exceed $75,000 and parties include citizens from multiple states. Currently, only defendants can seek removal, and only if each name plaintiff has at minimum a $75,000 claim and complete diversity exists between all named plaintiffs and defendants, even if only one class members is from the same state as a defendant. The bill also eliminates the ability of a lone class action defendant to veto removal, and it forecloses class attorneys from avoiding removal by raising a class action claim for the first time only after the suit already has been pending for a year. Removal still must be sought within 30 days from when there is notice of the class claim.

MANDATORY SANCTIONS FOR FRIVOLOUS SUITS.

This section of our bill will reduce frivolous lawsuits by requiring that a violation of Rule 11 of the Federal Rules of Civil Procedure, which penalizes frivolous filings, will require the imposition of sanctions. The nature and extent of sanctions will remain discretionary.

We need this bill. We need this reform. Both plaintiffs and defendants are calling for reform in his area. This bill is not just procedural reform; this is substantive reform of our courts system. This bill will remove the conflict of interest that lawyers face in class action lawsuits, and ensue the fair settlement of these cases.

Mr. KOHL. Mr. President, Senator GRASSLEY and I today introduce the Class Action Fairness Act of 1998. This legislation addresses a growing problem in class action litigation—too many class lawyers put their self-interest above the best interests of their clients, often resulting in unfair and abusive settlements that shortchange class members while the class lawyers line their pockets with high fees.

Let me share with you just a few disturbing examples.

One of my constituents, Martha Preston of Baraboo, Wisconsin, was an unnamed member of a class action lawsuit against her mortgage company that ended in a settlement. While at first she got four dollars and change in compensation, a few months later her lawyers surreptitiously took $80—twenty times her compensation—from her escrow account to pay their fees. In total, her lawyers managed to pocket over $8 million in fees, but never explained that the class—not the defendant—would pay the attorneys' fees. Naturally outraged, she and others sued the class lawyers. Her lawyers turned around and sued her in alabama—a state she had never visited—and demanded an unbelievable $25 million. So not only did she lose $75, she was forced to defend herself from a $25 million lawsuit.

Class lawyers and defendants often engineer settlements that leave plaintiffs with small discounts or coupons unlikely ever to be used. Meanwhile class lawyers reap big fees based on unduly optimistic valuations. For example, in a settlement of a class action against major airlines, most plaintiffs received less than $80 in coupons while class attorneys received $14 million in fees based on a projection that the discounts were worth hundreds of millions. In a suit over faulty computer monitors, class members got $13 coupons, while class lawyers pocketed $6 million. And in a class action against Nintendo, plaintiffs received $5 coupons, while attorneys took almost $2 million in fees.

Competing federal and state class actions engage in a race to settlement, where the best interests of the class lose out. For example, in one state class action the class lawyers negotiated a small settlement precluding all other suits, and even agreed to settle federal claims that were not at issue in state court. Meanwhile, a federal court found that the federal claims could be worth more than $1 billion, while accusing the state class lawyers of ''hostile representation'' that ''surpassed inadequacy and sank to the level of subversion;'' ''vigorous disparagement'' of the value of the federal claim in order to sell the settlement to

the state court; and pursuit of self-interest in ''getting a fee'' that was ''more in line with the interests of [defendants] than those of their clients.''

Class actions are often filed in state courts that are more likely to certify them without adequately considering whether a class action would be fair to all class members. On several occasions, a state court has certified a class action although federal courts rejected certification of the same case. And in several Alabama state courts, 38 out of 43 classes certified in a three-year period were certified on an ex parte basis, without notice and hearing. One Alabama judge acting ex parte certified 11 class actions last year alone. Comparably, only an estimated 38 class actions were certified in federal court last year (excluding suits against the U.S. and suits brought under federal law). This lack of close scrutiny appears to create a big incentive to file in state court, especially given the recent findings of a Rand study that class actions are increasingly concentrated in state courts.

Class lawyers often manipulate the pleadings in order to avoid removal of state class actions to federal court, even by minimizing the potential claims of class members. For example, state class actions often seek just over $74,000 in damages per plaintiff and forsake punitive damage claims, in order to avoid the $75,000 floor that qualifies for federal diversity jurisdiction. Or they defeat the federal requirement of complete diversity by making sure at least one named class member is from the same state as a defendant, even if every other class member is from a different state.

Out-of-state defendants are often hauled into state court to address nationwide class claims, although federal courts are a more appropriate and more efficient forum. For example, an Alabama court is now considering a class action—and could establish a national policy—in a suit brought against the big three automakers on behalf of every American who bought a dual-equipped air bags in the past eight years. The defendants failed in their attempt to remove to federal court based on an application of current diversity law. And, unlike federal courts, states are unable of consolidate multiple class actions that involve the same underlying facts.

These examples show that abuse of the class action system is not only possible, but real. And part of the problem are the incentives and realities created by the current system.

A class action is a lawsuit in which an attorney not only represents an individual plaintiff, but, in addition, seeks relief for all those individuals who suffered a similar injury. For example, a suit brought against a pharmaceutical company by a person suffering from the side effects of a drug can be expanded to cover all individuals who used the drug. A class action claim may proceed only if a court certifies the class, and certification is permitted only if the class procedure will be fair to all class members. Prospective class members are usually sent notice about the class action, and are presumed to join it, unless they specifically ask to be left out.

Often, these suits are settled. The settlement agreements provide money and/or other forms of compensation. The attorneys who brought the class action also get paid for their work. All class members are notified of the terms of the settlement, and given the chance to object if they don't think the settlement is fair. A court must ultimately approve a settlement agreement.

The vast majority of these suits are brought and settled fairly and in good faith. Unfortunately, the class action system does not adequately protect class members from the few unscrupulous lawyers who are more interested in big attorneys' fees than compensation for their clients, the victims. The primary problem is that the client in a class action is a diffuse group of thousands of individuals scattered across the country, which is incapable of exercising meaningful control over the litigation. As a result, while in theory the class lawyers must be responsive to their clients, the lawyers control all aspects of the litigation.

Moreover, during a class action settlement, the amount of the attorney fee is negotiated between plaintiffs' lawyers and the defendants, just like other terms of the settlement. But in most cases the fees come at the expense of class members—the only party that does not have a seat at the bargaining table.

In addition, defendants may use class action settlements to advance their own interests. A settlement will generally preclude all future claims by class members. So defendants have ample motivation to give class lawyers the fees they want as the price for settling all future liabilities.

In light of the incentives that are driving the parties, it is easy to see how class members are left out in the cold. Class attorneys and corporate defendants sometimes reach agreements that satisfy their respective interests—and even the interests of the named class plaintiffs—but that sell short the interests of any class members who are not vigilantly monitoring the litigation. And although the judge is supposed to determine whether the settlement is fair before approving it, class lawyers and defendants ''may even put one over on the court, a staged performance. The lawyers support the settlement to get fees; the defendants support it to evade liability; the court can't vindicate the class's rights because the friendly presentation means that it lacks essential information.'' *Kamilewicz* v. *Bank of Boston Corp.*, 100 F.3d 1348, 1352 (Easterbrook, J., dissenting) (7th Cir. 1996).

Although class members get settlement notices and have the opportunity to object, they rarely do so, especially if they have little at stake. Not only is it expensive to get representation, but also it can be extremely difficult to actually understand what the settlement really does. Settlements are often written in long, finely printed letters with incomprehensible legalese, which even well trained attorneys are hard pressed to understand. And settlements often omit basic information like how much money will go towards attorney's fees, and where that money will come from. In Martha Preston's case, one prominent federal judge found that ''the notice not only didn't alert the absent class members to the pending loss but also pulled the wool over the state judge's eyes.''

We all know that class actions can result in significant and important benefits for class members and society, and that most class lawyers and most state courts are acting responsibly. Class actions have been used to desegregate racially divided schools, to obtain redress for victims of employment discrimination, and to compensate individuals exposed to toxic chemicals or defective products. Class actions increase access to our civil justice system because they enable people to pursue claims that collectively would otherwise be too expensive to litigate.

The difficulty in any effort to improve a basically good system is weeding out the abuses without causing undue damage. The legislation we propose attempts to do this. It does not limit anyone's ability to file a class action or to settle a class action. It seeks to address the problem in several ways. First, it requires that State attorneys general be notified about proposed class action settlements that would affect residents of their states. With notice, the attorneys general can intervene in cases where they think the settlements are unfair.

Second, the legislation requires that class members be notified of a potential settlement in clear, easily understood English—not legal jargon.

Third, it limits class attorneys' fees to a reasonable percentage of the actual damages received by plaintiffs and the actual costs of complying with settlement agreements. This will deter class lawyers from using inflated values of coupon settlements to reap big fees, even if the settlement doesn't offer much practical value to victims. Some courts have already embraced this standard, which parallels the recent securities reform law.

Fourth, it permits removal to federal court of class actions involving citizens of multiple states, at the request of unnamed class members or defendants. This provision eliminates gaming by class lawyers to keep cases in state court. It reinforces the legitimate role for diversity jurisdiction—to establish the federal courts as the proper forum for lawsuits directly affecting residents from diverse states. Diversity jurisdiction makes little sense if a $76,000 claim by one out-of-state plaintiff qualifies for federal jurisdiction but a

multimillion dollar class action bundling thousands of $74,000 claims by out-of-state citizens cannot be brought in federal court, and if remote state courts can make decisions affecting nationwide classes of citizens.

Finally, it amends Rule 11 of the Federal Rules of Civil Procedures to require the imposition of sanctions for filing frivolous lawsuits, although the nature and extent of sanctions remains discretionary. This provision will deter the filing of frivolous class actions.

Let me emphasize the limited scope of this legislation. We do not close the courthouse door to any class action. We do not require that State attorneys general do anything with the notice they receive. We do not deny reasonable fees for class lawyers. And we do not mandate that every class action be brought in federal court. Instead, we simply promote closer and fairer scrutiny of class actions and class settlements.

We are aware that some are critical of provisions in this bill. For example, there is concern that attorneys' fee provision does not adequately address settlements which offer primarily injunctive relief. For this reason, this bill should be viewed as a point of departure, not a final product.

But Mr. President, right now, people across the country can be dragged into lawsuits unaware of their rights and unarmed on the legal battlefield. What our bill does is give regular people back their rights and representation. This measure may not stop all abuses, but it moves us forward. It will help ensure that good people like Martha Preston don't get ripped off.

Mr. President, Senator GRASSLEY and I believe this is a moderate approach to correct the worst abuses, while preserving the benefits of class actions. It is both pro-consumer and pro-defendant. We believe it will make a difference.

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By Mrs. BOXER (for herself, Mr. SARBANES, Mr. ROBB, Mr. LAUTENBERG, Mrs. MURRAY, and Mr. GRAHAM):

S. 2084. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on mineral exploration, development, or production activity in adjacent State waters; to the Committee on Energy and Natural Resources.

THE COASTAL STATES PROTECTION ACT

Mrs. BOXER. Mr. President, today, I am introducing the Coastal States Protection Act—legislation which I also introduced in the 104th Congress. This act will provide necessary protection for the nation's Outer Continental Shelf (OCS) from the adverse effects of offshore oil and gas development by making management of the federal OCS consistent with state-mandated protection of state waters. I am pleased that Representatives CAPPS and MILLER are introducing the House version of this legislation.

After many years of hard work to prevent further oil drilling in the Outer Continental Shelf (OCS), I am very pleased to see the broad bi-partisan support that now exists for this issue. I began fighting for ocean protection on the Marin County Board of Supervisors, continued during my 10 years in the House of Representatives, and as a United States Senator representing California.

Simply put, my bill says that when a state establishes a drilling moratorium on part or all of its coastal water, that protection would be extended to adjacent federal waters.

It does a state little good to protect its own waters which extend three miles from the coast only to have drilling from four miles to 200 miles in federal waters jeopardizing the entire state's coastline—including the state's protected waters.

An oil spill in federal waters will rapidly foul state beaches, contaminate the nutrient rich ocean floor upon which local fisheries depend, and endanger habitat on state tidelands.

My legislation simply directs the Secretary of Interior to cease leasing activities in federal waters where the state has declared a moratorium on such activities thus coordinating federal protection with state protection.

The bill has a very fundamental philosophy—do no harm to the magnificent coastlines of America and respect state and local laws.

I also want to express my strong support for the current protection of our precious marine resources.

The major portions of fragile California coastline is currently protected from the dangers of oil and gas drilling in offshore waters by several provisions of law. The State has a permanent moratorium on oil and gas leasing, which covers state waters up to three miles out. U.S. waters, up to 200 miles out, have been protected by a succession of one-year leasing and drilling moratoria enacted by Congress each year since 1982.

In addition, in 1990, President George Bush issued a statement directing his Secretary of the Interior to cancel several existing leases and withhold any further leases in California waters for 10 years. With this directive, President Bush showed his commitment to prohibiting offshore drilling in areas where environmental risks outweigh the potential energy benefits to the Nation.

The strongest protection would be a permanent ban on further offshore oil and gas leases in California waters, and I have asked the President to consider this.

California, and the rest of the nation, need a clear statement of coastal policy to provide industries, small businesses, homeowners and fishermen more certainty than can be provided by yearly moratoria. Annual battles over the moratoria make long-range business planning difficult, divert resources and attention from the real need for national energy security planning, and send confusing signals to both industry and those concerned about the impacts of offshore development.

I understand that some feel that we are losing revenue because of these moratoria. I have two things to say about that. First, the public strongly supports the moratorium. And second, if the oil companies paid the royalties that they currently owe the federal government we could make up for the so-called ''lost revenue'' caused by the moratorium. Oil companies currently owe the federal government millions upon millions of dollars. It does not make sense to give oil companies access to more federal oil when they are already cheating the American taxpayer out of millions of dollars.

As we celebrate the United Nations Year of the Ocean, we have a prime opportunity to strengthen our commitment to environmental protection by giving Americans a long lasting legacy of coastal protection.

We must recognize that the resources of the lands offshore California, and the rest of the country, are priceless. We must recognize that renewable uses of the ocean and OCS lands are irreplaceable elements of a healthy, growing economy. These moratoria recognize that the real costs of offshore fossil fuel development far outweigh any benefits that might accrue from those activities.

I am very pleased that Senators MURRAY, SARBANES, ROBB, LAUTENBERG, and GRAHAM are original co-sponsors of this legislation.

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

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

S. 2084

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Coastal States Protection Act''.

**SEC. 2. STATE MORATORIA ON OFFSHORE MINERAL LEASING.**

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(p) STATE MORATORIA.—When there is in effect with respect to lands beneath navigable waters of a coastal State a moratorium on oil, gas, or other mineral exploration, development, or production activities established by statute or by order of the Governor, the Secretary shall not issue a lease for the exploration, development, or production of minerals on submerged lands of the outer Continental Shelf that are seaward of or adjacent to those lands.''.

Mr. GRAHAM. Mr. President, I am very pleased to join my colleague Senator BOXER in introducing the ''Outer Continental Shelf Lands Act.'' It is a key step forward in Florida's long battle to preserve our beautiful coastal and marine ecosystems.

Floridians oppose offshore oil drilling because it poses a tremendous threat to one of our state's greatest natural and economic resources—our coastal environment. Florida's beaches, fisheries, and wildlife draw millions of tourists each year from around the globe. Tourism directly or indirectly supports millions of jobs all across Florida, and the travel industry generates billions of dollars in economic activity every year.

The Florida coastline boasts some of the richest estuarine areas in the world. These brackish waters, with their mangrove forests and seagrass beds, are an irreplaceable link in the life cycle of many species, both marine and terrestrial. Florida's commercial fishing industry relies on these estuaries because they support the nurseries for the most commercially harvested fish. Perhaps the most environmentally delicate regions in the Gulf, estuaries could be damaged beyond repair by even a relatively small oil spill.

Over the years, we have met with some success in our effort to protect Florida's OCS. In 1995, the lawsuit surrounding the cancellation of the leases around the Florida Keys was settled, removing the immediate threat of oil and gas drilling from what is an extremely sensitive area.

In June of 1997, Senator MACK and I introduced the Florida Coast Protection Act to cancel six leases in an area 17 miles off the coast of Pensacola. This bill would have provided leaseholders with the absolute right to just compensation from the federal government in order to recover their investment in these leases, while simultaneously protecting the Florida coastline that is so critical to our economy.

Luckily, it was never necessary. Less than a week after we introduced our legislation, Mobil Oil announced that it was ending its drilling operation off the Northwest Florida coast and cancelling its exploratory leases. While Mobil's action did not completely eliminate the threats posed by oil and gas drilling, it did mean that the residents of Florida's Gulf Coast faced one fewer environmental catastrophe-in-the-making.

The Florida delegation has also been successful in blocking other attempts to search for energy resources off our state's precious coastline. We've worked—and will continue to work—in a united, bipartisan fashion to maintain the federal moratorium on drilling in sensitive coastal areas.

Mr. President, the bill that Senator BOXER has introduced today will provide further protection to all coastal states that have taken action to prevent offshore oil drilling by issuing a state moratorium on oil, gas, or mineral exploration, development, or production within state waters. Florida will benefit greatly from this bill, and I urge its speedy passage.

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By Mr. HUTCHINSON:

S. 2085. A bill to assist small businesses and labor organizations in defending themselves against Government bureaucracy; to protect the right of employers to have a hearing to present their cases in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers; to the Committee on Labor and Human Resources.

THE FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

Mr. HUTCHINSON. Mr. President, I am pleased to introduce today an important piece of legislation which would restore fairness to small businesses and their employees in the nation's labor laws, and ensure freedom of choice in the marketplace. ''The Fairness for Small Business and Employees Act of 1998'' will achieve these goals, and improve fairness in the National Labor Relations Board (NLRB) process.

Small businesses are facing a serious and devastating problem. They are the targets of unethical attempts to manipulate the law in order to injure or destroy the competition. We cannot allow any group with an ulterior and destructive motive to use coercive governmental power just to harass small businesses and their workers.

Frivolus charges cost companies significant time, money, and resources to defend themselves against complaints that have no merit. Small businesses, in particular, need these resources to secure more work opportunities, invest in better equipment, and create more jobs.

The bill I am introducing today consists of three separate small business bills, which I have previously introduced in the Senate: ''The Truth in Employment Act,'' ''The Fair Hearing Act,'' and ''The Fair Access to Indemnity and Reimbursement Act (FAIR) Act.''

The first provision, ''The Truth in Employment Act,'' remedies the unscrupulous practice of ''salting'' by amending the National Labor Relations Act (NLRA) to make clear that an employer is not required to hire any person who seeks a job in order to promote interests unrelated to those of the employer. I would point out that the language in no way infringes upon any rights or protections otherwise accorded employees under the NLRA, including the right to organize. This provision would merely alleviate the legal pressures imposed upon employers to hire individuals whose overriding purpose for seeking the job is to disrupt the employer's workplace, or otherwise inflict economic harm designed to put the employer out of business.

The second section, ''The Fair Hearing Act,'' would create a statutory right to a hearing for the employer when there is a dispute regarding the proper bargaining unit of a company with multiple locations. While the NLRB proposal has been ''tabled'' for now, there is still nothing in the law to assure fairness for employees.

The last provision, ''The Fair Access to Indemnity and Reimbursement Act (FAIR) Act,'' would amend the NLRA to provide that a small business or labor organization which prevails in an action against the NLRB will automatically be allowed to recoup the attorneys' fees and expenses it spends defending itself. Small employers often cannot afford the qualified legal representation necessary to defend themselves against NLRB charges.

Mr. President, it is time to stop the devastating impact of unfair labor law enforcement on small businesses and their employees. Small businesses are truly the backbone of our nation's economy. We must curtail the anticompetitive attacks, and instead help these companies devote time, money, and resources toward productivity, growth, and providing new jobs.

I would urge my fellow Senators to join me in cosponsoring this legislation, and work to pass ''The Fairness for Small Business and Employees Act of 1998.'' The survival of America's small businesses demand that we act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2085

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Fairness for Small Business and Employees Act of 1998''.

**TITLE I—TRUTH IN EMPLOYMENT**

**SEC. 101. FINDINGS.**

Congress makes the following findings:

(1) An atmosphere of trust and civility in labor-management relationships is essential to a productive workplace and a healthy economy.

(2) The tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace, a practice commonly referred to as ''salting'' has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act was enacted and threatens the balance of rights which is fundamental to our system of collective bargaining.

(3) Increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business, or to do both.

(4) While no employer may discriminate against employees based upon the views of employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

**SEC. 102. PURPOSES.**

The purposes of this title are—

(1) to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining;

(2) to preserve the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; and

(3) to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business.

**SEC. 103. PROTECTION OF EMPLOYER RIGHTS.**

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by adding after paragraph (5) the following flush sentence:

''Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status: *Provided*, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.''.

**TITLE II—FAIR HEARING**

**SEC. 201. FINDINGS.**

Congress makes the following findings:

(1) Bargaining unit determinations by their nature require the type of fact-specific analysis that only case-by-case adjudication allows.

(2) The National Labor Relations Board has for decades held hearings to determine the appropriateness of certifying a single location bargaining unit.

(3) The imprecision of a blanket rule limiting the factors considered material to determining the appropriateness of a single location bargaining unit detracts from the National Labor Relations Act's goal of promoting stability in labor relations.

**SEC. 202. PURPOSE.**

The purpose of this title is to ensure that the National Labor Relations Board conducts a hearing process and specific analysis of whether or not a single location bargaining unit is appropriate, given all of the relevant facts and circumstances of a particular case.

**SEC. 203. REPRESENTATIVES AND ELECTIONS.**

Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

''(6) If a petition for an election requests the Board to certify a unit which includes the employees employed at one or more facilities of a multi-facility employer, and in the absence of an agreement by the parties (stipulation for certification upon consent election or agreement for consent election) regarding the appropriateness of the bargaining unit at issue for purposes of subsection (b), the Board shall provide for a hearing upon due notice to determine the appropriateness of the bargaining unit. In making its determination, the Board shall consider functional integration, centralized control, common skills, functions and working conditions, permanent and temporary employee interchange, geographical separation, local autonomy, the number of employees, bargaining history, and such other factors as the Board considers appropriate.''.

**TITLE III—ATTORNEYS FEES**

**SEC. 301. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Certain small businesses and labor organizations are at a great disadvantage in terms of expertise and resources when facing actions brought by the National Labor Relations Board.

(2) The attempt to ''level the playing field'' for small businesses and labor organizations by means of the Equal Access to Justice Act has proven ineffective and has been underutilized by these small entities in their actions before the National Labor Relations Board.

(3) The greater expertise and resources of the National Labor Relations Board as compared with those of small businesses and labor organizations necessitate a standard that awards fees and costs to certain small entities when they prevail against the National Labor Relations Board.

(b) PURPOSE.—It is the purpose of this title—

(1) to ensure that certain small businesses and labor organizations will not be deterred from seeking review of, or defending against, actions brought against them by the National Labor Relations Board because of the expense involved in securing vindication of their rights;

(2) to reduce the disparity in resources and expertise between certain small businesses and labor organizations and the National Labor Relations Board; and

(3) to make the National Labor Relations Board more accountable for its enforcement actions against certain small businesses and labor organizations by awarding fees and costs to these entities when they prevail against the National Labor Relations Board.

**SEC. 302. AMENDMENT TO NATIONAL LABOR RELATIONS ACT.**

The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended by adding at the end the following new section:

''AWARDS OF ATTORNEYS' FEES AND COSTS

''SEC. 20. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who, or a labor organization that—

''(1) is the prevailing party in an adversary adjudication conducted by the Board under this or any other Act, and

''(2) had not more than 100 employees and a net worth of not more than $1,400,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Board was substantially justified or special circumstances make an award unjust. For purposes of this subsection, the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

''(b) COURT PROCEEDINGS.—An employer who, or a labor organization that—

''(1) is the prevailing party in a civil action, including proceedings for judicial review of agency action by the Board, brought by or against the Board, and

''(2) had not more than 100 employees and a net worth of not more than $1,400,000 at the time the civil action was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) or this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.''.

**SEC. 303. APPLICABILITY.**

(a) AGENCY PROCEEDINGS.—Subsection (a) of section 20 of the National Labor Relations Act (as added by section 302) applies to agency proceedings commenced on or after the date of the enactment of this Act.

(b) COURT PROCEEDINGS.—Subsection (b) of section 20 of the National Labor Relations Act (as added by section 302) applies to civil actions commenced on or after the date of the enactment of this Act.

## ADDITIONAL COSPONSORS

S. 831

At the request of Mr. SHELBY, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. ABRAHAM] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 831, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes.

S. 882

At the request of Mrs. BOXER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 882, a bill to improve academic and social outcomes for students by providing productive activities during after school hours.

S. 1252

At the request of Mr. GRAHAM, the names of the Senator from Arkansas [Mr. BUMPERS), the Senator from Louisiana [Mr. BREAUX), the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1334

At the request of Mr. BOND, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1392

At the request of Mr. BROWNBACK, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 1392, a bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1924

At the request of Mr. MACK, the names of the Senator from Washington [Mr. GORTON], the Senator from Maryland [Mr. SARBANES], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers

are not employees as in effect before the Tax Reform Act of 1986.

S. 2033

At the request of Mr. ABRAHAM, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 2033, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 2067

At the request of Mr. ASHCROFT, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2067, a bill to protect the privacy and constitutional rights of Americans, to establish standards and procedures regarding law enforcement access to decryption assistance for encrypted communications and stored electronic information, to affirm the rights of Americans to use and sell encryption products, and for other purposes.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Nevada [Mr. REID] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

AMENDMENT NO. 2387

At the request of Mr. HUTCHINSON the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of amendment No. 2387 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2388

At the request of Mr. HUTCHINSON the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of amendment No. 2388 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## SENATE CONCURRENT RESOLUTION 96—EXPRESSING THE SENSE OF CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED HONORING OSKAR SCHINDLER

Mr. LAUTENBERG (for himself and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 96

Whereas during the Nazi occupation of Poland, Oskar Schindler personally risked his life and that of his wife to provide food and medical care and saved the lives of over 1,000 Jews from death, many of whom later made their homes in the United States;

Whereas Oskar Schindler also rescued about 100 Jewish men and women from the Golezów concentration camp, who lay trapped and partly frozen in 2 sealed train cars stranded near Brünnlitz;

Whereas millions of Americans have been made aware of the story of Schindler's bravery;

Whereas on April 28, 1962, Oskar Schindler was named a ''Righteous Gentile'' by Yad Vashem; and

Whereas Oskar Schindler is a true hero and humanitarian deserving of honor by the United States Government: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that the Postal Service should issue a stamp honoring the life of Oskar Schindler.

Mr. LAUTENBERG. Mr. President, today we celebrate the 50th Anniversary of the establishment of the State of Israel. As we do so, we also remember the tragedy of the Holocaust and the events that culminated in the creation of a Jewish homeland.

I rise today to submit a measure to honor an individual who stands in the highest esteem of the citizens of Israel, and throughout the world. I am pleased to be joined by the senior senator from Pennsylvania, Senator SPECTER, in submitting this measure calling on the Postal Service to issue a stamp commemorating the life of Oskar Schindler.

Millions of people around the world know the story of Oskar Schindler, whose heroism was brought to light by the author Thomas Keneally and the film maker Steven Spielberg. During the Nazi occupation of Poland, Oskar Schindler demonstrated that one person truly could make a difference. He saved the lives of over 1,200 Jewish men, women, and children, while risking his own life and that of his wife. Mr. Schindler also rescued approximately 100 Jewish men and women from the Golezow concentration camp, who were trapped in a sealed and freezing railroad car.

Two of the individuals whose lives were saved by Oskar Schindler are residents of New Jersey. Before the war, Abraham Zuckerman lived in Krakow, Poland. In 1942, he was sent to the Plaszow concentration camp where he faced unspeakable horrors and certain death. While he waited out his days toiling in a coal yard, one day, to his great fortune, Mr. Zuckerman was told that he was one of the fortunate individuals whose name appeared on ''Schindler's List.'' Mr. Zuckerman was relatively safe for a little more than a year, but when Schindler's factory in Krakow was liquidated, he was sent to a concentration camp at Mauthausen and later Gusen II, where he was finally liberated. Meanwhile, Mr. Zuckerman's close friend Murray Pantirer was sent to another concentration camp, Gross-Rosen, after Plaszow was shut down. On his third day there, he was chosen as one of 900 workers for Schindler's new factory in Brinnlitz, Czechoslovakia. Both men later emigrated to the United States. They have lived in New Jersey since shortly after the war where they started a home building business. To honor Mr. Schindler, these men are responsible for over 20 Schindler Courts, Terraces and Plazas all over the Garden State.

Mr. President, we recognize that Mr. Schindler was a human being, not infallible like many heroes. But his bravery has truly made him stand out and worthy of honor. There is nothing I can say that could describe him any better than in the words of Mr. Zuckerman.

''I am one of the Survivors and I owe my life to the courage and strength of this great man. He was not a diplomat or a politician, he was a very good manipulator. He had the courage and the knowledge to save over 1200 Jews from death. He managed somehow to fool the Germans into thinking he was on their side when all along he was going behind their backs to save the Jews. His life was always in danger but still he persisted to do what he knew to be the right thing, he saved the Jews anyway he could. He bartered, he lied, he used his own money, he did everything humanly possible to save us. He was very unselfish as his life could have ended at any time but still he did all he could to save the Jews.''

Mr. President, Senator SPECTER and I are submitting this resolution today to call on the Postal Service to issue a stamp commemorating the life of Oskar Schindler. Such a stamp would bring the story to millions of people. It would help us all understand that one individual can make a difference in the lives of others.

We understand that we face somewhat of an uphill battle as Mr. Schindler is not a citizen of the United States. The Postal Service tells me that its policy is to issue stamps that depict American subjects. But we say in response that Mr. Schindler's life was largely devoted to the pursuit of freedom, to opposing tyranny, and to humanitarianism. These qualities certainly represent the American ideal and we believe that Mr. Schindler deserves the honor that the Postal Service has bestowed on other individuals who stood for these ideals. I am pleased to sponsor this important measure.

## AMENDMENTS SUBMITTED

### THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

### THURMOND (AND LEVIN) AMENDMENT NO. 2399

Mr. THURMOND (himself and Mr. LEVIN) proposed an amendment to the

bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 103(2), strike out ''$2,375,803,000'' and insert in lieu thereof ''$2,354,745,000''.

In section 201(3), strike out ''$13,398,993,000'' and insert in lieu thereof ''$13,673,993,000''.

In section 201(4), strike out ''$9,837,764,000'' and insert in lieu thereof ''$9,583,822,000''.

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## MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 2400

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

Insert in the appropriate place:

**SEC. . ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.**

The Energy Policy and Conservation Act is amended—

(1) in section 104(b)(1) by striking ''1994'' and inserting in lieu thereof ''1999'';

(2) in section 166 (42 U.S.C. 6246) by striking ''1997'' and inserting in lieu thereof ''1999'';

(3) in section 181 (42 U.S.C. 6251) by striking ''1997'' both places it appears and inserting in lieu thereof ''1999'';

(4) by striking ''section 252(l)(1)'' in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting ''section 252(k)(1)'';

(5) in section 252 (42 U.S.C. 6272)—

(A) in subsection (a)(1) and (b), by striking, ''allocation and information provisions of the international energy program'' and inserting ''international emergency response provisions'';

(B) in subsection (d)(3), by striking ''known'' and inserting after ''circumstances'' ''known at the time of approval'';

(C) in subsection (e)(2) by striking ''shall'' and inserting ''may'';

(D) in subsection (f)(2) by inserting ''voluntary agreement or'' after ''approved'';

(E) by amending subsection (h) to read as follows—

(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

(1) the international energy program, or

(2) any allocation, price control, or similar program with respect to petroleum products under this Act.;

(F) in subsection (k) by amending paragraph (2) to read as follows—

(2) The term ''international emergency response provisions'' means—

(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on ''Stocks and Supply Disruptions'') for—

(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

(ii) complementary actions taken by governments during an existing or impending international oil supply disruption.''; and

(G) by amending subsection (l) to read as follows—

(l) the antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.'';

(6) in section 281 (42 U.S.C. 6285) by striking ''1997'' both places it appears and inserting in lieu thereof ''1999''; and

(7) at the end of section 154 by adding the following new subsection:

(f)(1) The drawdown and distribution of petroleum products from the Strategic Petroleum Reserve is authorized only under section 161 of this Act, and drawdown and distribution of petroleum products for purposes other than those described in section 161 of this Act shall be prohibited.

(2) In the Secretary's annual budget submission, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve. If no request for funds is made, the Secretary shall provide a written explanation of the reason therefore.

Mr. MURKOWSKI. Mr. President, this legislation should have been the easiest thing we did this Congress. The Senate passed a bill on this issue by unanimous consent three times this Congress. This bill contains nothing less than our Nation's energy security insurance policy. This bill authorizes two vital energy security measures: the Strategic Petroleum Reserve and U.S. participation in the International Energy Agency.

Both of these authorities have expired. Again, this year we have sent our soldiers to the Gulf to protect our Nation's energy security interests. We owe it to our soldiers, and the Nation's civilian consumers, to do everything we can to ensure that our energy insurance policy is in effect.

However, to ensure our Nation's energy security fully, we need more than just a simple extension of these authorities. We must change the antitrust exemption in EPCA to comply with current IEA policy. The IEA changed its emergency response policy at our request, switching from command-and-control measures to more market-oriented coordinated stockdraw procedures. However, our laws haven't kept up.

Right now, our U.S. oil companies don't have any assurance that their attempts to cooperate with the IEA and our government in a crises won't be a violation of antitrust laws. The IEA's efforts to respond to a crisis are already being critically impaired, because they can't coordinate with U.S. oil companies or even conduct exercises to prepare for an emergency. Our oil companies want to cooperate with our government and the IEA and strongly support this amendment.

For every year in recent memory, we have authorized this Act on a year-to-year basis. Every year, we face a potential crises when these authorities go unrenewed until the very end of the Congress. The provisions of this bill are not controversial. However, there are those who see any important bill as leverage.

This year, we are on the edge of a real crises. We have military activity in the Gulf, and no clear authority to respond to oil supply shortages. Playing political games with this bill has always been irresponsible; now it is downright dangerous. In the future, the only way to avoid the annual crisis is to renew EPCA for more than one year. I am disappointed that we can't do that now. But for now, we must avert the immediate crisis.

I have tried to address concerns about the future of the SPR. Like many of you, I am dismayed by the recent use of the SPR as a ''piggy bank''. In 1995, DOE proposed the sale of oil to pay for repairs and upkeep, opening the floodgates to continued sales of oil for budget-balancing purposes. So far, we've lost the American taxpayer over half a billion dollars. Buying high and selling low never makes sense. We're like the man in the old joke who was buying high and selling low who claimed that ''he would make it up on volume.'' I am pleased that we were successful in canceling the oil sale ordered by the fiscal year 1998 Interior Appropriations bill. I thank the appropriators for keeping my oil-sale cancellation amendment in the conference on the Supplemental Appropriations bill. By my calculations, we have saved the American taxpayer over $500 million. I am also pleased that the President's budget does not propose oil sales. I hope we have broken the habit of selling SPR oil forever.

We have already invested a great deal of taxpayer dollars in the SPR. We proved during the Persian Gulf War that the stabilizing effect of an SPR drawdown far outstrips the volume of oil sold. The simple fact that the SPR is available can have a calming influence on oil markets. The oil is there, waiting to dampen the effects of an energy emergency on our economy. However, if we don't ensure that there is authority to use the oil when we need it, we will have thrown those tax dollars away. So, the first step is to ensure that our emergency oil reserves are fully authorized and available.

We are talking about people's lives and jobs. The least we can do is stop holding this measure hostage to political ambition. I urge my colleagues to support the adoption of this amendment.

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## THOMAS AMENDMENT NO. 2401

Mr. THOMAS proposed an amendment to the amendment No. 2387 proposed by Mr. HUTCHINSON to the bill, S. 2057, supra; as follows

In the pending amendment, on page 1, strike lines 5 through page 5, line 4.

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## HARKIN (AND WELLSTONE) AMENDMENT NO. 2402

Mr. HARKIN (for himself and Mr. WELLSTONE) proposed an amendment to the amendment No. 2388 proposed by Mr. HUTCHINSON to the bill, S. 2057, supra; as follows

In lieu of the language proposed to be inserted, insert the following:

**SECTION 1. FINDINGS.**

Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, or indentured labor, in several countries.

(2) The United States Customs Service has made limited attempts to prohibit the import of products made with forced labor, resulting in only a few seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

(4) However, the United States Customs Service has never formally investigated or pursued enforcement with respect to attempts to import products made with forced or indentured child labor.

(5) The United States Customs Service can use additional resources and tools to obtain the timely and in-depth verification necessary to identify and interdict products made with forced labor or indentured labor, including forced or indentured child labor, that are destined for the United States market.

(6) The International Labor Organization estimates that approximately 250,000,000 children between the ages of 5 and 14 are working in developing countries, including millions of children in bondage or otherwise forced to work for little or no pay.

(7) Congress has clearly indicated in Public Law 105–61, Treasury-Postal Service Appropriations, 1998, that forced or indentured child labor constitutes forced labor under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

**SEC. 2. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED OR INDENTURED LABOR.**

There are authorized to be appropriated $2,000,000 for fiscal year 1999 to the United States Customs Service to monitor the importation of products made with forced labor or indentured labor, including forced or indentured child labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code.

**SEC. 3. REPORTING REQUIREMENT ON FORCED LABOR OR INDENTURED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.**

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Customs shall prepare and transmit to Congress a report on products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor or indentured labor, including forced or indentured child labor in manufacturing or mining products destined for the United States market.

(2) The volume of products made or mined with forced labor or indentured labor, including forced or indentured child labor that is—

(A) destined for the United States market,

(B) in violation of section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, and

(C) seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

**SEC. 4. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.**

It is the sense of Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade that involves goods made with forced labor or indentured labor, including forced or indentured child labor is frustrating implementation of the memorandum. If an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor or indentured labor, including forced or indentured child labor. The memorandum of understanding should include improved procedures for requesting investigations of suspected work sites by international monitors.

**SEC. 5. DEFINITION OF FORCED LABOR.**

In this Act, the term ''forced labor'' means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930. The term includes forced or indentured child labor—

(1) that is exacted from any person under 15 years of age, either in payment for the debts of a parent, relative, or guardian, or drawn under false pretexts; and

(2) with respect to which such person is confined against the person's will.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new paragraph:

''For purposes of this section, forced or indentured labor includes forced or indentured child labor.''

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## INHOFE (AND OTHERS) AMENDMENT NO. 2403

(Ordered to lie on the table.)

Mr. INHOFE (for himself, Mr. DORGAN, Ms. SNOWE, Mr. BENNETT, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. SHELBY, Mr. SESSIONS, and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the appropriate place in Title XXVIII of the bill, insert the following:

**SEC. . MODIFICATION OF LIMITATIONS ON GENERAL AUTHORITY RELATING TO BASE CLOSURES AND REALIGNMENTS.**

(a) ACTIONS COVERED BY NOTICE AND WAIT PROCEDURES.—Subsection (a) of section 2687 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs (1) and (2);

''(1) the closure of any military installation at which at least 150 civilian personnel are authorized to be employed;

''(2) any realignment with respect to a military installation if such realignment will result in an aggregate reduction in the number of civilian personnel authorized to be employed at such military installation during the fiscal year in which notice of such realignment is submitted to Congress under subsection (b) equal to or greater than—

''(A) 150 such civilian personnel; or

''(B) the number equal to 50 percent of the total number of civilian personnel authorized to be employed at such military installation at the beginning of such fiscal year; or''.

(b) AVAILABILITY OF FUNDS FOR CERTAIN PRE-CLOSURE ACTIVITIES.— Subsection (d) of the section is amended is amended by adding at the end the following:

''(3) No funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the purpose of planning or carrying out a transfer of civilian or military personnel or equipment in connection with a closure of a military installation not covered by subsection (a) unless the use of funds for that purpose is specifically authorized by law.''.

(c) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (3), by inserting ''(including a consolidation)'' after ''any action''; and

(2) by adding at the end the following:

''(5) The term 'closure' includes any action to inactivate or abandon a military installation or to transfer a military installation to caretaker status.''.

**SEC. . SENSE OF THE SENATE ON FURTHER ROUNDS ON BASE CLOSURES.**

(a) FINDINGS.—The Senate finds that—

(1) There may be a need for further rounds of base closures, but there is no need to authorize in 1998 a new base closure commission that would not begin its work until three years from now, in 2001;

(2) While the Department of Defense has submitted a report to the Congress in response to Section 2824 of the National Defense Authorization Act for Fiscal Year 1998, that report—

(A) based its estimates of the costs and savings of previous base closure rounds on data that the General Accounting Office has described as ''inconsistent'', ''unreliable'' and ''incomplete'';

(B) failed to demonstrate that the Defense Department is working effectively to improve its ability to track base closure costs and savings resulting from the 1993 and 1995 base closure rounds, which are ongoing;

(C) modeled the savings to be achieved as a result of further base closure rounds on the 1993 and 1995 rounds, which are as yet incomplete and on which the Department's information is faulty; and

(D) projected that base closure rounds in 2001 and 2005 would not produce substantial savings until 2008, a decade after the federal government will have achieved unified budget balance, and 5 years beyond the planning period for the current congressional budget and Future Years Defense Plan;

(3) Section 2824 required that the Congressional Budget Office and the General Accounting Office review the Defense Department's report, and—

(A) The General Accounting Office stated on May 1, that ''we are now conducting our analysis to be able to report any limitations that may exist in the required level of detail. . . . [W]e are awaiting some supporting documentation from the military services to help us finish assessing the report's information.'';

(B) The Congressional Budget Office stated on May 1 that its review is ongoing, and that ''it is important that CBO take the time necessary to provide a thoughtful and accurate evaluation of DoD's report, rather than issue a preliminary and potentially inaccurate assessment.'';

(4) The Congressional Budget Office recommended that ''The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DoD and independent analysts examine the actual impact of the measures that have been taken thus far.''

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that:

(1) Congress should not authorize further rounds of base closures and realignments until all actions authorized by the Defense Base Closure and Realignment Act of 1990 are completed; and

(2) The Department of Defense should submit forthwith to the Congress the report required by Section 2815 of Public Law 103–337, analyzing the effects of base closures and realignments on the ability of the Armed Forces to remobilize, describing the military construction projects needed to facilitate such remobilization, and discussing the assets, such as air space, that would be difficult to reacquire in the event of such remobilization.

## INHOFE (AND OTHERS) AMENDMENT NO. 2404

(Ordered to lie on the table.)

Mr. INHOFE (for himself, Mr. HUTCHINSON, Mr. ASHCROFT, Mr. BROWNBACK, and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

In title XXVIII, insert the following:

**SEC. . PROHIBITION ON CONVEYANCE OF PROPERTY AT LONG BEACH NAVAL STATION, CALIFORNIA, TO CHINA OCEAN SHIPPING COMPANY.**

(a) PROHIBITION AGAINST DIRECT CONVEYANCE.—In disposing of real property in connection with the closure of Long Beach Naval Station, California, under the provisions of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense may not convey any portion of the property (whether by sale, lease, or other method) to China Ocean Shipping Company, or any successor entity to the company.

(b) PROHIBITION AGAINST INDIRECT CONVEYANCE.—The Secretary shall impose as a condition on each conveyance of real property located at Long Beach Naval Station the requirement that the property may not be subsequently conveyed (whether by sale, lease, or other method) to China Ocean Shipping Company, or any successor entity to the company.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that real property located at Long Beach Naval Station and conveyed under the provisions of the Defense Base Closure and Realignment Act of 1990 has been conveyed to China Ocean Shipping Company (or any successor entity to the company) in violation of subsection (b), or is otherwise being used by China Ocean Shipping Company (or any successor entity to the company) in violation of such subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry thereon.

## FEINSTEIN (AND OTHERS) AMENDMENT NO. 2405

Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, Mr. GLENN, and Mr. BRYAN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place insert:

The Government of India conducted an underground nuclear explosion on May 18, 1974;

Since the 1974 nuclear test by the Government of India, the United States and its allies have worked extensively to prevent the further proliferation of nuclear weapons in South Asia;

On May 11, 1998, the Government of India conducted underground tests of three separate nuclear explosive devices, including a fission device, a low-yield device, and a thermo-nuclear device;

On May 13, 1998 the Government of India conducted two additional underground tests of nuclear explosive devices;

This decision by the Government of India has needlessly raised tension in the South Asia region and threatens to exacerbate the nuclear arms race in that region;

The five declared nuclear weapons states and 144 other nations have signed the Comprehensive Test Ban Treaty in hopes of putting a permanent end to nuclear testing;

The Government of India has refused to sign the Comprehensive Test Ban Treaty;

The Government of India has refused to sign the Nuclear Non-Proliferation Treaty;

India has refused to enter into a safeguards agreement with the International Atomic Energy Agency covering any of its nuclear research facilities;

The Nuclear Proliferation Act of 1994 requires the President to impose a variety of aid and trade sanctions against any non-nuclear weapons state that detonates a nuclear explosive device;

It is the sense of Senate that the Senate—

(1) Condemns in the strongest possible terms the decision of the Government of India to conduct three nuclear tests on May 11, 1998 and two nuclear tests on May 13, 1998;

(2) Supports the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and invoke all sanctions therein;

(3) Calls upon the Government of India to take immediate steps to reduce tensions that this unilateral and unnecessary step has caused;

(4) Expresses its regret that this decision by the Government of India will, of necessity, set back relations between the United States and India;

(5) Urges the Government of Pakistan, the Government of the People's Republic of China, and all governments to exercise restraint in response to the Indian nuclear tests, in order to avoid further exacerbating the nuclear arms race in South Asia;

(6) Calls upon all governments in the region to take steps to prevent further proliferation of nuclear weapons and ballistic missiles;

(7) Urges the Government of India to enter into a safeguards agreement with the International Atomic energy Agency which would cover all Indian nuclear research facilities at the earliest possible time.

## FEINSTEIN AMENDMENT NO. 2406

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 531. PROHIBITION ON ENTRY INTO CORRECTIONAL FACILITIES FOR PRESENTATION OF DECORATIONS TO PERSONS WHO COMMIT CERTAIN CRIMES BEFORE PRESENTATION.**

(a) PROHIBITION.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

**"§ 1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations**

"(a) PROHIBITION.—No member of the armed forces may enter into a Federal, State, or local correctional facility for purposes of presenting a decoration to a person who has been convicted of a serious violent felony.

"(b) DEFINITIONS.—In this section:

"(1) The term 'decoration' means any decoration or award that may be presented or awarded to a member of the armed forces.

"(2) The term 'serious violent felony' has the meaning given that term in section 3359(c)(2)(F) of title 18.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by adding at the end the following:

"1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations.".

## BROWNBACK (AND HARKIN) AMENDMENT NO. 2407

Mr. BROWNBACK (for himself and Mr. HARKIN) proposed an amendment to the amendment No. 2405 proposed by Mrs. FEINSTEIN to the bill, S. 2057, supra; as follows:

At the end of the amendment add the following:

**SEC. 1064. REPEAL OF RESTRICTION ON CERTAIN ASSISTANCE AND OTHER TRANSFERS TO PAKISTAN.**

Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)) is repealed.

## MURRAY (AND SARBANES) AMENDMENT NO. 2408

(Ordered to lie on the table.)

Mrs. MURRAY (for herself and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 109, below line 20, add the following:

**SEC. 531. HONOR GUARD DETAILS AT FUNERALS OF VETERANS.**

(a) IN GENERAL.—(1) Chapter 75 of title 10, United States Code, is amended by adding at the end the following:

**"§ 1491. Honor guard details**

"(a) AVAILABILITY UPON REQUEST.—The Secretaries of the military departments shall provide honor guard details at funerals of veterans of the armed forces only upon request.

"(b) MINIMUM SIZE OF DETAILS.—The Secretaries of the military departments shall ensure that honor guard details at funerals of veterans of the armed forces consist of not less than four members of the armed forces.

"(c) AVAILABILITY OF APPROPRIATIONS.—Any amounts appropriated to the Department of Defense may be used in order to meet the requirement set forth in subsection (b).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1491. Honor guard details.".

(b) TREATMENT OF PERFORMANCE OF HONOR GUARD FUNCTIONS BY RESERVES.—Chapter 1215 of title 10, United States Code, is amended—

(1) by striking out the following:

"[No present sections]"; and

(2) by inserting in lieu thereof the following:

"Sec.
"12551. Honor guard functions: prohibition on treatment as drill or training.

**"§ 12551. Honor guard functions: prohibition on treatment as drill or training**

"Any performance by a Reserve of honor guard functions at the funeral of a veteran of the armed forces may not be considered to be a period of drill or training otherwise required.".

(c) REPEAL OF LIMITATION ON AVAILABILITY OF FUNDS FOR HONOR GUARD FUNCTIONS BY NATIONAL GUARD.—Section 114 of title 32, United States Code, is amended—

(1) by striking out ''(a)''; and

(2) by striking out subsection (b).

(d) APPLICABILITY.—The amendments made by this section shall apply to burials of veterans that occur on or after the date that is 180 days after the date of enactment of this Act.

(e) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress the directives prescribed by the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force in order to carry out the requirements under the amendments made by this section.

## MURRAY (AND SNOWE) AMENDMENT NO. 2409

(Ordered to lie on the table.)

Mrs. MURRAY (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of title VII add the following:

**SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.**

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out ''(a) RESTRICTION ON USE OF FUNDS.—''.

## MCCAIN (AND OTHERS) AMENDMENT NO. 2410

Mr. MCCAIN (for himself, Mr. LEVIN, and Mr. THURMOND) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title VI, add the following:

**SEC. 620. HARDSHIP DUTY PAY.**

(a) DUTY FOR WHICH PAY AUTHORIZED.—Subsection (a) of section 305 of title 37, United States Code, is amended by striking out ''on duty at a location'' and all that follows and inserting in lieu thereof ''performing duty in the United States or outside the United States that is designated by the Secretary of Defense as hardship duty.''.

(b) REPEAL OF EXCEPTION FOR MEMBERS RECEIVING CAREER SEA PAY.—Subsection (c) of such section is repealed.

(c) CONFORMING AMENDMENTS.—(1) Subsections (b) and (d) of such section are amended by striking out ''hardship duty location pay'' and inserting in lieu thereof ''hardship duty pay''.

(2) Subsection (d) of such section is redesignated as subsection (c).

(3) The heading for such section is amended by striking out **''location''**.

(4) Section 907(d) of title 37, United States Code, is amended by striking out ''duty at a hardship duty location'' and inserting in lieu thereof ''hardship duty''.

(d) CLERICAL AMENDMENT.—The item relating to section 305 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

''305. Special pay: hardship duty pay.''.

## THE DIGITAL MILLENNIUM COPYRIGHT ACT OF 1998

## HATCH AMENDMENT NO. 2411

Mr. HATCH proposed an amendment to the bill (S. 2037) to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to provide limitations on copyright liability relating to material online, and for other purposes; as follows:

On page 12, line 15 strike subsection (c) and redesignate the succeeding subsections and references thereto accordingly.

On page 17, line 4, insert ''and with the intent to induce, enable, facilitate or conceal infringement'' after ''knowingly''.

On page 17, beginning on line 8, strike '', with the intent to induce, enable, facilitate or conceal infringement''.

On page 17, beginning on line 21, strike paragraph (3) and insert in lieu thereof the following:

''(3) distribute, import for distribution, or publicly perform works, copies of works, or phonorecords, knowing that copyright management information has been removed or altered without authority of the copyright owner or the law,

knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate or conceal an infringement of any right under this title.''.

On page 19, line 4, insert the following new paragraph and redesignate the succeeding paragraphs accordingly:

''(6) terms and conditions for use of the work;''.

On page 19, line 4, strike ''of'' and insert in lieu thereof ''or''.

## NOTICE OF JOINT HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES AND COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Committee on Energy and Natural Resources and the Committee on Foreign Relations.

The hearing will take place on Thursday, May 21, 1998, beginning at 10 a.m. in Room SD–419 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the subject of Iraq: Are Sanctions Collapsing?

Those who wish to submit written statements should write to the Committee on Foreign Relations, United States Senate, Washington, D.C. 20510. For further information, please contact Ms. Danielle Pletka of the Foreign Relations Committee staff at (202) 224–4651 or Mr. Howard Useem of the Energy & Natural Resources Committee staff at (202) 224–6567.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, May 14, 1998, at 9 a.m. in SR–328A. The purpose of this meeting will be to examine the year 2000 computer problem compliance of the U.S. Department of Agriculture, Commodity Futures Trading Commission and Farm Credit Administration.

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

COMMITTEE ON FINANCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, May 14, 1998, beginning at 9:30 a.m. in room SH–215, to conduct a markup.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 14, 1998, at 10 a.m. and 1:30 p.m. to hold two hearings.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 14, 1998, at 2 p.m. for a business meeting and markup.

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

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 14, 1998, at 2 p.m., in room 226 of the Senate Dirksen Office Building to hold a hearing on ''Judicial Nominations.''

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

COMMITTEE ON SMALL BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing nominating Fred P. Hochberg to be Deputy Administrator of the U.S. Small Business Administration. The hearing will begin at 9:30 a.m. on Thursday, May 14, 1998, in room 428A Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 14, 1998, at 3:30 p.m. to hold closed hearing on Intelligence Matters.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Thursday, May 14, 1998, at 9:30 a.m. for a hearing on the topic of ''The Safety of Food Imports.''

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 14, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on titles IX and X of S. 1693, the Vision 2020 National Parks Restoration Act; and S. 1614, a bill to require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.

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

## ADDITIONAL STATEMENTS

### NUCLEAR TESTS CONDUCTED BY INDIA ON MONDAY, MAY 11, AND WEDNESDAY, MAY 13, 1998

● Mr. JOHNSON. Mr. President, I am deeply concerned that India conducted three underground nuclear tests in the western desert state of Rajasthan on Monday, May 11, and two additional tests at the same site on Wednesday, May 13. These tests were conducted without any advance warning to the rest of the world and are a dangerous precedent for future testing by other nations. No nation should think that it can conduct secret nuclear tests and not be held accountable for its actions. Furthermore, these tests run counter to an international campaign to pass the Comprehensive Test Ban Treaty (CTBT), of which I fully support, and are both irresponsible and unacceptable. The United States and the international community must speak out against this action and act swiftly and justly.

India, which has not signed the 1970 nonproliferation treaty, gave no advance warning about the nuclear tests on Monday and Wednesday. Indian Prime Minister Atal Bihari Vajpayee said that the explosions in the desert, 330 miles southwest of New Delhi, did not result in the release of radiation into the atmosphere. However, this is simply untrue. Nuclear explosions, even when they are conducted underground, release deadly radioactive materials into the atmosphere and water table, posing health risks for generations to come. Treating the human race and the environment with such complete disrespect is unacceptable and will not go unnoticed.

While many of India's leaders have applauded these tests, the people of India are hurt the most. India is a country of extreme poverty and all Indians will be harmed by this act. On one hand, international sanctions are imminent which will pose further economic hardship on the poorest of the poor. On the other, the radiation from these nuclear blasts has severe health impacts on all Indians including those closest to New Delhi. It was irresponsible for the leaders of India to sacrifice the economic and physical well-being of its people for a display of military might.

Moreover, countries that break international law by detonating nuclear devices are subject to denial of U.S. credits and credit guarantees.

Federal law also requires U.S. opposition to loan requests to international lending institutions and bars loans from any U.S. bank to the Indian government except those that provide food or other agricultural commodities. I will bring the issue of international sanctions and international lending up with my colleagues on the Senate Banking Committee, which overseas World Bank issues, to ensure that appropriate actions are taken with regard to countries who disregard international law and conduct nuclear tests.

India, one of several nations widely suspected of nuclear capability which has not joined the 1970 CTBT treaty, now observed by 185 countries, should be pressured to sign the treaty immediately. India's leaders acted with disregard and India must be shown that its actions are unacceptable. The United States will be forced to impose sanctions on India, and I would urge swift action on this front. Nevertheless, this irresponsible act by India should not be an impetus to step up the arms race by Pakistan. Instead, Pakistan should exercise restraint and caution while the international community imposes sanctions. In the long-term, Pakistan will benefit most by responding to this action, not with military buildup, but with a higher level of dignity and morality.

Mohandas Gandhi said, We must support friends even in their mistakes, however, it must be the friend and not the mistake we are supporting.'' India's decision to conduct nuclear tests was a mistake that was both irresponsible and unacceptable. Although I wish no ill on the people of India, the leaders of the country must accept responsibility for this mistake and the consequences that, no doubt, will follow.●

### ARTHRITIS FOUNDATION'S 50TH ANNIVERSARY

● Mr. COVERDELL. Mr. President, I rise today to congratulate the Arthritis Foundation on its 50th anniversary. Since its inception in 1948, the Arthritis Foundation is stronger than ever and is forging ahead with an increased commitment to providing help and hope for those who suffer from the more than one hundred forms of arthritis and related conditions, including osteoarthritis, rheumatoid arthritis, lupus, fibromyalgia and juvenile arthritis.

Arthritis, in its various forms, is a major national health problem, affecting more than 40 million people in the United States. The Centers for Disease Control and Prevention predict that by the year 2020, arthritis prevalence will increase to 59.4 million Americans—one out of every five people, including 285,000 children.

If that is not enough, the economic impact of arthritis is significant. I have been informed that arthritis results in 39 million physician visits a year and more than half a million hospitalizations annually. Medical costs and lost productivity due to arthritis are estimated at almost $65 billion per year—approximately 1.1 percent of the gross national product.

Through it all, the Arthritis Foundation has increased public awareness and has help provide guidance for combating arthritis. The Arthritis Foundation, an Atlanta based nonprofit organization, supports research to find the cure for the prevention of arthritis and seeks to improve the quality of life for those affected by this disease. Further, the Arthritis Foundation encourages people with arthritis to seek early diagnosis and treatment, and provides programs to facilitate self-management.

The Arthritis Foundation's sponsorship of research for 50 years has resulted in major treatment advances for most types of arthritis and related conditions. The Foundation currently provides $16 million annually in grants to more than 300 researchers to help find cures, promote prevention and provide better treatments. Since its inception, the Foundation has spent more than $200 million on research while supporting more than 1,700 scientists and physicians.

The organization has informed me that they are moving toward a new era of public health activity that includes collaboration with the Centers for Disease Control and Prevention to develop the National Arthritis Action Plan. They are seeking support for the inclusion of arthritis in Healthy People 2010, the nation's strategic planning guide for health promotion and disease prevention.

The National Arthritis Action Plan will focus on such elements as defining the nature, extent and distribution of the arthritis burden; identifying modifiable risk factors; developing creative and effective public health programs and policies to reduce this burden; and implementing and coordinating these programs and policies through partnership with government, voluntary, professional, private and academic institutions and organizations.

The Arthritis Foundation also provides a large number of nationwide community-based services to make life easier and less painful. These services include self-help courses, water and land-based exercise classes, support groups, instructional videotapes, educational brochures and booklets, and continuing education courses and publications for health professionals.

In the past 50 years, the Arthritis Foundation has funded research, increased public awareness and provided needed education and services. These major contributions have placed the goal of curing and managing the impact of some forms of arthritis within a realistic reach. I congratulate the Foundation on this golden achievement and wish it continued success in the future.●

## HONORING THE RETIREMENT OF DR. H. JAMES MAHAN

● Ms. MOSELEY-BRAUN. Mr. President, it is my pleasure today to take a few minutes to honor the career of a champion of public education, Dr. H. James Mahan, as he retires from the position of Superintendent of Homewood School District Number 153 in Homewood, Illinois.

For 15 years, Dr. Mahan has led Homewood School District #153 down a path of educational excellence and innovation. In 1984, the district had 1,450 students and 90 professional staff members. Today, there are 2,240 students and 180 professional staffers. During this period of expansion, Dr. Mahan worked to ensure that the quality of education in his school district improved as well.

Under his stewardship, district schools have twice been named Blue Ribbon Winners by the United States Department of Education. This success is in large part due to the sound educational principles that have been the basis of Dr. Mahan's leadership. He has developed meaningful physical improvement plans, initiated the use of the Internet and other technology as classroom tools, and he has encouraged local businesses and organizations to provide his district's students with hands-on learning experiences through internships and mentoring programs. Furthermore, Dr. Mahan has instilled in his schools the principles of fiscal prudence, good discipline and teacher development.

Dr. Mahan's commitment to public education and to the students of Homewood School District #153 are commendable and serve as a model for others to follow. I congratulate Dr. Mahan on this milestone of his career, and wish him good luck and Godspeed in all of his future endeavors.●

## NATIONAL SPACE SYMPOSIUM

● Mr. ALLARD. Mr. President, I had the pleasure of participating in the 14th National Space Symposium hosted last month by the United States Space Foundation. The annual symposium was designed to display and discuss current trends in the space community, and the 1998 theme reflected what has become very significant to the development of the United States space industry: ''The Global Relevance for Space: Civil, Commercial and Military''. As the Foundation's President, Bill Knudsen, said in his remarks, ''Space is increasingly global in all aspects. The strong interrelationship between government, private industry and military space activities has created a completely new environment.''

The location of this symposium highlights the significant position of my state of Colorado in the global space business. All aspects of space thrive in Colorado; we have an extensive and growing industry and a significant military presence.

The symposium addressed several issues and opportunities with a broad international flavor, and with a focus on commercial and market concerns.

Demonstrating the interrelated nature of space activity, each of the symposium's eleven professional panels had at least one representative from the civil sector, one representing the commercial perspective and one from the national security perspective. This integrated approach produced a spirited dialog on critical space issues.

The list of participants was impressive, a few especially captured my attention. NASA Administrator Dan Goldin detailed accomplishments of the agency, announced cooperative efforts with the Air Force and substantiated the need for the International Space Station, rejecting suggestions that the Russians should be dropped from the program. Mr. Goldin also spoke to what I believe may be NASA's greatest accomplishment: increasing their productivity while reducing their budget. The NASA budget has decreased 30% since 1993, and in that same time 10 new programs and numerous partnerships have been created. In the coming era of public and private partnership in space exploration and development, NASA has established a high standard of efficiency and achievement.

The capstone panel, led by Mr. Golden, also featured General Howell Estes, Commander in Chief of NORAD and US Space Command. General Estes emphasized the marketplace as the driving force, while recognizing the necessity of a proper partnership between the private sector and government.

Robert Mallett, the Deputy Secretary of Commerce, stressed the need to recognize commercial space as the driver of a higher growth job machine in industry that will deliver prosperity and security for coming generations of Americans.

Our colleague in the House, Representative Curt Weldon, addressed national security, space and arms control concerns as he spoke passionately from his experience of working with the Russians.

I spoke about the important mission of our military to secure the use of space, and my perspective as a member of the Senate Intelligence Committee on space implications for national security. I believe that the private and public sector must work together to ensure that the United States is the first and best in space. I support legislation in Congress to encourage commercialization of space, and in particular have been supportive of the efforts of our Colorado companies that plan to operate remote-sensing satellites that will offer unique high-resolution satellite photos.

In addition to the panels, more than sixty exhibitors displayed the latest in space technology at this international conference. The Foundation honored exceptional achievement in space activities, recognizing NASA's Jet Propulsion Laboratory for their public outreach efforts associated with last summer's remarkable Pathfinder Mission, and the career of space leadership of General Thomas S. Moorman, Jr. USAF (ret.), the former vice chief of staff of the Air Force.

General Estes and others from the Space Command laid out the future of military space with the unveiling at the symposium of their Long Range Plan. Two technologies were inducted into the Space Technology Hall of Fame, the Global Positioning System and Temper Foam, a NASA Ames Research Center technology used in medical and recreational applications. The Hall of Fame marketed its 10th anniversary of honoring technologies originally developed for the space program and later adapted to benefit others here on Earth.

The symposium's sponsor, the United States Foundation, is a national nonprofit organization with headquarters in Colorado Springs. The Foundation's mission it to aggressively advance civil, commercial and national security space endeavors for a brighter future and to provide and support educational excellence through the excitement of space. The Foundation should be commended for this symposium and for their other important projects, such as the Mission HOME program, a public awareness campaign for the space community, and Space Discovery graduate courses and teacher education opportunities.

This annual event has grown considerably in the past few years, and I expect it to continue growing in scope and significance. I am already looking forward to next April and the 15th Annual National Space Symposium.●

## SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998—AMENDMENT NO. 2397

● Mr. DODD. Is it the intention of the sponsor of amendment No. 2397 to the Securities Litigation Uniform Standards Act that it should apply solely to States, their political subdivisions, and their pension plans?

Mr. SARBANES. Yes.

Mr. DODD. And is it the Senator's intention that the amendment not be used by plaintiff's lawyers to piggyback class action suits onto suits brought by the entities mentioned in the amendment?

Mr. SARBANES. That is correct.●

## HELEN LUCILE WULFMEYER

● Mr. ROBERTS. Mr. President, I rise to recognize a life-long Kansas native, Lucile Wulfmeyer, who passed away on May 11, 1997. Her memorial service at First Presbyterian Church included the following remembrance of Lucile, written by her elder daughter, Roberta Doerges:

My earliest memories of mother and my family roots seem to materialize in the home she purchased at 316 S. Bluff. Here, I remember a formal dining room converted to a family room; learning to ride my first bicycle; and meeting the man who would later become my father: Lawrence Wulfmeyer. What come before all of that dims in childhood lost, but along with Marian's ''I wuv you, Wawrance,'' and my manipulative acts to prevent my mother's dating, I remember an abundance of motherly patience and forbearance. The nearly four years between my father, Francis Chambers' death, and my mothers' union of 37 years to Lawrence, set the stage for revealing my mother's life of service.

Today's stories might have described a woman with 18-month-old and not-quite-three-year-old daughters as capitulating to welfare, but not so for our mother. A woman wise beyond her decade, she returned to work at Wichita's McConnell AFB and managed to provide her daughters with a live-in housekeeper, as well as financial support. I have always marveled at her courage to do this: a ''woman's libber'' before her time, working in a predominately male field, and providing two young daughters with love and sustenance.

Knowing that she needed companionship, and a helpmate to raise these little girls, Lucile married again in October of 1959. Lawrence's Brownie camera recorded two little girls, dressed identically, and participating in the celebration of their parents' union and a new father. A new home in East Wichita, and a new family life ensued.

Always a large part of the family picture was First Presbyterian Church: group calling on prospective new members, UPY meetings and youth choir through junior and senior high school years. Even the conception and realization of the Wulfmeyer ''Dream Home'' in Clearwater did not dim that emphasis. Many a Lucckock Class picnic, or a Brown Sunday School Class open house was held at the home in Clearwater, dubbed ''Spring Creek Acres,'' and the seat of so many collective family memories.

Mother's life of service continued through all of those years. Whether creating musical programs for Marian, Roberta and Lucile to perform, or lovingly constructing costumes to enhance them; whether taxiing busy daughters to endless high school extracurricular activities, or typing term papers at 7:30 am (at 120 words per minutes proficiency, this was one skill that was too tempting for at least her elder daughter to overlook taking advantage of!) Reading and correcting school papers, assisting with college choices, consoling unrequited crushes—no act was too demeaning for Mother. Her creative juices seemed endless; her power to be supportive was astonishing; her innovation was impressive. (To this day, I owe my own extensive and find vocabulary to her love of literature, and the ingenious idea during our late high school years to put a ''new'' vocabulary word on the table daily, at breakfast. The challenge was not only to learn its meaning, but, by dinner time, to be able to use it correctly in conversation.)

My mother's ability to teach and instill was amazing. I never remember learning the 23rd Psalm or the Lord's Prayer. These were repeated to us as babies, following our father's death, and were as much a part of our essence as eating or speaking. The faith which she instilled in us was invaluable: the unswerving foundation of a God who loves us, in spite of any adversity.

Mother's ability to teach also shows through in her three grandchildren: Autumn's love of art; Lauren's organizational skills, service inclinations, and musical interests; Kyle's appreciation of theater . . . all of these are owed in great part to a grandmother who took the time of summer visits to send grandchildren to art classes, or escort them to Wichita Music Theater. That love and those lessons will last a lifetime.

Small wonder that Lucile had already begun a life of service as a young woman. Her father died when she was seventeen. She assisted her mother through years of illnesses, operations at Mayo, bitterness over poor health, and tender care in her elder years. This attitude of service also include care for her elderly father-in-law, Sidney Chambers, and for Lawrence's mother, Clara. Her love and service seemingly knew no bounds.

Those who loved Lucile will remember her devotion to protocol, her gracious way of living, and her love of family. They will remember her acute appreciation of the fine arts; her gifts of writing prose and poetry; her love of reading and of books, her fascination with history (especially through the D.A.R.), and her delight in the unique (how many American ''witches'' do you know)? She will be remembered for her life of service to her family and her church; and her appreciation of God's divine purpose.

While recent months may have seemingly robber her of many of the things which she appreciated most, her inability to enjoy those things completely made all of us who visited and loved her, acutely aware of all those finer appreciations which she enjoyed and instilled in others.

She was greatly loved, and will be greatly missed. ''Well done, thou good and faithful servant.''●

## GENERAL CLIFTON B. CATES, USMC

● Mr. FRIST. Mr. President, I come to the Senate floor today to ask that my colleagues join with me in paying tribute to the 19th Commandant of the Marine Corps, General Clifton B. Cates. I am confident the Senate will grant approval to express a Sense of the Congress that the next LPD–17 amphibious vessel be named in General Cates' honor.

General Cates was a native of Tennessee, born in Tiptonville, and later educated at the University of Tennessee earning a Bachelor of Laws degree. He was Commissioned a second lieutenant on June 13, 1917. General Cates had a remarkable career that took him to battles defending American interests around the globe. The then-Lieutenant Cates demonstrated his dedication to duty in such legendary battles as Belleau Wood and Verdun where he won the Navy Cross and two Silver Star medals.

During WW II, General Cates commanded the 1st Marine Regiment's landing in Guadalcanal and later was the Commander of the Fourth Marine Division in the Marianas operation. General Cates fought in Tinian and perhaps the most famous of Marine Corps clashes, the seizure of Iwo Jima. The valor demonstrated by the General in all of these hard fought battles continues to be an example for young Marines deployed around the world today.

General Cates died at age 76 in June of 1970 after an extremely distinguished and long career. It is only appropriate that the Congress express its desire to have the Secretary of the Navy bestow the honor of naming a vessel for General Cates.●

## TRIBUTE TO KORTNEY SHERBINE

● Mr. HOLLINGS. Mr. President, I rise today in tribute to one of our nation's fine young students, Ms. Kortney Sherbine of Cheraw, South Carolina. She has been named the South Carolina state winner in The Citizens Flag Alliance Essay Contest. Her essay, ''The American Flag Protection Amendment: A Right of the People . . . the Right Thing to Do'', is a thoughtful paean to our Nation's banner. I ask that it be printed in the RECORD.

The essay follows:

THE AMERICAN FLAG PROTECTION AMENDMENT: A RIGHT OF THE PEOPLE . . . THE RIGHT THING TO DO

(By Kortney Beth Sherbine)

It is my profound and adamant belief that an American Flag-Protection Amendment must be enacted to unequivocally ensure America's survival as a thriving, democratic nation. The significance of our beloved flag is best immortalized through America's heroic and valorous history. From the moment of our country's inception, the flag has served as an inspiration and motivation during times of exaltation as well as tribulation. All Americans should be moved to tears as they see Old Glory through Francis Scott Key's eyes as he peered anxiously from a British prison ship during the War of 1812 (World Book, 238). As he drifted in the Baltimore Harbor, the sole affirmation of America's surviving liberty waved highly in air. As he witnessed the perseverance of our flag, he realized our nation was destined for greatness.

In addition, our flag's sacredness was poignantly displayed at Libby's Prison where soldiers cut our banner in twenty-two pieces saving it from desecration at the hands of the Confederates (Krythe, 17). Subsequently, the American people will never forget the powerful image of five marines and one corpsman planting the Stars and Bars at Iwo Jima. These aforementioned tributes to Old Glory should touch the very core of our identity as American citizens. The planting of the American flag throughout history has carved our role as the great defender of democracy.

For over two hundred years, the flag has been the most honorable, tangible shrine to freedom the people of the world have witnessed. It is a beacon of hope and light for the oppressed and downtrodden. The American flag is as necessary and integral a part of our patriotism as God and family. It is a symbol of the turmoil our nation conquered to become a superpower today.

No action can be more disheartening and devastating to a true American than seeing one of our own deface and desecrate our most precious symbol of liberty. Throughout the span of time, our fallen heroes have paid the ultimate debt for our freedoms and rights. These great patriots sacrificed their very

lives for the values and unalienable privileges that Old Glory emulates. How dare our countrymen have the vile audacity to dishonor the memories of our veterans and our hallowed history? Captain William Driver reflected the true American spirit as he proclaimed, ''Thank God! I lived to raise Old Glory . . . I am now ready to die and go to my forefathers'' (Adams, 26).

The media shows day after day how American citizens cling to the philosophy of basic human rights in a democratic society. We should hold the Stars and Stripes, the cloak of our very freedom, dear to our hearts with an equal conviction. Charles W. Stewart laced this concept with eloquence as he reflected, ''The Stars and Stripes is our sign of national sovereignty and unity. It is a symbol of the Constitution as the cross is a symbol of Christianity'' (Krythe, 26). We should value our flag's worth as we value our very existence in this grand nation.

In 1989, our Supreme Court, through Texas v. Johnson, invalidated the flag-protection laws in 48 states and the District of Columbia (CFA, 3). Currently, five national surveys show that 80 percent of Americans support a flag-protection amendment (CFA, 1). A government should conform to the wishes of the majority of its citizens. Our forefathers were indeed wise as they anticipated the changing needs and demands of future generations. They set forth two possible routes for amendments. Firstly, two-thirds of the state legislatures may call a convention for the proposing of amendments. In addition, two-thirds of the Senate and House can propose an amendment (Ritchie, 59). This wisely crafted system of checks and balances has truly kept our country operated by its citizens.

Among many basic rights, the first amendment of our Constitution prohibits the government from restricting freedom of speech (Ritchie, 65). An American's right to speak out for one's beliefs was born in the colonial era and has remained a unique component of our nation thereafter. The Supreme Court has grossly contorted the intention of this freedom and has made a mockery of it for the world to scorn. Freedoms must have limitations for humans to live in harmony. If no boundaries are enforced, chaos will certainly ensue. The ''clear and present'' danger system of limiting freedoms should extend to desecrating the flag (Ritchie, 67). Consequently, when 80% of Americans are extremely offended by the defacing of our most treasured symbols, the possibility for clear and present danger is imminent and inevitable.

Vital steps do exist to allow the American people to have a voice concerning the preserving of Old Glory. Laws should reflect the feelings of the majority, not the whims of a minority. A democracy is a government of action. Inaction does not hold a place in our thriving nation. Many steps can be taken by citizens to make positive changes in our government. It is an American's right to contact members of congress, contact the news media, write an editorial, talk via radio, and circulate petitions and materials to show support for his cause (CFA 1). Every true believer in the United States of America should take these steps to save and preserve our beloved flag.

If we want our great, democratic nation to survive, then we must save the banner of our triumphs and freedoms. If our symbol of freedom is destroyed, then our nation will surely follow. By losing respect for our American flag, we ultimately sacrifice the right to refer to ourselves as ''The land of the free and the home of the brave.'' In essence, we would merely reduce ourselves to ''The land of the ungrateful and the home of the misguided.'' Why worry about foreign nations stealing our freedoms when we are perfectly willing to sacrifice them free of charge? We must protect our Stars and Bars as adamantly as we fight for our very rights to life, liberty and the pursuit of happiness.

A wise President, Calvin Coolidge, summarized the necessity of our respect for the flag as he urged, ''It will be futile merely to show outward respect of our National Emblem if we do not cherish in our hearts, an unquenchable love for, and devotion to, the unseen which it represents'' (Adams, 30) Seeing our flag flutter majestically in the air should move every American to tears. We should be inspired to be profoundly grateful for the great human sacrifices that have provided us with a rare nation; a nation where all citizens, regardless of race, sex, religion, or wealth have the right to pursue their dreams and reach for the ''stars''.

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## APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Majority Leader, pursuant to P.L. 103–227, appoints the following individuals to the National Skill Standards Board: Jon A. Reeves, of Mississippi, Representative of Business; Ronald K. Robinson, of Mississippi, Representative of Labor; and Earline N. Ashley, of Mississippi, Representative of Human Resources.

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Arkansas (Mr. HUTCHINSON) as a member of the Senate Delegation to the North Atlantic Assembly during the Second Session of the 105th Congress, to be held in Barcelona, Spain, May 22–27, 1998.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 560, 561, 598 and 599. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, 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:

DEPARTMENT OF DEFENSE

Paul J. Hoeper, of California, to be an Assistant Secretary of the Army.

Sue Bailey, of Maryland, to be an Assistant Secretary of Defense.

THE JUDICIARY

William P. Dimitrouleas, of Florida, to be United States District Judge for the Southern District of Florida.

Stephen P. Mickle, of Florida, to be United States District Judge for the Northern District of Florida.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## ORDERS FOR FRIDAY, MAY 15, 1998

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, May 15th. I further ask unanimous consent that 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 until 12 noon, with Senators permitted to speak for up to 5 minutes each.

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

Mr. KEMPTHORNE. I further ask unanimous consent that at 12 noon on Monday, May 18, the Senate proceed to consideration of S. 1723, the Abraham immigration legislation under the consent agreement of May 13.

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

## PROGRAM

Mr. KEMPTHORNE. Mr. President, for the information of all Senators, tomorrow morning at 9:30 a.m. the Senate will be in a period of morning business until 12 noon. As a reminder, there will be no votes during Friday's session. A cloture motion was filed today on the motion to proceed to the tobacco legislation. That vote will occur on Monday at a time to be determined by the two leaders, but not prior to 5 p.m.

Also, at noon on Monday, the Senate will begin consideration of S. 1723, the Abraham immigration legislation. Therefore, Members can expect a roll-call vote on cloture and additional votes with respect to the immigration legislation Monday evening.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KEMPTHORNE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous

consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Friday, May 15, 1998, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 1998:

### DEPARTMENT OF DEFENSE

PAUL J. HOEPER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

SUE BAILEY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

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.

### THE JUDICIARY

WILLIAM P. DIMITROULEAS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

STEPHAN P. MICKLE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.

# EXTENSIONS OF REMARKS

## INTRODUCTION OF THE TEEN TOBACCO USE PREVENTION ACT OF 1998

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. UPTON. Mr. Speaker, I rise today in support of legislation that I am introducing to address a very serious and growing problem in this country—tobacco use by our youth. I have long been concerned about the increasing number of teens—and increasingly younger teens—who start smoking every year. Every day, 3,000 teens begin smoking. Teenagers typically begin to smoke at 14½ and become daily smokers before age 18. We know that if individuals do not start smoking as teenagers, they will probably never smoke. For many thousands of Americans, discouraging teens from tobacco use and making it much more difficult for them to purchase tobacco products is literally a matter of life and death.

That is why I am introducing the ''Teen Tobacco Use Prevention Act of 1998.'' This legislation amends the Federal Food, Drug, and Cosmetic Act to keep tobacco products out of the hands of our nation's children, strengthen warning labels, and restrict tobacco product advertisements. Specifically, the legislation includes the following provisions:

1. Content and warning labels. Requires more complete product constituent labeling and increases the number, prominence, and strength of tobacco product warning labels on packages and print ads. Includes the requirement that the FDA promulgate a rule governing the testing, reporting, and disclosure of tobacco smoke constituents that the Agency determines the public should be informed of to protect public health. Prohibits the advertising of cigarettes and little cigars on media subject to FCC jurisdiction.

2. Statement of intended use. Requires manufacturers, distributors, and retailer advertising of tobacco products to include, after the product name, a statement of intended use as specified in the bill. For cigarettes, for example, the intended use statement is: ''Cigarettes—A Dangerous Tobacco Product Intended For Use Only By Persons 18 or Older.''

3. Vending machine sales. Prohibits the sale of cigarettes or smokeless tobacco products from vending machines, except in those locations in which the retailer or operator ensures that no person younger than 18 years of age is present or permitted to enter at any time. Includes a provision requiring the FDA to monitor compliance with the vending provisions for two years and to propose additional restrictions if there is evidence that young people are continuing to purchase tobacco products from vending machines.

4. Minimum age. Prohibits the sale or distribution of tobacco products to anyone younger than 18 years of age. Permits states to set a higher age. Requires retailers to verify that purchasers are 18 or older by checking identification that includes the bearer's date of birth and photograph for anyone 26 years of age or younger. Includes civil monetary penalties for the sale of tobacco products to minors. For the first offense, the FDA will send a letter to the violator describing the law, describing the violation, and describing the potential liability facing the retailer for subsequent violations. For the second violation, the penalty shall be $250. For the third, $500. The penalty will double in size for each subsequent violation.

5. Enforcement. States are required to strictly enforce restrictions on sales to minors and report annually on their progress in reducing such sales and the strategies they are or will be using. States are required to conduct random, unannounced inspections to ensure compliance. If states fail to comply, the Secretary is authorized to reduce their Substance Abuse Prevention and Treatment allotments.

6. Individual cigarettes and packages of less than 20. Prohibits sales or distribution of either.

7. Sampling. Prohibits.

8. Distribution through the mail. Prohibits the distribution of tobacco products through the mail, except for mail order sales subject to proof of age requirements. Manufacturers or others who wish to distribute tobacco products through the mail must first file with the Secretary of HHS for approval of the system they will use to ensure that these products will go only to persons 18 years of age or older. The Secretary will review these sales after two years to determine whether minors are obtaining tobacco products through the mail. Imposes the same penalties as those imposed for sales to minors.

9. Tobacco product use reduction targets. Requires the Secretary of HHS to establish a benchmark rate of current tobacco use by children and adolescents, measure youth tobacco product use annually, and report this information to Congress three years from the date of enactment, together with recommendations for additional recommendations if rates are not substantially declining (declining at a rate that would produce a 35 percent or greater reduction in the rate of youth tobacco use five years from the date of enactment; at least 50 percent by the seventh year; and at least 80 percent by the tenth year).

10. Effective Date. January 1, 1999.

Mr. Speaker, I am introducing this legislation because I believe that reducing teens' access to tobacco products and desire to use them must be at the heart of any tobacco initiatives we consider this year. I am very open to suggestions for improvements in the legislation I am introducing today, and I am most interested in working with my colleagues on both sides of the aisle to pass meaningful tobacco control and reform legislation in this session of Congress.

## CAMPAIGN FINANCE REFORM

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. KIND. Mr. Speaker, today was to be the day that the House of Representatives was to debate campaign finance reform, but we are not. The leadership of the House has broken another promise to the people of this nation. It is time to allow a vote on this important issue.

In an election this last Tuesday in Nebraska the voters rejected the candidate who run a negative campaign, in support of the candidate who ran a positive issue oriented campaign. Hopefully the voters around the nation will reject these negative campaigns in favor of honest open discussion of the issues. We can help the process by reforming our campaign finance system. That won't happen if we are never allowed a vote on the floor of the House.

I hope that next week the leadership finally keeps it's word and allows a vote on campaign finance reform. The people of this nation are hungry for clean campaigns and clean elections and it is our responsibility to pass campaign finance reform now.

## INTRODUCTION OF THE ADMINISTRATION'S WATER RESOURCES DEVELOPMENT ACT OF 1998

### HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. SHUSTER. Mr. Speaker, today I'm pleased to introduce by request the administration's Water Resources Development Act of 1998 (or WRDA 98). The proposed constitutes the Department of the Army's Civil Works legislative program for the Second Session of the 105th Congress.

The Transportation and Infrastructure Committee works very closely with the administration, particularly the Army Corps of Engineers and the office of the Assistant Secretary of the Army (Civil Works), to ensure that the Nation's largest water resources program is effective and responsive to current and future needs. The Committee welcomes the transmittal of this proposal to Congress as a sign of good faith and genuine interest in facilitating the enactment of a WRDA 98 before the year's end.

The Committee has held three hearings on proposals for a WRDA 98. We intend to look very closely at the administration's bill, request from our Congressional colleagues, and recommendations from public witnesses and other interested parties. The intent is then to introduce and move through the Committee a bipartisan, widely supported bill.

The administration's bill, which we introduce by request today, has numerous provisions

that should be supported. At the same time, I must emphasize that some of the bill's projects and programmatic proposals raise serious questions and, in some circles, strong opposition. I look forward to working closely with my colleagues and the administration to ensure that a WRDA 98 can move swiftly through the Congress and become law before the year's end

## IN RECOGNITION OF FOOD ALLERGY AWARENESS WEEK

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mrs. LOWEY. Mr. Speaker, I rise to recognize Food Allergy Awareness Week.

My colleagues, 5 to 8 million Americans suffer from food allergies. Five percent of all children are food allergic and hundreds of Americans die every year from food allergies.

And the number of food allergy sufferers is increasing. Indeed among children, allergy to nuts has skyrocketed in just the last twenty years alone.

Indeed, I have spoken to many constitutents—young and old alike—who have shared with me their terrible experiences with allergies. I will never forget hearing the harrowing tale of a five year old rushed to the hospital in anaphylactic shock after inadvertently eating a nut.

Tragically, there is no cure for food allergies. That is why it is so critical that we invest more resources in allergy research and prevention programs.

As a member of the Appropriations subcommittee that funds the National Institutes of Health, I will be working hard with my colleagues this year to increase funding for biomedical research so that we can find a cure for food allergies. We must also invest more in public awareness and prevention programs at the CDC and FDA so that restaurants and food processors become more sensitive to the health needs of their consumers and customers.

I look forward to working with my colleagues to address this serious health problem so that we can find a cure for allergies in our lifetimes.

## PERSONAL EXPLANATION

### HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. SMITH of Texas. Mr. Speaker, yesterday during Roll Call Vote 146, I voted aye believing that I was supporting Congresswoman Roukema's amendment #19 when in fact the vote was on Congressman Leach's amendment that I opposed. Please let the record reflect that I intended to vote no on Congressman Leach's amendment (Roll Call Vote 146), and aye on Congresswoman Roukema's amendment #19 (Roll Call Vote 147).

## TEACHER INVESTMENT AND ENHANCEMENT ACT

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. GALLEGLY. Mr. Speaker, today I will introduce the Teacher Investment and Enhancement Act (TIE Act) along with my colleagues Steve Horn, Zoe Lofgren and Ron Paul to encourage secondary teachers to go back and take college courses in their fields of teaching.

While it is important to know how to teach, it is equally if not more important to know what you are teaching. This was proven, unfortunately, with the disappointing outcome of U.S. 12th graders in the Third International Math and Science Study (TIMSS). Our 12th graders out-performed only two countries—Cyprus and South Africa—out of 21 countries in math and science. Education Secretary Richard Riley attributed this to the fact that ''too many science and math teachers are teaching out-of-field.''

The TIE Act would increase the Lifetime Learning Tax Credit for tuition expenses for the continuing education of secondary teachers in their fields of teaching.

We need to ensure teachers are well-educated. How can we expect our children to learn a subject if their teachers are not knowledgeable in the subjects themselves? We simply cannot. Offering more education opportunities for our teachers is an investment in our children and one we cannot afford not to take. I strongly encourage my colleagues to cosponsor this important piece of legislation and work for its passage.

## RATIFY THE COMPREHENSIVE TEST BAN TREATY

### HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Ms. FURSE. Mr. Speaker, in light of the appalling underground nuclear testing in India, I submit the following editorial ''What did We Tell You'' written by former Senator Mark O. Hatfield and former Representative Mike Kopetski. I would like to join my former colleagues in urging the Senate to ratify the Comprehensive Test Ban Treaty.

WHAT DID WE TELL YOU?

INDIA'S TESTS OF NUCLEAR BOMBS PROVE THE NEED FOR TEST BAN TREATY

(By Mark O. Hatfield and Michael J. Kopetski)

The U.S. Senate has an historic opportunity to help shut the door on the most threatening menace to Americans: the risk of a renewed nuclear weapons arms race with Russia and China, and the proliferation of nuclear weapons. This lingering danger was dramatically illustrated on Monday when India conducted three nuclear tests at its Pokhra test site.

These tests are certain to alarm neighboring Pakistan and China, both of whom possess nuclear weapons of their own, and heighten tensions in this volatile region of the world. In order to reduce these risks, the Senate has the responsibility to promptly consider and ratify the Comprehensive Nuclear Test Ban Treaty.

Forty years ago this month, President Dwight D. Eisenhower recognized the value of stopping nuclear testing by initiating formal discussions with the Soviets for a ''discontinuance of all nuclear weapons tests.'' His effort, unfortunately, fell short; but with the end of the Cold War, new opportunities and even stronger reasons for the test ban have emerged.

The collapse of America's old rival created the possibility of dramatically reducing the risk of a conflict involving nuclear weapons—a possibility that still threatens each and every American. In 1991, Presidents George Bush and Mikhail Gorbachev decided to seize the opportunity to reduce the nuclear danger. They signed a new strategic nuclear arms reduction agreement. President Bush took our nuclear-armed bombers off alert and withdrew most U.S. tactical nuclear weapons. President Gorbachev instituted a temporary halt to Soviet nuclear weapons testing.

While serving the people of Oregon as members of Congress, the two of us responded by introducing legislation to match the Soviet nuclear test moratorium with a one-year U.S. testing halt. We believed that it was—and still is—vital that the United Stats, as the world's pre-eminent power, set an example so that we can persuade other nations to refrain from acquiring nuclear weapons, and avoid giving any nuclear power reason to resume testing.

Later, in 1992, our legislation gained broad support and was strengthened to require the initiation of negotiations on a global ban on nuclear weapon test explosions. In 1993, President Clinton extended the U.S. moratorium on nuclear testing. In 1996, negotiations on the Comprehensive Nuclear Test Ban Treaty were completed. It has been signed by 149 nations, including all five nuclear weapon states. In September 1997, the president sent the treaty to the U.S. Senator for its approval.

The questions debated in 1992 are similar to the questions about the treaty in 1998: Can we verify the reliability of our nuclear arsenal without testing? Can we enforce a global ban on nuclear tests? What happens if America fails to act or approve the test ban?

The answer is the same as it was in 1992: A nuclear test ban is clearly in America's national security interest.

The U.S. nuclear weapons arsenal is well-tested. We have conducted 2,046 nuclear tests—more than 1,000 in the atmosphere. The United States possesses the most advanced, accurate and deadly nuclear arsenal in the world. Since the nuclear test moratorium of 1992, our nuclear weapons laboratories have maintained the safety and reliability of the U.S. nuclear Weapons without nuclear testing. The directors of the three national nuclear weapons laboratories, as well as leading independent nuclear weapon scientists, have determined that the remaining arsenal can be maintained through non-nuclear tests and evaluations.

Given the overwhelming nuclear capability of the United States, the Test Ban Treaty is clearly in our national interest. It would make it much more difficult for other countries with advanced nuclear weapons to produce new and even more threatening ones. It also would help stop nuclear proliferation by deterring, if not preventing, any nation from developing sophisticated nuclear weapons that can be delivered by ballistic missiles. With the Test Ban Treaty in place, no would-be violator could be confident that a test nuclear explosion could escape detection.

Failure to act on the Test Ban Treaty this year would severely undermine U.S. leadership efforts to stop the spread of nuclear weapons. In 1995, the United States and other

nuclear nations promised to deliver on the Test Ban Treaty in exchange for the indefinite extension of the Nuclear Non-Proliferation Treaty. It is a good deal that must be honored.

The Test Ban Treaty enjoys broad support. If the Senate is allowed to vote on the treaty this year, it would likely win the 67 votes needed for ratification. Current and past U.S. military leaders support the treaty, including Gen. Colin Powell and three other former chairmen of the Joint Chiefs of Staff. The public also strongly supports a permanent end to nuclear testing. A September 1997 national opinion poll revealed that 70 percent of the public wants the Senate to approve the treaty; only 13 percent oppose it.

Unfortunately, the leadership of the Senate Foreign Relations Committee is preventing the full Senate from considering the treaty. The committee needs to be persuaded to send the Test Ban Treaty to the Senate floor.

In the interest of a safer America and a more secure world, senators who recognize the risk of nuclear proliferation and the value of the test ban must provide the leadership necessary to allow the Senate to debate and vote on the treaty this year.

The time for nuclear testing is over. The time to approve the Comprehensive Nuclear Test Ban Treaty is now.

## INTRODUCTION OF THE ESTATE AND GIFT TAX RATE REDUCTION ACT

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Ms. DUNN. Mr. Speaker, it's been said that only with our government are you given a ''certificate at birth, a license at marriage and a bill at death.'' Today I am introducing the Estate and Gift Tax Rate Reduction Act which seeks to phase-down the onerous death tax. Each death tax rate will be reduced by five percentage points every year, until the highest rate bracket—55%—reaches zero in 2009. As these rates are lowered to zero, more and more families will no longer be forced to give the family savings to Uncle Sam and the family business will be saved.

One of the most compelling aspects of the American dream is to make life better for your children and loved ones. Yet, the current tax treatment of individuals and families and families at death is so onerous that when one dies, their children are many times forced to sell and turn over more than half of their inheritance just to pay the taxes. It takes place at an agonizing time for the family; when families should be grieving for a loved one, with friends and relatives, rather than spending painful hours with lawyers and bureaucrats.

By confiscating between 37% and 55%, the estate tax punishes life-long habits of savings, discourages entrepreneurship and capital formation, penalizes families, and has an enormous negative effect on other tax revenues. Americans today are living longer and enjoying their retirement. At a time when this Congress is discussing the future of Social Security, and how to personalize and modernize the system, we also need to encourage private investment. We should be encouraging people to plan for their future with retirement plans and IRAs, rather than encouraging reckless spending and a me-first attitude. This country was born on the promise of hope and opportunity, and by taxing families and businesses at their most agonizing time, we destroy their hope for the future.

By today's tax system, it is easier and cheaper to sell a business before death rather than try to pass it on after. More than 70% of family business and farms do not survive through the second generation. 9 out of 10 successors whose family-owned businesses failed within three years of the principal owner's death said trouble paying estate taxes contributed to the company's demise. For family owned business, this is a tax just because the business is changing ownership due to the death of an owner.

Aside from being a source of revenue, another express purpose of the estate tax was to break up large concentrations of wealth. 75 years later, however, reality suggests that rather than being an important means for promoting equal economic opportunity, the estate tax is in fact a barrier to economic advancement for people of all economic circumstances. It unduly burdens individual sacrifice to gain savings and investment, compared with consumptive uses of income. It impedes the upward mobility of labor by stifling productivity, wage growth, and employment opportunities. In effect, the death tax, which was established to redistribute wealth, hurts those it was meant to help—namely, America's working men and women. When small businesses close their doors, loyal employees lose their jobs.

The saying goes that death and taxes are the only certainties in life. I believe it is ridiculous that the government force the American people to deal with both on the same day. Families should be allowed—and encouraged—to save for future generations. I invite my colleagues to join JOHN TANNER and me in our bi-partisan effort to reduce this detrimental and cruel tax.

## IN HONOR OF THE FAIRFAX CITY PROFESSIONAL FIREFIGHTERS AND PARAMEDICS ASSOCIATION, LOCAL 2702

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. DAVIS of Virginia. Mr. Speaker, on May 16, 1998, the Fairfax City Professional Firefighters and Paramedics Association, Local 2702, is celebrating their 20th Anniversary. No matter what the emergency is, their members are committed to providing outstanding emergency services to those in need. They are dedicated to fulfilling their organization's goals of saving lives, preserving property and the environment and ensuring the health and safety of our community.

Local 2702 was officially chartered on May 16, 1979 as a local union of the International Association of Fire Fighters. The 22 charter members were: Dennis Rubin, Larry Retzer, John Boon, Joel Hendelman, Mike Kalasanckas, John Long, Dwaine McCollum, Donald Barklage, Jr., Robert Keith Cunningham, Joseph Toy, Thomas Schwartz, Jeffery Sheriff, Joseph Bailey, George Brown, Charles Johnson, George Klumph, William Burris, Kenneth Hill, Dennis Rust and Gary Jones.

Since their inception, they have been led by strong leadership focused on ensuring that their department has the personnel and resources to safely and efficiently perform their jobs of helping the public. Dennis Rubin, John Boon, Ken Hahn, Richard Miller, Joel Hendelman, Frank Hall, and Jay Callan have served as President. Today, President Adrian Munday leads Local 2702 in serving the needs of the City of Fairfax's 20,000 residents.

The members of local 2702 respond to an astounding 8,000 fire and emergency calls a year. That's an average of 22 calls a day, which equals to almost one call per hour.

When not answering calls for help, Local 2702's members spend countless hours in the community teaching fire prevention, CPR, and other safety courses, conducting home safety inspections, installing fire detectors, and conducting child safety seat inspections. Furthermore, they support several charities, such as: Aluminum Cans for Burned Children, Muscular Dystrophy Association's Fill The Boot Campaign, Cub Scouts and Boy Scouts of America, Fairfax Little League, Braddock Road Youth Clubs, the International Association Fire Fighter's Fallen Fire Fighter Fund, and Heros Inc.

Local 2702 also answers the call for help from other Fire Departments in need around the country during times of crises. Last year, when North Dakota was devastated by rushing waters of a terrible flood, Local 2702 spent several days running calls for many of their fire departments so their fire fighters could return to their homes to be with their families and salvage their homes. When Hurricane Andrew touched down in Homestead, Florida, Local 2702 collected clothes and helped rebuild homes in this ransacked area. After the tragic bombing of Oklahoma City, Local 2702 provided financial assistance to families with children injured by the blast.

Mr. Speaker, on behalf of my colleagues in the House of Representatives, I salute these heroes of public service. For all their extraordinary services, we owe the members of Local 2702 a debt of gratitude.

## TRIBUTE TO MARJORIE LANSING

### HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Ms. RIVERS. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD an obituary of Marjorie Lansing, which appeared in the New York Times on Monday, May 11, 1998.

Marjorie Lansing, a political scientist and sometime politician whose scholarly delineation of a gender gap in American voting patterns helped change the shape of political campaigns and spurred women into politics in the 1980s.

Ms. Lansing died on May 1 at a hospital near her home in Ann Arbor, Michigan. She was 82 and had been a professor of political science at Eastern Michigan University. Her family said the cause was cancer.

Though Dr. Lansing was not the first to investigate women's voting patterns, the issue received little serious attention until she published the first persuasive statistical evidence that women form a distinctive voting

bloc. The dominant view had been that if women did not mimic their husbands' voting patterns, their attitudes at least reflected the same mix of socioeconomic and ethnic factors. If it seems surprising that those quaint views survived into the 1970s, it must be at least partly because Dr. Lansing came late to scholarship.

A native of Geneva, Florida, Dr. Lansing, who was born Marjorie Tillis, graduated from the old Florida State College for Women in Gainesville, taught high school and made a life-changing trip to Europe. Attracted to the political left since college, she raised money for the Spanish loyalist cause from fellow passengers on the voyage over, and after a heady tour of the continent returned to the United States eager to attend graduate school. After receiving a master's in sociology from Columbia in 1940, she worked as a government researcher in Washington and met and married a young economist named John Lansing. She set up housekeeping in Cambridge, Mass., while he completed his doctorate at Harvard and she plunged into the local leftist political scene, campaigning for Henry Wallace in the 1948 presidential race.

A high-spirited woman with an engaging manner, Dr. Lansing made a powerful impact on at least one political associate. According to family legend, after a single political meeting in Boston, the actor Zero Mostel was so taken with Dr. Lansing that he followed her to a bus stop, pretended he was her abandoned husband and in an impromptu performance worthy of the Broadway stage made an impassioned plea that she return to him and their babies.

In 1949, the Lansings moved to Ann Arbor, where he became a professor of economics at the University of Michigan and she became active in the Democratic Party while rearing three children, studying for a Ph.D. in political science at Michigan and teaching at Eastern Michigan.

She is survived by two sons, Steve, of Ann Arbor, and Philip, of Boise, Idaho; a daughter, Carol, of Santa Barbara, California, and six grandchildren.

By the time she obtained her doctorate in 1970, Dr. Lansing had come up with the findings that would make her reputation. But it had taken some doing. When she proposed as a doctoral dissertation a study that she expected would establish that women's voting patterns were significantly different from men's, her professors were so convinced there was no difference that they tried to discourage her. She persisted, and the dissertation she turned in was essentially the same book she and a statistician, Sandra Baxter, published in 1980. One reason for the delay between the dissertation and the book was that after her husband died in 1970, she concentrated on her teaching while stepping up her political activities, unsuccessfully running for several offices, including a House seat.

To those who had assumed that women followed men's voting patterns, her most surprising finding was that the greatest sex difference was not on home-and-hearth issues like the economy and education but in foreign affairs, particularly military issues, with women being distinctly less hawkish than men.

Although dozens of similar studies have since been published, Dr. Lansing's work is still cited by scholars. It is a measure of Dr. Lansing's prescience, if not of her influence, that three years after her landmark study, ''Women in Politics: The Invisible Majority,'' was published by the University of Michigan Press, a revised edition carried the subtitle ''The Visible Majority.''

## CONGRATULATIONS TO THE GEORGETOWN COLLEGE TIGERS NAIA NATIONAL CHAMPIONS

### HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. BAESLER. Mr. Speaker, today I would like to congratulate the Georgetown College men's basketball team on its first National Association of Intercollegiate Athletics (NAIA) tournament victory. On March 23rd, the Tigers beat Southern Nazarene 83–69. The following day, the national championship team returned from Tulsa, Oklahoma, to a parade down Georgetown's Main Street and a rousing pep rally with hundreds of delighted fans.

The Georgetown Tigers got to the final round by defeating Hannibal-LaGrange 80–68, Montana State-Northern 78–65, Central Washington 92–79 and top-seeded Azusa Pacific 94–76. They had advanced to the NAIA title game twice before, but this win represents only the fifth time since 1948 that a Kentucky team has won the NAIA championship game.

My heartiest congratulations to the Georgetown Tigers on a well-deserved victory!

## INTRODUCTION OF BIG PINEY PUBLIC SALE ACT MINERAL ESTATE RELIEF

### HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mrs. CUBIN. Mr. Speaker, today I am introducing legislation which opens to federal oil and gas leasing certain parcels that have prospective value for oil and gas development. This bill will correct an error made by the BLM in leasing parcels of land near Big Piney, Wyoming which were subject to the 1964 Public Land Sale Act's statutory closure of the mineral estate to leasing. BLM has agreed that there is no current reason for the closure to continue and believes that the holder of the lease should be allowed to move forward with development.

The lands affected by this provision were sold at auction under the 1964 Act that required the mineral estate to be reserved to the United States in the patent to the high bidder. When BLM classified the lands for sale, BLM and the USGS recognized that the lands were ''valuable for oil, gas and coal''.

That 1964 Sale Act provided that the reserved federal minerals would be closed to mineral leasing, apparently because the lands were expected to be improved as part of expected local community growth after the sale and patenting of the surface.

The lands here remain grazing lands that are currently of the same type that are under multiple use for grazing and oil and gas exploration and development throughout southwestern Wyoming.

Air quality, wildlife and other public resource concerns can and will be addressed and protected through federal lease stipulations, just as was and is done for all the federal acreage currently under lease throughout the Big Piney-Labarge area, including one of these parcels that was already mistakenly leased by BLM.

I ask my colleagues to support me in this effort to correct the error by BLM and to further oil and gas development in southwestern Wyoming. Natural gas is the fuel of choice for many Americans today, and this bill would in a very small way contribute to our nation's energy needs by allowing prospectively valuable federal mineral rights to be competitively auctioned and to recognize the validity of an improvidently issued lease.

## DEFEAT THE GEPHARDT CONSTITUTIONAL AMENDMENT TO AMEND THE FIRST AMENDMENT

### HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. DELAY. Mr. Speaker, today I submit for consideration of the House during the upcoming debate on campaign reform the constitutional amendment authored by House Minority Leader Dick Gephardt. I intend to offer the amendment if Mr. Gephardt chooses not to offer his legislation. I will offer the amendment, not in the hope of having it passed. I will offer it to demonstrate the truth—that reformers are trying to gut the First Amendment of the Constitution.

## HUMAN SERVICES AMENDMENTS OF 1998

### HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. MARTINEZ. Mr. Speaker, I rise today to introduce the Human Services Amendments of 1998. This legislation will reauthorize and strengthen the Head Start, Low-Income Home Energy Assistance (LIHEAP) and Community Service Block Grant (CSBG) programs. When Congress last reauthorized these programs in 1994 it was the product of true bipartisan negotiations. I strongly believe that this bill is one which can capture the same bipartisan spirit.

The last reauthorization cycle produced major successful structural changes in these programs, eliminating the current need for an expansive rewrite of each statute. Presently these programs are working well and do not need significant modification. Instead of implementing wholesale change, this legislation builds upon the positive changes made in 1994 allowing the good work presently being done to continue.

Title I of the bill amends the Head Start Program. This legislation will refine Head Start's focus in two major areas—improving the transition of children from Head Start programs to school by strengthening the coordination between Head Start programs and schools and increasing the financial resources available and access to Early Head Start programs. The bill would increase the setaside for Early Head Start to 10%, with the stipulation that funds not be taken from current Head Start programs. The legislation would also allow expansion grants to be used by existing Head Start grantees to expand service to the Early Head Start population. Significant research has shown the importance of brain development in

young children and an increased focus on intervening in a young child's life during the most sensitive of years in vitally important.

In improving the transition of children from Head Start programs to school, the bill would also require Head Start programs to coordinate services with the educational services of the local education agency projected to serve the children enrolled in their programs. The legislation would also require that the Secretary, in considering the expansion of Head Start programs, to consider the extent to which Head Start programs will coordinate services with local education agencies. Both of these provisions will ensure that the educational experiences and cognitive development gained by children in Head Start programs are not lost when they progress through school.

In addition, the bill improves the access of children with disabilities to quality programs and ensures that Head Start programs maximize their enrollment and resources and increase flexibility to deal with the transition of families from welfare to work by allowing the Secretary to permit up to 25% of enrollees in a Head Start program to be from families with incomes above the poverty line.

Title II of the bill amends LIHEAP. This legislation will maintain LIHEAP's focus on serving low-income individuals with the highest proportion of energy expenses. In addition, this bill reinforces that weatherization and energy-related home repair should be directed to low-income households, particularly those households with the lowest incomes and the highest proportion of household income for home energy. With this increased targeted emphasis on the poorest of our poor, the weatherization portion of LIHEAP will truly help those most in need.

Title III of the bill amends CSBG. Similar to the other two programs, a significant rewrite is not necessary, but the legislation does make several changes designed to improve the program. The bill raises the authorization level of the program by over $100 million to $650 million in FY 1999 and such sums in FYs 2000–2002. This will ensure that the significant increases in appropriations which this program has received in the last few years can be repeated. Also, the bill would give preference to private, non-profit organizations should an existing entity running a local program authorized under the statute terminate. In addition, this legislation would provide that CSBG carryover funds are reprogrammed at the local level. For each of the last three years similar language has been attached to the Labor-HHS Appropriations bill requiring this provision. Lastly, the measure would allow local community action agencies to offer services to improve literacy in the community. This would be an new activity for local community action agencies to address the illiteracy—one of the most pressing problems and indicators of poverty in our nation today.

In closing Mr. Speaker, I would like to stress that I believe this legislation is the beginning of another historic bipartisan effort to reauthorize and strengthen these programs. I urge all members of Congress to join me in supporting this legislation and to support the bill which will be the eventual product of our joint bipartisan discussions.

## CONGRATULATIONS TO MISS KATIE PROPST

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today, I rise to recognize Miss Katie Propst, a Merino High School Junior, residing in Merino, Colorado, Katie is the daughter of Ted and Penny Propst. Miss Propst recently drew honor to herself, her family, and her community by placing first place in the 43rd Annual Colorado Science and Engineering Fair.

Propst placed first in the contest's senior division of Health and Behavioral Sciences. Her project in entitled ''Bacteriophage Therapy: Is It a Possible Alternative Treatment for Bacterial Infections?'' Her immediate prize is an all-expense paid trip to the International Science and Engineering Fair in Fort Worth, Texas. There, she will compete at the International Science and Engineering Fair.

Katie has earned scholarships from Colorado State University and Colorado Northwestern Community College. She also received award prizes from the Colorado Association of Science Teachers, and the Rocky Mountain Inventors and Entrepreneurs Congress.

Propst's personal interests are in pathology and microbiology sciences. She believes that microbiology will help find alternatives to antibiotic resistant viruses. Propst undertook the study of treating an infection with a bacteriophage (virus) instead of the traditional antibiotic. The test subjects Propst used were tobacco hornworms. By injecting them with a bacterial infection and then treating the infection with a bacteriophage, Propst observed, ''An antibiotic resistant alternative is needed for bacterial infections. If found successful in future studies, this form of treatment could possibly be used to treat infections.''

At this point, Mr. Speaker, I submit for the RECORD, the following newspaper article about Katie Propst taken from the May 2, 1998, edition of the Sterling Journal Advocate.

Mr. Speaker, it is exciting to recognize Miss Katie Propst of Colorado's Fourth Congressional District. She is obviously very bright and certainly motivated to succeed. Please join me in wishing her well in her academic endeavors.

MERINO GIRL YOPS STATE SCIENCE EXHIBITOR LIST

(By Rebecca Giggs)

Katie Propst, Merino High School Junior, will soon be traveling to Fort Forth, Texas. It won't be a sightseeing trip, she will be competing at the International Science and Engineering Fair from May 10–16.

Propst's project ''Bacteriophage Therapy: Is It a Possible Alternative Treatment For Bacterial Infections?'' won top exhibitor at the 43rd Annual Colorado Science and Engineering Fair. Her prize is an all-expense paid trip to Internationals.

Propst placed first place in the senior division of Health and Behavioral Sciences. She earned scholarships from Colorado State University and Colorado Northwestern Community College.

Propst also earned $50 Colorado Association of Science Teachers for excellence in the use of the scientific method and $50 from the Rocky Mountain Inventors and Entrepreneurs Congress. Other winners at the fair from Merino were Kari Accomasso and Mackenzie Peake. Propst and Accomasso presented their projects on Friday to the Colorado-Wyoming Junior Academy of Science, and they hope to get their work published.

Propst's study was to inject tobacco hornworms with a bacterial infection. ''Rather then treating this with an antibiotic, the infection was treated with a bacteriophage (virus).'' Propst said. The virus's job was to get rid of the infection without harming the worm. Propst said she decided to do this project ''Because I'm interested in a major in pathology.'' She added, ''An antibiotic resistance alternative is needed for bacterial infections. If found successful in future studies, this form of treatment could possibly be used to treat infections.''

Propst decided on this project after reading about a similar experiment in mice. She adjusted her experiment for hornworms.

Propst began her research in August and started doing experiments in January. ''It's a 12-hour injection procedure. Then I follow the data for a week,'' she said. Propst's mother is a science teacher at Merino. Propst said having access to the science room helped with her experiment. Propst said that her mother ''Inspired me, she hasn't pushed me. Whatever I want to do is okay with her.''

Propst didn't expect to win at the state fair. ''I saw all those awesome displays and didn't think I had a chance. The key to winning is relating to the judges, be excited about what you are doing. The others who won were also personable. It's selling what you've found.''

Propst said, ''The people that deserve recognition are the school's faculty and administration. Without their financial and emotional support I wouldn't be doing this. There's an advantage to going to a small school. I'm looking forward to representing a small school.''

Propst has been interested in pathology and microbiology since her last science project in the seventh grade. She said microbiology will help find alternatives to virus that have become resistant to antibiotics, viruses that have become more deadly. ''It's amazing something so small can be so powerful,'' she said.

## RECOGNIZING THE WORK OF MR. ARNETT FLOWERS, WARDEN OF EL RENO FEDERAL CORRECTIONAL FACILITY

### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. WATTS of Oklahoma. Mr. Speaker, recently, we recognized the hard work of the dedicated men and women who work in correctional facilities across the country. Today, I wish to honor the accomplishments and efforts of Mr. Arnett Flowers, who is the Warden at the Federal Correctional Institution in El Reno, Oklahoma.

Prisons and correctional facilities are not easy places to work. They are dangerous places and an officer risks his life every day he or she works there. We must therefore especially appreciate the excellent work of people like Warden Flowers, who go the extra mile to serve the public and keep our families safe.

For 26 years, Warden Flowers has dedicated his life to saving taxpayer dollars by running efficient prisons. Most recently, by

streamlining offices while maintaining the quality of prison maintenance at the El Reno facility, Warden Flowers has saved taxpayers $850,000 in operating expenses.

Under his direction, the El Reno Facility has worked with several state and federal law enforcement agencies to improve the quality of law enforcement. For example, Warden Flowers worked with the Federal Bureau of Investigation to construct a badly-needed pistol range on Bureau of Prisons property, therefore allowing both FBI agents and state correctional officers to use the new facility to improve their training.

Perhaps Warden Flowers' most important accomplishment is his work to help prisoners rehabilitate themselves, to cut down on the rate of repeat offenders. He has worked with several youth crime prevention initiatives, public, private and religious in nature. Warden Flowers realizes the best way to prevent crime is to give kids a positive influence and spiritual guidance at an early age.

Dedicated correctional officers like Warden Arnett Flowers play an integral role in maintaining law and order in our society. All Americans should appreciate the efforts of the hard-working correctional officers across our country who help keep violent offenders behind bars and who work tirelessly to keep our families safe.

## HONORING DR. CLIFFORD SMITH

### HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. NUSSLE. Mr. Speaker, many people in this chamber are aware of my commitment to improving access to health care for rural residents. A doctor who practices in my district, Dr. Clifford Smith, was recently honored by the National Rural Health Association (NRHA) as the NRHA Rural Practitioner of the Year. He will officially receive this award tomorrow, May 15, 1998.

Dr. Smith was raised in my district, and I am pleased that he decided to remain in a rural area to practice medicine. I am wish to congratulate Dr. Smith for this fine achievement. I am honored to submit an article from the April 15, 1998 edition of the Monona Billboard which describes Dr. Smith's commitment to his patients.

I am grateful for the many years of service that Dr. Smith has provided to my constituents.

DR. SMITH NAMED NATIONAL RURAL HEALTH PRACTITIONER

McGregor physician Dr. Clifford Smith has been selected as the 1998 National Rural Health Care Association Rural Practitioner of the Year. He will receive the award during the NRHA's 21st annual National Conference May 15, at Orlando, Fla.

Dr. Smith has practiced medicine in northeast Iowa and southwest Wisconsin since coming to McGregor in 1962. He first practiced at the McGregor Hospital. In 1963, he moved his office to 626 Main Street in McGregor and in 1979 the clinic was built. Dr. Smith became affiliated with Gundersen 1987. Dr. Smith also comes to the Monona Gundersen clinic.

Smith was raised in Waterloo and decided as a youngster that the wanted to become a doctor. His plans were temporarily sidelined by World War II when he joined the Army with hopes of becoming a fighter pilot. He was a member of the famous Tuskegee Airmen, the first squadron of black American pilots to be allowed to fight for their country.

Returning to Iowa he attended the University of Iowa and went to Meharry Medical College, Nashville, Tenn. He worked in New Jersey for four years before starting his practice in McGregor.

In the nomination sent to the National Rural Health Care Association by Prairie du Chien Memorial Hospital and the Smith Gundersen McGregor Clinic staff, several stories are related to Dr. Smith's compassion and bedside manner.

Until his affiliation with Gundersen, Dr. Smith was known to accept bartering in exchange for care when the patient could not afford to pay.

He always carries his black bag and continues to make house calls to patients unable to come to the clinic.

Jean Bacon, RNC of Monona, has worked with Dr. Smith since his first day in McGregor. Today as Memorial Hospital's Emergency Department Clinical Coordinator, she still works with him. She says ''Dr. Smith has been my family physician since he moved to this area. My family dearly loves him as do all of his patients. When my children were young they spoke of him as being really cool.'' She adds, ''He is respected for his knowledge, but even more so for his compassion, caring and leadership as a role model.''

Ellen Nierling, RNC, education director at Memorial Hospital, recalled a particularly busy night at the hospital working with Dr. Smith that left them both wondering at their career choices, but the following day Dr. Smith said, ''It feels great when you know you make a difference in a patient's life.''

Marilu Benz MD, Chief of Surgery and Chief of Staff at Memorial Hospital, states, ''Dr. Smith is always willing to lend encouragement to hospital staff, and has a talent for bringing out the best in all of us. Our lives are truly enriched by his fine examples of devotion, compassion and dedication.''

Dr. Smith is looking forward to the trip to Orlando. He says he has never been any place like it and, it should be fun.

His patients are proud of his national recognition, but they are even happier that even at 72, he is still there when they need him.

## BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

SPEECH OF

### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 12, 1998*

Mr. QUINN. Mr. Speaker, I rise today to speak on behalf of H.R. 2829, the ''Bulletproof Vest partnership Grant Act of 1998.'' I would like to thank my friend from Indiana Congressman Visclosky, and my friend from New Jersey Congressman LoBiondo, for bringing this long overdue and much needed bill to the floor of the House. Times have changed and we must pass H.R. 2829 in order to protect the men and women who risk their lives everyday for our safety. The bulletproof vests of 15 or 20 years ago are no longer adequate protection. The passage of this bill would authorize up to twenty-five million dollars a year for a new matching grant program to help state and local law enforcement departments purchase new bulletproof vests and body armor. The new body armor today is thinner, lighter and offers more protection. The vests can even be fitted with additional plates for even extra protection.

The bill would also give preference in awarding grants to jurisdictions where officers do not currently have vests. The grants will be sent directly to the agencies that apply for them, resulting in the officers getting their new vests and body armor that much quicker. From 1987 to 1996, 637 officers ere feloniously killed by a firearm. Of that figure, 393 officers, roughly 62 percent, were not wearing a bulletproof vest or body armor when they were shot.

Every police officer and correctional officer in this country should have the protection of a bulletproof vest or body armor. This bill will go a long way in making that vision a reality. What better way to recognize national Police Week than by passing this legislation. Support H.R. 2829.

## PERSECUTION OF ASSYRIAN CHRISTIANS

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. GUTIERREZ. Mr. Speaker, I rise today to urge my colleagues to recognize the religious persecution and ethnic bigotry confronting the Assyrian Christian community in Eastern Turkey, Syria, Northern Iraq and Iran. As we consider the Freedom from Religious Persecution Act, I believe that the record should document our Nation's concern and commitment to stopping the violence and oppression facing the Assyrian people.

The Assyrian people have faced persecution throughout their history. As a religious and linguistic minority throughout the Near East, Assyrian Christians have long been the victims of violence and repression. Forced assimilation and gross brutality against this persevering people have occurred too often. From the murder of thousands of Assyrians by the Iraqi military in August of 1933, known as the Simele Massacre, to the recent attacks on Assyrian villages in Northern Iraq by Kurdish terrorist factions, the Assyrian people have and still continue to be the victims of violent persecution for their beliefs and values.

More than 30 Assyrians have been killed in Southeastern Turkey during the past three years. Assyrian Christians are caught in the escalating warfare that has long engulfed this crossroads at the head of two ancient rivers, the Tigris and Euphrates. The conditions facing Assyrian Christians continue to deteriorate. It is also clear that our nation must do more to protect the Assyrian people, their unique culture and their religious freedoms.

Reports of religious intolerance toward members of the Syriac Orthodox Church and the Church of the East have been documented by United Nations (UN) human rights observers. The education of young Assyrians about their history and the traditions of their ancestors has been prevented by national and local authorities across the region. This persecution threatens the ability of Assyrians to

freely practice their faith in their ancient homeland.

I believe our Government should pursue a policy that works to end this blatant religious bigotry toward Assyrian Christians. We must work with local and national leaders in Turkey to demand that the religious and civil rights of the Assyrian people be protected under Turkish laws. We must continue to pressure the various Kurdish factions across the region to respect the rights and autonomy of individual Assyrian towns and villages. We must also maintain the safe zone in Northern Iraq, to ensure that Saddam Hussein's tyranny cannot cause further destruction of the Assyrian community.

The traditions and customs of the Assyrian people have endured for countless generations. Our Nation must do all it can to ensure that these proud people can continue to abide and thrive in their ancestral homeland for countless more.

## PERSONAL EXPLANATION

### HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mrs. MYRICK. Mr. Speaker, due to a death in my extended family, I was unavoidably absent on Tuesday, May 12, 1998, and as a result, missed rollcall votes on H. Res. 423, H.R. 3811, H.R. 2829, and H. Res. 422.

Had I been present for these votes, I would have voted ''aye'' for all of these rollcall votes.

And I ask that my statement appear at the appropriate place in the CONGRESSIONAL RECORD.

## AMERICAN ARAB AND JEWISH FRIENDS OF METROPOLITAN DETROIT HOLDS 12TH ANNUAL AWARDS AND SCHOLARSHIP DINNER

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. LEVIN. Mr. Speaker, I rise today to recognize the American Arab and Jewish Friends of Metropolitan Detroit as they hold their 12th Annual Awards and Scholarship Dinner on Sunday, May 17, 1998 and honor two distinguished leaders from each community.

''The Friends'' organization was established in 1981 to promote greater understanding and friendship between these two communities involving issues in Metropolitan Detroit. This annual dinner reflects their mission statement as it raises funds for college scholarships for Arab and Jewish high school seniors. The scholarship recipients are the winners of an essay contest emphasizing ''The Ties That Bind'' Americans of Arab, Chaldean, and Jewish backgrounds.

This year ''The Friends'' will honor two outstanding individuals who have sought to promote greater understanding between Arabs and Jews. They are both influential community activists who have been successful because of their intelligence, hard work, persistence, and a deep commitment to and caring for their community.

Dr. Haifa Fakhouri is the President and CEO of the Arab-American and Chaldean Council, the nation's largest community-based human service agency serving the Arabic and Chaldean speaking populations of southeast Michigan. Under her leadership, the Council grew from a single office in downtown Detroit to an agency of 28 outreach centers in the tri-county area. She has also served as a Special Advisor to the United Nation's on women's issues in the Arab World and as a delegate to the International Women's Conference in Mexico. Her work has been recognized through several awards including the Wayne State University Headliner Award and the Governor's Leadership Award.

Ms. Florine Mark is the President and CEO of The WW Group, Inc., the nation's largest franchise of Weight Watchers International. She started the company and has been the CEO for over 30 years during which the company has grown to approximately 70,000 members. She also serves as the Chair of the Detroit Branch of the Federal Reserve Bank of Chicago and serves on the boards of numerous community organizations including the American Red Cross, the Detroit Renaissance Board, and Hospice of Southeastern Michigan. Her work has been recognized through several awards including the National Association of Women Business Owners and the Michigan Entrepreneur of the Year Award.

Mr. Speaker, it is my pleasure to pay tribute to these outstanding leaders and friends and to an organization which plays an important role in reminding all of us that we share a common goal of peace and security in the Middle East and community activism at home.

## IN APPRECIATION OF NATIONAL POLICE WEEK MAY 14TH, 1998

### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. QUINN. Mr. Speaker, thirty-six years ago, President John F. Kennedy designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week. I rise today to salute all law enforcement officers across this country, and to remember those who lost their lives in the line of duty.

The protection offered to each of us by this country's law enforcement officials should not be taken for granted, nor should we forget the men and women who lost their lives in the line of duty. In 1997, 160 law enforcement officers, nearly forty percent more than in 1996, lost their lives in the line of duty. From 1990–1995, there had been an average of 151 fatalities annually.

Over the past two years, the city of Buffalo has lost two of our finest law enforcement officials, killed in the line of duty. On April 9, 1997, Officer Charles McDougal was senselessly murdered while on duty. Just a few months ago, Officer Robert McLellan was killed while chasing a fugitive sought by bounty hunters. Both officers served their community with honor, distinction and bravery.

Members of the law enforcement agency throughout this country play an essential role in safeguarding the rights and freedoms of all Americans. We must continue to recognize and appreciate the problems, duties and responsibilities faced by all law enforcement officials throughout this country.

Everyday, men and women across America go to work with the single purpose of making all of our lives safer. They work long hours in an often thankless job. But this week is our chance to thank them for all they have done and continue to do. It is also a chance to remember those that have died while making our country a safer place.

Mr. Speaker, I call upon all citizens of this country to observe Friday May 15 as Peace Officers' Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

## HONORING JACK MCDOWELL, PULITZER PRIZE WINNING JOURNALIST, POLITICAL CONSULTANT, BELOVED FATHER AND HUSBAND

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. RADANOVICH. Mr. Speaker, I rise with the sad duty of informing you that America has lost an honored journalist, a warm friend and a great family man. Jack McDowell, whose storied career included winning a Pulitzer Prize for the now-defunct San Francisco Call-Bulletin, serving as political editor and columnist for the San Francisco Examiner and culminating with 26 years as partner in the highly successful political consulting firm Woodward & McDowell, has died at this home in Atherton. He was 84.

Born in Alameda to the founder and publisher of the Alameda Times-Star, McDowell quite literally had journalism in his blood. As a boy he snuck out of camp to make a lone trek through the Sierra snow to file a report from the ranger's station about how his Alameda boy scout troop was marooned by a freak springtime storm.

After attending what is now San Jose State University during Prohibition, McDowell went on to become managing editor and co-owner with his brother, W. Clifford McDowell, of the Eugene (Ore.) Daily News and Turlock Daily Journal.

In 1942 he was hired as a reporter for the Call-Bulletin. Three years later his story about the new process of donating blood that followed a donor's pint into the Pacific Theater of World War II and into the soldier who received the transfusion was awarded the Pulitzer Prize.

As his career progressed to writing a daily column, ''Memo from Mac'' and on to city editor of the Call-Bulletin, McDowell's noteworthy stories included confronting a wanted killer on the streets of San Francisco and taking the suspect back to the city room for an exclusive interview before turning him over to the police.

It was during the eras of Governors Goodwin Knight, ''Pat'' Brown and Ronald Reagan that McDowell served as political editor and columnist for the San Francisco Examiner. He was recognized as the dean of the capitol press corps and was often found at his ''unofficial'' office, the renowned gathering spot for California politicos, Frank Fat's.

After a learning period under the wing of famed California political consultants Stuart Spencer and Bill Roberts and serving as Statewide News Director of Governor Ronald Reagan's re-election campaign, McDowell and partner Richard Woodward, formed the firm Woodward & McDowell in 1971.

They successfully guided former San Francisco State University President S.I. Hayakawa to a seat in the United States Senate and went on to run some of the most controversial ballot measure campaigns in California, winning more than 95% of the time. McDowell earned the firm a reputation for honesty, credibility and journalistic standards that are a hallmark of the industry.

Mr. Speaker, with the loss of Jack McDowell we have lost a man for whom the standard was excellence, and nothing less. He will be sorely missed by his loving family, his colleagues at Woodward & McDowell and the many others who knew him as a man not only with a story to tell, but the best way to tell it.

## IN SUPPORT OF ALEXIS HERMAN

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. HILLIARD. Mr. Speaker, I rise today in support of my friend, and our Labor Secretary, Ms. Alexis Herman. From what I have read, I do not believe that there exists any sound evidence that she was involved in any illegal acts. The charges are frivolous and unsubstantiated. And, for the life of me, I cannot understand what continues to possess the Attorney General to appoint Independent Counsels to investigate overtly partisan and unsubstantiated hearsay.

Even officials at the United States Department of Justice, in their memo to the three Judge panel overseeing this process, stated that no tangible evidence exists which proves that Secretary Herman was involved in anything even remotely illegal.

Mr. Speaker, I am deeply troubled at this wanton spirit of unwarranted prosecution, and at the Justice Department's willingness to appoint Independent Counsels to investigate unsubstantiated rumors.

Since the beginning of the Clinton administration, these so-called Special Prosecutors have cost the American taxpayers a fortune, yet; not one of the principals investigated, has yet to be convicted of any crime.

The costs of the investigations of the present administration total over $51 million, with no apparent end in sight. The examples of these politically inspired investigations include: $29 million and still counting for Ken Starr's investigations; $14 million for Donald Smaltz's investigations; $5.4 million for David Barrett's; $3.2 million for Daniel Pearson's; and $244,000 for Curtis von Kann's investigation.

It seems as though the leadership at the Justice Department is like a willow which blows in the wind, allowing it to bend to the desires of the current rumor-of-the-day.

All I can say is, shame on you Madame Attorney General, for allowing yourself to be influenced, at the eleventh hour, by unwarranted, last minute, right-wing, rumormongering. This is political folly at its very worse, and it is costing the country a great deal of money, and a larger amount of credibility.

## RECOGNIZING KODAK OF WINDSOR, COLORADO

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, on May 7, 1998, officials of Kodak Colorado Division located in Colorado's Fourth Congressional District announced that the company is the first facility in the State of Colorado and the first sensitized manufacturing facility of Eastman Kodak Company to become registered for ISO 14001.

ISO 14001 Registration is given to companies by the British Standards Institution, Inc. (BSI) after completing a rigorous audit conducted by BSI representatives. The audit is a thorough examination of Environmental Management Systems in all major production and support areas on site including manufacturing processes, pollution prevention plans, and site procedures. ''This registration is a true reflection of the efforts of our employees on behalf of environmental protection'', said Lucille Mantelli, director of Communications and Public Affairs. ''The Kodak Colorado Division is committed to being an environmentally responsible citizen, and to be registered as a ISO 14001 company is a recognition of our efforts in this arena.'' In order to retain the registration as a ISO 14001 company, third party audits are required semi-annually.

Mr. Speaker, this recognition shows the commitment Kodak has as a company, to be an environmentally sound, competitive organization maintain high standards of excellence for the community. I would like to thank Kodak of Windsor, Colorado for being such a conscientious corporate citizen.

## MARKING THE DEDICATION OF THE BAKERSFIELD POLICE MEMORIAL

### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. THOMAS of California. Mr. Speaker, this week is Law Enforcement Officers Memorial Week, seven days set aside to honor the courageous men and women who gave their lives protecting us and upholding the law. Yesterday, I was proud to vote for House Resolution 422 which states that law enforcement officers who have died in the line of duty should be honored, recognized, and remembered for their great sacrifice. Today I rise to help pay tribute to the law enforcement officers who died while serving Bakersfield, California.

With all of the advances that have been made in the field of American law enforcement this century, one sad and sobering fact remains the same: police officers are often killed in the line of duty. On May 15, the Bakersfield Police Department will dedicate a monument to honor the law enforcement officers who sacrificed their lives for the safety and well-being of the people of Bakersfield over the past century.

Of great men, Ralph Waldo Emerson once said ''brave men who work while others sleep, who dare while others fly . . . they build a nation's pillars deep and lift them to the sky.'' The names which will be etched on this memorial will be an eternal reminder of the seven brave men who lost their lives daring to protect the people of Bakersfield.

Mr. Speaker, it is with great pride that I pay tribute to the law enforcement officials in Bakersfield who died in the line of duty. The somber black granite monument will be a lasting tribute to these individuals who put the safety of the community ahead of their own. I am proud to live in a town which has chosen to honor its fallen police officers in such a fitting and lasting manner.

## PEACE OFFICERS MEMORIAL DAY AND POLICE WEEK, 1998

### HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. ROEMER. Mr. Speaker, this week Congress and the nation pause to honor the more than half a million law enforcement officers across the country who put their lives on the line each day to protect us and our families. These dedicated men and women are prepared to give what Abraham Lincoln called ''their last full measure of devotion'' so that we can continue to enjoy the freedom and quality of life that we sometimes take for granted.

Federal, state, and local police officers perform a great service for our communities. All too often they literally are the last thread between us and the forces of violence and chaos. We ask a great deal of the officers who protect us. We ask them to defend our homes and families; to patrol our roads and highways; and to bring justice to criminals and murderers who would otherwise prey on our society. We ask a great deal from this ''blue line,'' but it never breaks and is always there to guard us. For this we owe the nation's police officers our deepest gratitude and our strong support.

Last year, 159 law enforcement officers made the ultimate sacrifice while working to protect us. This means that, on average, one law enforcement officer is killed somewhere in America nearly every other day. In Indiana, seven officers lost their lives—ranking Indiana fifth in the nation in terms of officers lost in the line of duty. Two officers from the congressional district I represent made the ultimate sacrifice last year: Paul Richard Deguch, from the South Bend Police Department, was murdered in the line of duty; and James Kautz, from the Long Beach Police Department, was killed while helping at the scene of a traffic accident.

This week we pay tribute not only to those who gave their lives, but also to every spouse, every child, every parent, and every friend. We pay tribute not only to those who died, but to those who have lost them, to the survivors. And we pay tribute to the law enforcement officers who continue to go to work each day, putting their lives on the line, in the name of freedom.

As we honor these heroes with ceremonies and flags standing at half-staff, we should rededicate ourselves to ending the violence that

has taken such a toll on these peace officers. We can best honor their service by seeing that today's officers have the training, equipment and public support they need to accomplish their dangerous mission. To quote Lincoln again, our greatest tribute to these fallen officers is to see that they ''shall not have died in vain.''

## 1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. BURTON of Indiana. Mr. Speaker, I am pleased to submit the following for the CONGRESSIONAL RECORD:

''MY VOICE IN OUR DEMOCRACY''

(By Lori Parcel, Indiana Winner)

Who hasn't solved a jigsaw puzzle? We all have been faced with the task at one time or another. I remember the last time I tried to solve one. After hours of work, the puzzle was nearly complete . . . and then I realized that some of the pieces were missing. I scoured the area in search of the missing pieces, but I was unable to find them. The puzzle remained incomplete. In many ways, our democracy is a puzzle that consists of over 250 million pieces. Over 250 million voices which are inextricably bound. And interlocked within this tapestry, the tapestry of democracy, is my voice.

I realize that all of the pieces of the puzzle must be present for our government to be fully effective. However, looking around, I can't help but notice gaps in democracy's tapestry. Gaps which surely weaken the entire structure. I raise my voice to cry out to the missing pieces, to tell them to join the majority of Americans, to exchange ideas and strengthen our government, but my cry does not reach some. They do not understand that by discounting their own voices, and by ignoring my plea, they are hurting both themselves and our government. They do not realize that a democracy such as ours cannot effectively operate without their input. I use my voice to tell them about the time I was paging in the state legislature. I tell of a man who came into the statehouse and observed me tallying opinion surveys. The man, presumably a stray piece, was surprised that the surveys were tallied. He expressed his astonishment by saying, ''That's where those surveys go. You actually read these. I did not think anyone listened, or that it was worth spending money for a stamp.'' The man did not understand that the absence a single voice, a solitary note in the symphony of our government, can throw harmony into discord.

I plea to the stray pieces once again. I tell them that, during my experience paging, I learned that legislators are people. They have pictures of their families on their desks, and they even drink coffee. They are no different from the rest of us except they have decided to make a career out of using their voices to build our democracy, to add more pieces to the puzzle in hope of solving our nation's problems.

But certainly one does not have to hold public office to have a voice in our government. Rosa Parks provided the impetus for the Civil Rights movement by simply refusing to give up her seat on the bus. She did not even have to open her mouth to have her voice heard throughout the nation.

My voice will not be the missing piece of the puzzle or the chord absent in the symphony. I may speak loudly and run for public office. Or I may speak softly by writing to my representative to tell him my opinions on an issue. But regardless of how I speak, my voice will always be audible. It must be, in order for me to be a fully participating member of our democracy. It is my duty to those who have sacrificed and those who continue to work for freedom throughout the world to exercise my right to participate in our government.

I realize that using my voice is critical to the continuation of democracy. Our government consists of millions of voices. Those of politicians and those of voters, but all of which are American voices. Exercising our voices through voting is our privilege, right, and duty as American citizens. In order to truly have a government of, by, and for the people, we must all work to build it. We must all contribute our piece of the puzzle, our voice, to our democracy. When I cast my vote a year from now, I will be doing far more than choosing one candidate from the ballot. I will be contributing my voice to the extensive puzzle which depicts the tapestry of our government. And I will be raising my voice, in harmony, to contribute to that symphony we call democracy.

## HONORING WIVB–TV CHANNEL 4

### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. QUINN. Mr. Speaker, I rise today to bring to the attention of my colleagues a very special anniversary in my district, that of our local television channel, WIVB–TV.

On May 14, 1948, then known as WBEN–TV, WIVB began service to the Greater Buffalo areas as our community's first television station. In addition to being the first television station in Western New York, WIVB was also first to offer live news broadcasts, live weather reports, live coverage of sporting events, and color broadcasting. This pioneering and innovative spirit has established WIVB a leader in local broadcasting.

In that proud tradition, WIVB–TV looks to the future with a continued commitment to ethical and ambitious journalism, technological innovations through Doppler Radar, and a growing system of local weather stations.

These impressive accomplishments would not have been possible without the many talented individuals who have served WIVB. Whether as an on-air television personality, or as one of the countless behind-the-scenes men and women who contribute so much to the success of the program, WIVB–TV, and indeed, our entire community, are indebted to their service.

Mr. Speaker, today I would like to join with the many residents of Buffalo and Western New York who enjoy WIVB's programming everyday in expressing my enthusiastic commendation to WIVB–TV Channel 4 on the occasion of its Fiftieth Anniversary, and send our best wishes for the next half-century.

## CONGRATULATIONS TO JACK V. PANDOL

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Jack V. Pandol for being honored with the Boy Scouts of America Southern Sierra Council's Great American Award. This is one of the highest awards given by the Boy Scouts and is only the fourth in the 86-year history of the local Scout Council. As a man who has made lasting contributions to his community and country, Jack is very deserving of this award.

Jack Pandol began his service in the United States Army 25th Infantry Division during World War II. He fought in the Philippines and Japan and received the Purple Heart, Bronze Star, and Combat Infantry Badge for his distinguished service.

Jack V. Pandol is of Croatian descent and has been a Delano based farmer since 1941. In 1948, Jack and his two brothers purchased 400 acres of land from their parents. Today, this family owned farming operation has grown to over 6,000 acres of land in Kern and Tulare counties. He began as a grape grower, but soon branched out to become a grower, marketer, exporter, and importer. Jack is currently the President of Pandol Brothers, Inc. National and International Sales, and a partner in Pandol & Sons Farming. The Pandol firm currently does business in over thirty countries, representing growers from Washington state to South America and as far away as China.

Jack has been instrumental in the opening of foreign markets for international trade in Europe, the Orient and South America. He is known for his innovations in ''barter'' trade, fresh produce marketing, and general agriculture. Jack has received many awards for his work in the farming and shipping industries, and has served in many distinguished positions. Among these are Director of California Pacific Corporation, Advisory Board Member for the U.S. Department of Agriculture for Fruit and Vegetables, Member of the California Export Finance Board, Advisory Board Member for the U.S. Maritime Commission, President of Delano Grape Products, Vice President of the Rag Gulch Water District, and President of the California Grape and Tree Fruit League.

Mr. Speaker, it is with great honor that I congratulate Jack V. Pandol for being honored with the Boy Scouts of America Southern Sierra Council's Great American Award. Jack Pandol is an exceptional patriot whose contributions to agriculture have made a prominent impact in his community and beyond. I ask my colleagues to join me in wishing Jack V. Pandol many more years of success.

## TRIBUTE TO HUGO F. SONNENSCHEIN, PRESIDENT OF THE UNIVERSITY OF CHICAGO

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. LEVIN. Mr. Speaker, as a proud alumnus of the University of Chicago, I rise today

to welcome Dr. Hugo F. Sonnenschein, President of the University of Chicago, to Washington, D.C. and the U.S. Capitol on Thursday, May 21, 1998 in recognition of his substantial contribution to American education and to the general welfare of the United States as leader of that esteemed institution. On Thursday, May 21, President Sonnenschein will pay a rare visit to the University of Chicago alumni in the Greater Washington, D.C. area, to bring them news of developments at the University, and learn of developments among alumni in the Nation's capital.

Dr. Sonnenschein has served American higher education with extraordinary distinction, as researcher, teacher, and administrator. Before becoming the 11th President of the University of Chicago in 1993, Dr. Sonnenschein (A.B., University of Rochester, 1961; Ph.D., Purdue University, 1964) served as Provost, Princeton University, 1991 to 1993; Dean, School of Arts and Sciences, University of Pennsylvania, 1988 to 1991; and as a respected scholar of microeconomics.

Mr. Speaker, President Sonnenschein's visit to the Nation's capital is particularly significant. There are some four thousand graduates of the University of Chicago who enrich the political, educational, scientific, cultural, legal and business life of Greater Washington, D.C. The university educates all manner of leaders, and in the Nation's capital alone has produced distinguished Members of this great Congress, dedicated managers and administrators in the Executive Branch, and effective judges in the Federal Courts.

In addition, the University of Chicago takes special pride in its reputation as a teacher of teachers. A great number of its graduates are educators improving the lives of students at all levels of the American educational system and all over the world.

Mr. Speaker, since its founding in 1892, the University has been uniquely devoted to the creation of knowledge, and the research of its scholars in the humanities, social sciences, biological sciences, and natural sciences has made innumerable contributions both to our national life and to international progress.

The University's Washington, D.C.-area alumni look forward to greeting President Sonnenschein on May 21 to make friends, exchange ideas, and express their appreciation for his outstanding service to that esteemed educational institution.

For these reasons, Mr. Speaker, it is an honor and a privilege to ask my colleagues in this great Congress to join me in recognizing University of Chicago President Hugo F. Sonnenschein on his visit to the Nation's capital.

## STATEMENT ON THE FREEDOM FROM RELIGIOUS PERSECUTION BILL

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. BLUMENAUER. Mr. Speaker, I voted against the ''Freedom From Religious Persecution Act'' because of conversations I had with religious leaders from around the world who convinced me this approach would not stop religious persecution, but could actually backfire.

During a meeting with a variety of Christian religious leaders organized by the National Council of Churches, I had the opportunity to visit with a number of bishops and ministers from Indonesian, Pakistan, the Middle East and the former Soviet Union. They were unanimous in their fear that the United States had very little cause to force countries to be more tolerant with different religious faiths. They were unanimous in their fear that this bill could be perceived interference by the United States and could actually make things worse for the members of their faith.

Since I've arrived in Congress I have been working to understand the role the United States plays as the remaining superpower, militarily and economically, and I would hope morally. I have met with religious and business and political leaders both overseas and here in the United States including Aung San Suu Kyi, the 1991 Nobel Peace Prize winner from Myanmar (formerly known as Burma) and known dissidents in Thailand. I am convinced we do have a constructive role to play regarding religious persecution, but this legislation does not meet that goal.

## HONORING OUR GOLD STAR MOTHERS

### HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to pay tribute to our Gold Star Mothers who have suffered the terrible losses of their sons and daughters for the defense of our nation. These young men and women were in the prime of life, full of hope and youthful promise, when they died defending their country and preserving our freedom.

Their loss was and is heart-breaking for the families and friends left behind. And—enjoying the long period of peace and freedom that these young American service men and women bought so dearly—we are in danger of forgetting their great sacrifice.

But there is one group of fine Americans who are uniquely able to make sure that the rest of us do not forget. They are the Gold Star Mothers. Each one lost a child who died in the military service of our country during this of war.

I am proud and grateful that we have a strong and active group of Gold Star Mothers in the Delaware Valley region including the 13th District of Pennsylvania which I represent in Congress.

The cast of ''Reflections'' is composed of students from Erdenheim Elementary School in Springfield Township, Montgomery County and students from Upper Dublin High School from Fort Washington, Pennsylvania as well as students from Thomas Edison and Olney High Schools in Philadelphia. The play is a retrospective of our patriotism and a testament to the sacrifices our country has asked of its mothers.

The Play was written, produced and directed by one of my constituents, Vietnam Veteran Frank ''Bud'' Kowalewski. I commend his tireless work in offering our young people the opportunity to honor lost lives, and teaching them the nature of valor and patriotism. The play strives to educate the nation on the sacrifices made by Gold Star Mothers. I congratulate the cast on their achievements in reminding us all the true reason we celebrate Memorial Day in America.

On May 21st, 1998, the cast, dressed in historical period costumes, will accompany a local Gold Star Mother on a trip to Buffalo, New York. There, the cast will perform with students from Riverside High School in their Memorial Day Assembly. This production—''Reflections Going Home''—is dedicated as a Mother's Day Card Gold Card to all Gold Star Mothers.

Previously, the troupe has traveled to our nation's capital where they laid a wreath at the Vietnam War Memorial on the National Mall and were honored by Congress just last year.

The Gold Star Mothers are part of a group that had its roots in the first great conflict of the 20th Century—World War I. President Woodrow Wilson proclaimed that service flags would be displayed at homes that had family members serving the country. Blue Stars were displayed for each family member in the Armed Forces. And, as the war progressed and casualties mounted, the stars were turned to Gold Stars to represent each service member killed defending our country.

The Gold Star Mothers were officially organized in Washington, DC, in 1929. But one does not have to be a formal member of the national organization to be a Gold Star Mother. The standard for entering this revered group of Americans is much, much higher and more difficult than simply joining an organization. One must have had a child who made the supreme sacrifice for our country. It is a non-profit, non-political organization which was first organized by 25 mothers in June 1928 an was incorporated on January 5, 1929. In 1936 Congress—in a joint resolution—designated the last Sunday in September as Gold Star Mother's Day. In 1940, President Franklin Roosevelt further recognized the day.

These Gold Star Mothers, perhaps better than anyone else, know the agony that comes from caring for, nurturing, and raising up a child only to see that young life lost just as it is beginning. But these fine Americans deserve the greatest admiration, thanks and respect from all of us and I find it remarkable that this group of courageous women is that they refuse to allow their grief to become the victor. Instead, they chose to channel their pain and suffering into productive work to benefit veterans and the community at large.

These ladies whose loved ones did not make it home devote themselves to caring for and helping those who did. In a supreme act of love and concern for others, many Gold Star Mothers dedicate themselves to helping the children of other mothers, children who survived war. Gold Star Mothers assist in all manner of ways. They visit veterans' hospitals to help service people there. They take part in patriotic observances that help all of us remember the sacrifices that bought our freedom.

But the Gold Star Mothers did not stop there. They wanted to expand their opportunities to assist veterans and their families and sought a Congressional Charter so they could work in veterans' hospitals throughout the country. Their charter was granted in 1984 and outlines the objectives and purposes for which they were organized including; (1) assisting all veterans and their dependents in claims to the U.S. Veterans Administration, (2)

inspiring respect for our flag, the Stars and Stripes, (3) encouraging a sense of individual obligation to the community, state and Union; and (4) perpetuating the memory of those whose lives were sacrificed in our nation's wars.

I salute the Gold Star Mothers of the Thirteenth Congressional District, the entire Greater Philadelphia area and the Nation as a whole. Starting with just 25 members, Gold Star Mothers grew quickly and today has members from all 50 states, the District of Columbia and Puerto Rico. All of us should be grateful that our Nation produces men and women with the courage and dedication to make the supreme sacrifice so that we might be free. We should be thankful too that our Nation has mothers whose courage and compassion help make those sacrifices worth it and—in the most special way—make sure that the memory of those who died for our country lives on.

God bless the Gold Star Mothers. We humbly offer our tears, humility and gratitude as a nation. We pray there will be no more lives unnecessarily lost and no more tears. God love and protect all of our brave soldiers in this great Nation.

## THE 100TH ANNIVERSARY OF THE VISITING NURSE ASSOCIATION OF NORTHERN NEW JERSEY

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the Visiting Nurse Association of Northern New Jersey.

The Visiting Nurse Association of Northern New Jersey, officially incorporated in 1916, traces its roots to the Female Charitable Society established in Morristown in 1813. The Society was established by women who felt obligated to provide coal, food and clothing to poor individuals in northern New Jersey, and, by 1898, also provided nursing services. The VNA was founded on the enduring civic and charitable virtues embodied by the Society, and today continues their long tradition of serving the community.

In the early 1900's, Morris County, like many other areas in the country, experienced a wave of immigration that brought with it many challenges in providing health outreach services. To respond more effectively to these changing social conditions, the VNA hired its first full-time nurse in 1914, Ms. Mable R. Saulpaugh, who went on to make 771 house calls without the use of a car. By 1918, the VNA opened up its first day care center for expectant mothers, and, later that same year, purchased their first automobile, which greatly increased its sphere of influence.

During the 1920's and 1930's, the VNA established several key outreach tools to ensure that a broad spectrum of individuals were aware of the health services that the VNA could provide to them. Most popular among these was the Well Babies and Children parade, where prizes were awarded for the healthiest-looking baby and toddler. Additional tools included going directly into the schools and following up with home visits for children at risk of disease. Indeed, the VNA's prodigious outreach work served as an impetus for hospitals in the area to establish their own outpatient departments.

By 1936, the VNA's outreach methods provided for considerable success in fighting Tuberculosis, and played a major role in reducing it from the number one cause of death to the eighth in Morris County. During World War II, and in ensuing years, the VNA focused on increasing its staff size, so as to widen its ability to serve the community. By 1960, the VNA had expanded to eight nurses serving 37 towns in Morris County, with a total budget of $60,000. Less than twenty years later, the VNA had revenues in excess of $1 million, and today boasts a staff of 400 employees offering comprehensive health services to the Morris County area.

Mr. Speaker, throughout its long history, the Visiting Nurse Association of Northern New Jersey has never lost sight of its crucial role in providing superior home health care to those in need. As the VNA today deals with the extraordinary challenges of meeting the specific needs of those suffering from AIDS and other diseases, I ask you, Mr. Speaker, and my colleagues, to join me in commemorating the Visiting Nurse Association of Northern New Jersey on this special anniversary year.

## BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

SPEECH OF

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 12, 1998*

Mr. CASTLE. Mr. Speaker, I want to express my strong support for H.R. 2829, the Bulletproof Vest Partnership Grant Act. This is much needed legislation to help protect our law enforcement officers as they work to make our communities safe.

The threats facing our police officers have grown more complex and dangerous. Policemen who put their lives on the line every day too often find themselves in the sights of criminal who have high powered automatic and semi-automatic weapons. Violent criminals have too often used these weapons against law enforcement officers. We need to give ''the good guys,'' our law enforcement professionals, every means of protection against criminals. This problem is so severe that the federal government should support state and local efforts to provide more protection to our police men and women. That is the purpose of this legislation.

The Bulletproof Vest Partnership Grant Act authorizes the Bureau of Justice Assistance to make $25 million in grants to states or local governments to purchase bulletproof vests for use by law enforcement officers. These grants are matched by state and local governments, unless it would produce a financial hardship on the community. Additionally, it gives preferential treatment considerations to applications from jurisdictions that have the greatest need for such funding, a mandatory policy for using bulletproof vests, or a violent crime rate above the national average.

Since 1980, 1,182 police officers have been killed by firearms. According to the Federal Bureau of Investigation, 42 percent of those officers could have survived if they had been wearing bulletproof vests. Today, 25 percent of state and local law enforcement officers do not have access to a single bulletproof vest. That is 150,000 police officers who every day are 14 times more likely to die if they are hit by a bullet. The statistics are shocking and the public policy is uncontrovertible. Please join me in supporting final passage of H.R. 2829. Thank you.

## CONDEMNING THE ATTACK ON AKIN BIRDAL: TURKEY'S LEADING RIGHTS ADVOCATE

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. HOYER. Mr. Speaker, yesterday morning Akin Birdal, the President of the Human Rights Association of Turkey (IHD), was gunned down in his Ankara office. A right-wing squad has claimed responsibility for the attack which left Turkey's most vocal human rights critic comatose.

Since 1986, under Akin Birdal's leadership, the IHD has established itself as the largest independent human rights monitoring NGO in Turkey. Akim Birdal has appeared before the Helsinki Commission and met with its staff in Washington and Ankara. He is in high regard by legislators and diplomats around the world. In recent years he has received awards from the Lawyers Committee for Human Rights, the International Human Rights Law Group and NGOs in Europe. Last year, he was elected Vice-President of the prestigious International Federation of Human Rights Leagues (FIHD).

This vile assault takes place against a backdrop of repression and intimidation against rights workers throughout Turkey. The Government of Turkey has criminalized non-violent human rights advocacy. Security forces and right-wing death squads have collaborated in the murders of human rights activities, Journalists, Kurdish dissidents and others. More than a dozen IHD offices have been closed by authorities and IHD leaders, including Mr. Birdal face continuous legal and other harassment.

Mr. Speaker, despite great personal danger, Akin Birdal and his colleagues dared to continue speaking against human rights violations by the State. The IHD has been especially critical of the ''dirty war'' waged against Turkey's Kurdish rebels. In recent weeks, the climate of intimidation escalated. Mr. Birdal reported numerous death threats against himself and his family. Unsubstantiated allegations by security officials leaked to the media stated that Birdal took orders from the PKK, an outlawed Kurdish guerrilla group. Mr. Birdal vigorously denied such allegations and denounced the ''primitive conspiracy'' orchestrated by Turkey's military rulers against their ''enemies list.''

Mr. Speaker, the shooting of Akin Birdal is a great tragedy for all who cherish human rights. His steadfast support for peace and non-violence is an inspiration to many in Turkey and abroad. IHD was working with NGOs around the world to commemorate the 50th anniversary of the Universal Declaration of Human Rights. On this auspicious occasion, it

is sad to note deteriorating human rights conditions in Turkey and a steady slide towards outright military rule. Instead of supporting the work of independent human rights NGOs, which make significant contributions to development of civil society and the rule of law, the Government of Turkey instead represses them, labels their members ''terrorists,'' and makes them open targets.

Mr. Speaker, the United States Government supports Turkey militarily, economically and politically. Turkey is a NATO ally and member of the Organization for Security and Cooperation in Europe. I therefore welcome the settlement by the State Department spokesperson condemning the attack and urging that the perpetrators be brought to justice.

However, our government must do more to demonstrate our commitment to democracy in Turkey. If we truly value a stable and long-term relationship, we must not continue to ignore the fact that the military's predominance in politics precludes true democracy. The inability of military or civilian administrations to peacefully address the Kurdish problem or the rise of Islamic political activism remains a recipe for disaster. The resulting political instability fuels the climate in which human rights activists are attacked, free speech is curtailed and other fundamental freedoms eroded.

Mr. Speaker, as I speak today, my thoughts and prayers are with Akin Birdal, his family, his colleagues at IHD and all those in Turkey committed to the ideals of human rights and democracy. It is a sad day for all, and we can only hope that this incident will make people think and act seriously about the state of human rights in Turkey.

## A TRIBUTE TO VIRNITA McDONALD

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and truly remarkable dedication of Virnita McDonald of Joshua Tree, California. My dear friend Virnita will be recognized at a dinner honoring her longtime service to Copper Mountain College as it commemorates the McDonald Hall Student Center.

Virnita McDonald, a fine writer and public relations professional, has long been active in numerous community and civic affairs throughout the Morongo Basin. She has served on many boards and local commissions and has received a number of awards for her fine work. But Virnita is perhaps best known for her work relating to Copper Mountain College.

Virnita has been a driving force behind the establishment and success of Copper Mountain College since 1977 when she was first elected to the Board of Trustees. As of today, she has served five terms on the Board. Her tenacious advocacy for a campus in the Morongo Basin led her to participate in the very first fundraising efforts in 1979. The following year, Virnita went to Sacramento to personally lobby state legislators on establishing an auxiliary for the purpose of fundraising for the yet unnamed campus. Shortly thereafter, the trustees choose the name ''Copper Mountain College'' as a result of a contest to name the new college sponsored by the Hi-Desert Publishing Company. In 1981, community leaders gathered for the official groundbreaking at the future site of Copper Mountain College. Today, the campus continues to grow and prosper in remarkable ways as a result of Virnita's vision and determination.

In 1984, I had the distinct honor of nominating the Friends of Copper Mountain College for the Presidential Volunteer Action Award. At the time, Virnita was serving as president of the college board and was largely responsible for the incredible progress being made in moving the campus forward. Later that year, a group of ''Friends'' traveled to Washington, DC to accept the award from President Reagan. It was a touching and fitting tribute to Virnita and many others who had worked so hard to fulfill the dream of establishing a college campus in the Morongo Basin.

Mr. Speaker, Virnita McDonald has been at every step in the creation of Copper Mountain College and deserves a great deal of credit for her longtime devotion to this fine campus. I ask that you join me and our colleagues in paying tribute to this remarkable woman who fittingly will have her name associated in perpetuity with the new student center. Virnita McDonald is one of the finest, most devoted women I have ever met. As a mother, grandmother, great-grandmother, and as a community leader, Virnita continues to set a remarkable example for all of us to emulate. It is only appropriate that the House pay tribute to her today.

## NATIONAL POLICE WEEK

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. ADERHOLT Mr. Speaker, fantasy heroes can't help but call attention to themselves, with their unusual cars and costumes. Real life heroes, however, are often humble people, preferring to avoid the spotlight.

In October, 1997, Police Officer Chris McCurley of Etowah County, Alabama, lost his life in an unexpected gunfire battle. Three other officers were also shot in this savage attack: Rick Correll, Khris Yancey, and Gary Lee Entrekin—who lost a leg as a result of wounds. Officer McCurley's wife Donna, Tommy Watts, Officer Entrekin, and other officers are in Washington DC for National Police Week, which honors the work of officers all over the country.

Officer Entrekin's words about Chris McCurley are more eloquent than anything I could say:

> I worked side by side with him for years, and he helped me through a lot of hard times. He was the best partner you could ever ask for. He never backed down. He would be the one I'd want with me.

These are true, American heroes, and on behalf of those whom they serve, it is my privilege today to thank them.

## CLINTON ADMINISTRATION'S CHINA POLICY THREATENS INTERNATIONAL SECURITY

### HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. COLLINS. Mr. Speaker, increased regional tension and instability resulting from this week's nuclear test detonations in India have heightened concerns over the Administration's policy toward Communist China. China's targeting of thirteen CSS–4 missiles at the continental United States and its unwillingness to abide by existing non-proliferation agreements prove that China is a threat to peace, in general, and American interests, in particular. In light of these critical concerns, I urge the President not to agree to any future dual-use technology transfers to China at this time, including those in the Administration's proposed space agreement. Furthermore, I strongly urge the President and all Members of Congress to oppose maintaining China's Most-Favored Nation (MFN) trade status.

Since President Clinton's election in 1992, China has violated non-proliferation agreements at least twenty times. On a number of occasions, China has transferred military technologies directly to nations hostile to American interests, including Pakistan, Iran and Libya. Additionally, China continues to refuse to join the Missile Technology Control Regime to prevent the future spread of these dangerous technologies. In spite of a clear record of Chinese unreliability and irresponsibility, the Clinton Administration has continued to support waivers allowing additional missile technologies to be transferred from American corporations to the Chinese government. Of particular concern to me is the recent waiver granted by the President to Loral Space and communications, a company currently under investigation by the Justice Department for making allegedly illegal transfers of sensitive missile technologies to Communist China. As the editors of the New York Times noted in April, this waiver ''could open the door to discussions about the same kind of guidance system expertise under investigation in the 1996 case, effectively undermining the Justice Department investigation'' of Loral.

In the interest of justice and international security, I urge the President to withdraw his support for Most-Favored Nation status for China and to end American dual-use technology transfers to China. Only after it ceases to deploy missiles capable of attacking the United States mainland, ends its transfers of military technology to nations such as Pakistan, Iran and Libya, and agrees to the terms of the Missile Technology Control Regime should China become eligible to receive military technologies from the U.S. and be considered a candidate for Most-Favored Nation status.

I further urge that the President refuse to accept so-called ''detargeting agreements'' as progress toward any national security goal. As most Members are aware, retargeting can occur with a single keystroke in today's computer age. As long as China maintains offensive missile capabilities against the United States, American policy should seek to render these weapons unreliable and ineffective. Denial of technology transfers could prove a valuable tool in achieving this objective.

## THE CINCINNATI OBSERVATORY: NATIONAL HISTORIC LANDMARK

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the Cincinnati Observatory in Cincinnati, Ohio, which recently received the National Park Service's designation as a National Historic Landmark.

The Cincinnati Observatory is a nationally significant historical site for its association with individuals, institutions and events related to astronomy. Its two structures, now on 11 acres, were designed by nationally recognized master architect Samuel Hannaford and built in 1873 and 1904.

The Cincinnati Observatory is the oldest functioning observatory in the United States. The original telescope was the largest in the U.S. and the second largest in the world at the time. The observatory was associated with the careers of such famous American astronomers as Ormsby MacKnight Mitchel (1809–1862), who published *Sidereal Messenger*, the first attempt to bring astronomy to the public and Cleveland Abbe (1838–1916), a meteorologist who instituted daily weather bulletins in 1869. Abbe's work became popular with the public and led directly to the creation of the federal agency National Weather Bureau in 1870.

Paul Hergert (1908–1981) the world's foremost authority on the commodation of planetary orbits, served as director of the Observatory from 1946–1978. Under his leadership, the observatory became the original location of the Minor Planet Center, which was founded in 1947 by the International Astronomical Union. For the work he initiated at the Observatory, Herget was elected to the National Academy of Science in 1962.

The Cincinnati Observatory embodies the rich history of American astronomy. It has gained international prominence for its landmark work in field of proper motions, gravitational studies and sidereal astronomy, including double stars, nebulae and clusters. Today, it serves as a vibrant public resource on the history and practice of astronomy.

All of us in Greater Cincinnati congratulate the Cincinnati Observatory, the Cincinnati Planning Association and the Observatory Planning Committee for their hard work and dedication to preserve this window to the past and inspiration for the future.

## TRIBUTE TO FRANK T. VOTTO, Ed.D

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Frank T. Votto, Ed.D., Superintendent of the Nutley School District who is retiring after 16 years of service to the Town of Nutley.

Frank has been a public school and collegiate educator for 35 years in New Jersey. He holds a Bachelor of Arts degree in Secondary Social Studies from Montclair State, a Master of Arts degree in Administration and Supervision from Kean College, and a Doctor of Education in administration, Curriculum, and Supervision from Rutgers University. He has served as an Adjunct Professor in Reading Studies at Middlesex County College, 1970–71, as Assistant Director of the Evening Divsion, 1971–72, also at Middlesex County College, and as House Principal of Plainfield High School, 1972–81.

Frank joined the Nutley School District in 1982, serving as Principal of Nutley High School. He served in this capacity until 1986 when he was promoted to Assistant Superintendent of Schools for Nutley. Ten years later he was promoted to Superintendent of Schools for the Nutley School District.

Frank is a representative of the New Jersey Association of School Administrators and served as President of the Assistant Superintendents Roundtable for Essex County. Since 1978, he has also served as Adjunct Professor in Administration, Curriculum, and Supervision at Jersey City State College.

Mr. Speaker, I ask that you join me, our colleagues, Frank's family and friends, and the Town of Nutley in recognizing the many outstanding and invaluable contributions Dr. Frank T. Votto has made to the Public School System of Nutley, New Jersey.

## SECOND ANNIVERSARY OF TAIWAN PRESIDENT DR. LEE TENG-HUI'S INAUGURATION

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. UNDERWOOD. Mr. Speaker, in 1996, Dr. Lee Teng-hui was sworn in as the ninth President of Taiwan, Republic of China after having been elected in the first-ever popular election held in this island nation. This year marks the second year of his inauguration into office.

In addition to being one of our closest associates in Asia, Taiwan has steadily matured as an economic stronghold. The last few years has seen the republic's economy grow at a spectacular rate. It is currently one of the United States' largest trading partners.

As the delegate from Guam, I recognize the fact that the island and people that I represent share deep cultural and historical ties with Taiwan. My constituency includes a substantial number of Taiwanese immigrants. As in numerous locales, Taiwanese immigrants have integrated themselves with our island community over the years and have emerged as a vital force in the development and growth of Guam. In addition, Taiwanese tourists contribute to the island's economy. Made possible by the visa-waiver program recently implemented for Taiwanese citizens, Guam has greatly benefited from the business they bring.

We applaud Taiwan's economic achievements and political progress. I am positive that their leaders, many of whom were educated in the United States, will continue to lead their nation towards prosperity and success.

On behalf of the people of Guam I would like to congratulate President Lee Teng-hui on the second anniversary of his inauguration as president. I join them the people of Taiwan in their celebrations and wish them continued prosperity.

## TRIBUTE TO COMMANDER ROBERT WALKER DURFEY, JR.

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an outstanding patriot, United States Coast Guard Commander Robert Walker Durfey, Jr. Today, in Corpus Christi, friends and colleagues will celebrate Commander Durfey's tenure, to date, in service to the United States. All of us wish him well as he continues his service in California.

During Commander Durfey's tenure at Group and Air Station Corpus Christi as Deputy Group Commander and Air Station Executive Officer, I have become familiar with his efficiency and uncanny ability to exercise good judgment in delicate situations. He was thoughtful about keeping my office appraised of situations as they occurred with regard to matters of security. He played a pivotal role in Operation Gulf Shield, the largest multi-agency counter-drug operation in the history of the United States.

As a former law enforcement officer myself, I am deeply aware of the price illegal drugs exact from our communities and our nation. Commander Durfey and I share a commitment to keeping drugs off the streets of our country. This warrior has been diligent and dignified in carrying out the policies of the United States; he is a true public servant.

But that is not the entire reason the Coastal Bend of South Texas will miss him. He is just an outstanding human being. He is a devoted Christian with a beautiful family. He is decent and dedicated to the service, to his family, but most of all to his men. He is thoughtful of the sailors in the ranks, and deeply respectful of his superiors.

He has the highest level of commitment and represents the height of integrity. If you are looking for an honest man, go meet Commander Durfey. He is always willing to go the extra mile for his duty; he is determined to do the job well. The Coast Guard is genetic with him. His father was Rear Admiral Robert Durfey (USCG, retired) and Commander Durfey readily admits to being in the Coast Guard ''all his bloomn' life.''

We will miss him in the Coastal Bend, but we can find great comfort that he will continue his quality service in northern California, which is familiar territory to him. He attended high school in Alameda and now returns with a vast amount of experience under his belt. While I cannot be at his ceremony today, I hope all of you will join me in commending this outstanding public servant and dedicated Coastie.

## REMEMBERING JOHN B. BENNETT

### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. QUINN. Mr. Speaker, I rise today to bring to the attention of my colleagues the dedication of a plaque commemorating the service of Mr. John B. Bennett, which occurred in my District this past Saturday at the West Side Rowing Club.

Mr. Bennett, who passed away May 27, 1995, is a true legend in Rowing in every sense of the word. During an era when club crews were as powerful as those at some of the big Universities, he dominated the field as North America's winningest Coach. His eight-oared crews won the U.S. National Championships in 1947, 1949, 1950, and 1951. Those same crews went on to win the Royal Canadian Henley Championships in 1946, 1947, 1949, 1950, 1951, and 1956.

Coach Bennett also led a four-oar team to a National Championship in 1956, and represented our Nation in the 1956 Olympic Games in Melbourne, Australia.

Even more important than his will to win and impressive records was Coach Bennett's leadership, involvement, and motivation of countless young men who were fortunate enough to be part of his teams.

Born and raised in Buffalo, New York, Coach Bennett served as a Member of the Buffalo Police Department for Thirty-three years, and attained the rank of Lieutenant.

Mr. Speaker, today I would like to join with the West Side Rowing Club, the Bennett Family, and our entire Western New York community in remembrance of Coach Bennett's service. I close with a caption from the newly dedicated plaque, which best sums up his amazing contributions:

''As remarkable as his coaching record was, his moral influence on hundreds of young men, many of who were war veterans, was stronger. He motivated his charges to be winners in life as well as on the water.''

God Bless that unending commitment and Mr. John B. Bennett.

## TRIBUTE TO THE MEMORY OF MILLBRAE POLICE OFFICER DAVID JOHN CHETCUTI

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. LANTOS. Mr. Speaker, I would like to invite my colleagues to join me in expressing our deepest sorrow at the devastating loss last month of Officer David John Chetcuti of the Millbrae, California, Police Department. Officer Chetcuti, who was only 43 years old, was killed on April 25 while aiding another officer during an exchange of gunfire with a heavily armed man.

Mr. Speaker, I ask my colleagues to join me in expressing our most sincere condolences to his wife Gail, his three sons—David, Jr., John, and Rickey—and their friends and family in Millbrae and throughout the Bay Area. All of us have been touched by Officer Chetcuti's generosity, service, duty and commitment to his community.

Last month's tragedy hangs even more heavily in our hearts this week as we commemorate National Police Week. President Clinton's words proclaiming this solemn occasion ring especially true in reflecting upon Officer Chetcuti: ''This week a grateful Nation pauses to honor the more than half a million dedicated law enforcement officers across our country who put their lives on the line each day to protect us. These courageous and dedicated men and women daily wage the timeless battle for right over wrong, peace over conflict, and the rule of law over anarchy. . . . We lean heavily on this thin blue line, and it never breaks.''

Officer Chetcuti honored this truth every day of his life through his extraordinary commitment to protecting all of us. As Mike Parker, Chief of the Millbrae Police Department, so eloquently remarked, ''We lost Officer David J. Chetcuti when he was doing what he loved and did best, helping others.''

David John Chetcuti was born in San Francisco on March 5, 1955. He was the youngest of seven children born to John and Lily Chetcuti. Dave graduated from Capuchino High School in San Bruno, and later joined the Millbrae Police Department as a Reserve Police Officer in November, 1983. In April 1987, Dave was hired as a Deputy Sheriff with the Alameda County Sheriff's Department. He returned to the Millbrae Police Department in December, 1987, shortly after graduating from Alameda County's 91st Basic Academy.

Throughout his distinguished eleven-year career, Officer Chetcuti consistently performed as an outstanding officer and leader in many different service capacities. In 1992, he was the first officer from the Millbrae Police Department to receive recognition for the highest number of drunk driving arrests during the ''Avoid the 23'' campaign. In 1995, he received the Department's Lifesaving Award for initiating CPR on a heart attack victim. Over the years, Officer Chetcuti received more than 33 written commendations and was named in countless news stories reporting arrests, investigations, and outstanding achievements.

Mr. Speaker, 23 police officers have died in the line of duty in the history of San Mateo County, California. Behind each murder is a family grieving, a department devastated, and a community shaken. As we mourn Officer Chetcuti, and as we share our grief with his family, friends, and the people of Millbrae, I would like to pay tribute to these 22 brave men who preceded him in making the ultimate sacrifice for the safety and security of all of us.

These 22 officers are: Hugo Olazar, California Highway Patrol (1989); Joel M. David, East Palo Alto Police (1988); George L. Garrett, Jr., Redwood City Police (1981); Ralph Percival, California Highway Patrol (1974); Gordon Joinville, San Mateo Police (1968); Richard J. Klass, Daly City Police (1966); Charles Manning, Broadmoor Police (1964); Dale Krings, California Highway Patrol (1962); William E. Pitois, California Highway Patrol (1960); John W. Lyle, Menlo Park Police (1960); Eugene A. Doran, Hillsborough Police (1959); William Moyle, South San Francisco Police (1953); James Dalziel, California Highway Patrol (1945); Forrest Gerken, California Highway Patrol (1944); Herman G. Fleishman, Redwood City Police (1939); Jack Doyle, Daly City Police (1936); Pierre J. Larrecou, Sheriffs' Department (1927); Albert D. Coturri, San Bruno Police (1924); Herbert W. Lampkin, Sheriff's Department (1924); Arthur G. Meehan, San Bruno Police (1924); William Phillip McEvoy, Sheriff's Department (1897); and George Washington Tallman, Sheriff's Department (1988).

Mr. Speaker, I invite my colleagues to join me in paying tribute to the courageous officers of the Millbrae Police Department and all other police officers across America who risk their lives every working day. As we mark National Police Week, let us all take a moment to honor them, and to remember Officer David J. Chetcuti and his selfless contributions to the people of Millbrae.

## IN RECOGNITION OF SAMUEL STEEL

### HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. SKEEN. Mr. Speaker, I rise today to pay tribute to Samuel Steel, the first graduate of New Mexico Agricultural College, now known as New Mexico State University, who will be receiving his honorary degree during tomorrow's pregraduation ceremonies in Las Cruces, New Mexico at the university.

Samuel Steel was completing his last semester toward his Bachelor of Science Degree at New Mexico Agricultural College when he was shot on March 9, 1893. He would have been the first graduate of a New Mexico Territory institution of higher learning had he not been killed at the age of 17.

Steel entered New Mexico Agricultural College at the age of 13. Accounts of his abilities indicated a young man of genius or near-genius aptitude. he entered his senior year in the fall of 1892 as the only member of his class. He was a member of the Columbian Literary Society, which created the *New Mexican Collegian*, the first college newspaper in the territory.

President Hiram Hadley said of Steel: ''It is rather more than 40 years since I consecrated my life to the work of education. In that period I have had under my care many brilliant youths, a large number of whom now fill exalted positions in their chosen callings; but taken in all, I have never known the superior, if the equal of Samuel Steel. Personally, I loved him with a paternal affection, and had planned for him labor in which he was sure to distinguish himself.''

In the 100th anniversary year of his death, the Sam Steel Society was formed to carry on the scholarly tradition of Steel by inducting new graduates and honored individuals into the Society. Two years later, the frontage road on I–10 along the southern edge of the campus was named Sam Steel Way.

On May 15, 1998, 105 years after he would have been the territory's first graduate of a New Mexico college, an honorary bachelor of science degree in general agriculture is being awarded to the late Samuel Steel. On hand to accept the degree will be three nephews—Captain Gordon Steel of the United States Air Force, Ric Steel of El Paso, and namesake Dr. Samuel Steel of San Francisco.

The diploma reads: ''Be it known that for his outstanding scholarship as the first member of a senior class in a college in the New Mexico Territory, which set a standard of excellence for those who followed as students at New Mexico State University, the Regents hereby confer posthumously upon Samuel Steel the honorary degree of bachelor of science in general agriculture with all the honors and distinctions appertaining hereto.''

## A TIME TO HONOR THE FALLEN

### HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. LATOURETTE. Mr. Speaker, this week thousands of law enforcement officers from around the country have assembled in our nation's capital for National Police Week. One of the enduring ceremonies of Police Week is the candlelight vigil held each year at the National Law Enforcement Officers Memorial.

Each year at this memorial, about 10,000 people join together to honor our fallen officers. At last night's 10th Annual Candlelight Vigil, the names of 159 law enforcement officers who lost their lives in the line of duty in 1997 were added to the memorial. To date, more than 14,000 men and women have died while trying to keep our communities safe, with the earliest known death in 1794 when U.S. Marshal Robert Forsyth was shot and killed.

On average, one law enforcement officer is killed somewhere in America nearly every other day, so it is important that we as a nation honor those men and women in blue who have died. One of the men whose name was added to the wall this year is from the 19th Congressional District of Ohio, which I have the honor of representing. Ashtabula Police Department Patrolman Bill Glover was shot November 17, 1997, while apprehending a robbery suspect. He left behind a wife, Marianne, and three young children.

The addition of Officer Glover's name will bring the total number of Ohioans killed in duty to 621. Sadly, only four states—New York, California, Illinois and Texas—have had more officers killed in the line of duty than Ohio. Six of the Ohio officers who died in the line of duty are from my hometown of Lake Country, Ohio:

Constable Ernest C. Gray, Willoughby Township, July 16, 1919.

Deputy Marshal Lawrence R. Yaxley, Mentor Village, January 30, 1927.

Lt. Joyce Robbin Moore, Willoughby Police Department, March 22, 1955.

Patrolman John Apanites, Cleveland Police Department, April 7, 1969.

Auxiliary Capt. George Maxin, Willowick Police Department, December 31, 1976.

Detective Jack Spohn, Willoughby Police Department, August 2, 1998.

As a member of Congress, I have had the privilege of participating in National Police Week the last three years. Tonight, like the past three years, I will participate in a solemn Pipe Band March that will conclude with a wreath laying ceremony at the at the National Law Enforcement Officers Memorial. As in past years, I will be joined by Chief Jim McBride of the Lakeland Police Department.

I wish from the bottom of my heart we had no need for such a memorial, that every year could pass without candlelight vigils and wreath laying ceremonies. It would be a wonderful world if all our officers could live full lives, watch their children and grandchildren grow up, and die of old age in their beds next to their loved ones. Unfortunately, far too many die far too young, and we are left to try and make sense of their senseless deaths. Our National Law Enforcement Officers Memorial helps to make this possible.

I am honored to be able to pay tribute not only to our fallen officers from home, but also to all those who have bravely served our country. We must never forget their unselfish service because they never forgot their duty to serve and protect

## CONGRATULATING ELEANOR NISSLEY

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Eleanore S. Nissley on being named 1998 Woman of the Year by the New Jersey Federation of Republican Women. This award is highly deserved, based on Eleanore's long record of service to the Republican Party, which spans five decades. Eleanore is a stalwart veteran of our party who has fought for Republican values since the Eisenhower Administration and is still fighting today. No one could be more deserving of this high honor.

Eleanore is an accomplished businesswoman, an active participant in our political process, an advocate of higher education, a supporter of mental health programs, and a true member of her community through organizations such as the United Way. She has truly followed the philosophy that a successful person should return something to the community, underscoring the contribution of volunteers to making their communities a better place to live, work, and raise a family.

I can think of few—if any—individuals who have a record of service to the Republican Party as impressive as Eleanore's. Her political activities go back to 1953, when she joined the Bergen County Young Republicans Club. She joined the Bergen County Republican Woman's Club and the Bergen County Republican Committee the following year and the New Jersey Federation of Republican Women in 1958. She has been the Republican State Committeewoman for Bergen County since 1965. She was secretary of the Republican State Committee from 1981 to 1997, when she became vice-chairwoman.

Eleanore has been to six of the last eight Republican National Conventions as either a delegate or alternate delegate. She was on hand for the nomination of Richard Nixon, Gerald Ford, Ronald Reagan, George Bush, and Bob Dole—every Republican President and Presidential nominee of the past two generations. Eleanore's participation in these events extended far beyond her official duties as a delegate, however. She returned home charged with the energy of the convention and worked tirelessly to campaign for the GOP nominee and to encourage other Republican women to do the same. She worked not only to support the presidential nominee at the head of the ticket but every Republican candidate as well. She was a leader among women whose strong advocacy and support were important to many women candidates. Her advocacy and support for me was a key to my election to Congress. I have always relied on her for sound advice and counsel.

Eleanore has an equally strong record of community service, particularly in education, young people and mental health. She served as vice chairwoman of the Bergen County Mental Health Board from 1969 to 1975 and has served on the boards of the Family Counseling Service of Ridgewood and the Health and Welfare Council of Bergen County. She was a member of the Lay Development Board that helped establish a College of Professional Psychology at Rutgers University and a member of the Professional Standards Review Committee of the New Jersey Psychological Association. She was an advisory associate to the Graduate School of Applied and Professional Psychology at Rutgers. She is a former trustee of Bergen Community College and a founding member of the Bergen Community College Foundation. Eleanore has also served on the boards of the Community Chest and the United Way. She is a former commissioner of the New Jersey Sports and Exposition Authority and is currently vice chairwoman of the Hackensack Meadowlands Development Commission.

However, this is not the first award Eleanore has received. She has been honored by a number of groups, including the Bergen County Young Republicans, the Meadowlands Chamber of Commerce, the New Jersey Council of County Colleges, and Bergen Community College, to name a few.

All of this has been done while pursuing an impressive business career and raising a family. A graduate of New York University with a bachelor's degree in education, Eleanore has been president of Anclote Estates since 1995 and of Steffens Reality Co. since 1984. She was previously with Cogenic Energy Systems Inc., the Fifth Avenue Collection Inc., and Sartex International Inc. Eleanore lives in Ridgewood. She has four children, Jim, Gale, Peter, and Debbie.

I would like to take this occasion to bring attention to the achievements and service of this outstanding lady and add the recognition of my colleagues in this House for all she has done for her community and the Republican Party. Eleanore is truly one of the outstanding Republican women in our State and has been a leader in promoting Republican candidates and ideals and making us the majority party across the USA. She has been an inspiration for women seeking to become active in our electoral process. I thank her for her many contributions and wish her continued success in the future.

## RESOLUTIONS APPROVED BY THE NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION

### HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1998*

Mr. LIVINGSTON. Mr. Speaker, I want to take this opportunity to insert the following resolutions passed by the National Society Daughters of the American Revolution (DAR) into the CONGRESSIONAL RECORD. The resolutions were passed by the DAR at its 107th Continental Congress which was held on April 22, 1998.

EMERGENCY RESOLUTION

THE NATO EXPANSION TREATY

Scheduled for U.S. Senate vote the week of 4/20/98

Whereas, Article 5 of the North Atlantic Treaty obligates each NATO member to

''agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all'';

Whereas, Expanding NATO to include Hungary, Poland and the Czech Republic will further obligate the United States to defend not only the borders but the NATO defined ''interests'' of Eastern Europe, and could result in further deployment of United States troops throughout the world; and

Whereas, The Treaty will add nothing to the territorial security of the United States, but will stretch an already thin United States military across an ever expanding area, increasing the risk to American servicemen, who will be fighting under United Nations command; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution does not view the NATO Expansion Treaty as in the best interest of the United States, and is opposed to any treaty that will undermine Congress' Constitutional responsibility to declare war, place United States troops under United Nations command and commit the United States to permanent involvement in foreign conflicts and wars.

PREAMBLE

Lord Thomas Macaulay

Letter to an American Friend, 23 May 1857, ''. . . The average age of the world's greatest democratic nations has been 200 years. Each has been through the following sequence:

From bondage to spiritual faith.
From faith to great courage.
From courage to liberty.
From liberty to abundance.
From abundance to complacency.
From complacency to selfishness.
From selfishness to apathy.
From apathy to dependency.
And from dependency back again into bondage.''

Can we escape this fate?

COMMEMORATIVE DEDICATIONS

OBSERVE THE CENTENARY OF THE DEATH OF A DAUGHTER: FRANCES E. WILLARD

(September 28, 1839—February 17, 1898), NSDAR #243; Chicago Chapter Charter & Ft. Dearborn Member

The National Society Daughters of the American Revolution, at the Seventh Continental Congress in 1898, mourned ''the death of one of its most distinguished members''. This year will mark the 100th anniversary of the death of Frances Elizabeth Caroline Willard, a remarkable woman.

Through the Women's Christian Temperance Union (WCTU), she educated millions to the dangers of alcohol, tobacco and drug use. As a suffragist for the rights of women and children, she helped create protection for them in working for their education and women's right to vote, the eight hour work day, equal pay for equal work, uniform marriage and divorce laws, prison reform, and she worked as a tireless advocate for the sanctity of the home. Author, educator, worker for peace and improvement of the human condition through passive demonstrations of strength, she made the nation and then the world conscious of the newly found resource of women. She trained women, encourage them to achieve at their highest potential and then helped to provide a door through which they could enter into service. She was an integral part of many organizations, including the NSDAR, that a century after her death still continue their missions.

In 1905, her statue was placed in Statuary Hall in the Capitol Building in Washington, D.C. as an honored Illinoisan, the first woman to stand among the figures of great Americans of the United States. Today, Frances Willard is a reminder to all women that they can ''Do Everything'' to which they set their minds and hearts. The National Society Daughters of the American Revolution pays tribute to this famous American.

A PATRIOT & A PIONEER

Dr. Anita Newcomb McGee, one of the founders of the NSDAR, its first Librarian General and a co-founder with General George M. Sternberg of the DAR Hospital Corps in April 1898. She recruited qualified nurses for the Spanish American War.

She was appointed Acting Assistant Surgeon, U.S.A., in charge of army nurses on August 29, 1898; this empowered her to organize the Army Nurse Corp. After the war, in 1900, when the Army Reorganization Act was being written, Dr. McGee, at General Sternberg's request prepared the Army Nurse Corps section of the act which was not changed until 1947.

Her indomitable spirit lives on in the Dr. Anita Newcomb McGee Award to the Outstanding Army Nurse of the year. Dr. Anita Newcomb McGee was a patriot and a pioneer physician and deserves this centenary acknowledgement.

HISTORIC VIEW OF THE UN AND THE NSDAR

Whereas, In 1946, the National Society Daughters of the American Revolution adopted a resolution in support of the United Nations as an instrument to ''promote international understanding and permanent peace'' but at the same time began a ''constructive campaign of education to prevent the confusion of this plan of world responsibility with any plan of World Government involving world citizenship, universal currency, free trade, and the dominance of the United States by other nations'';

Whereas, The NSDAR continued to view the UN as a world organization of sovereign nations working together for world peace and understanding, while opposing any form of world government, but by 1955, citing UN assaults upon the Constitution of the United States, the NSDAR resolved that it was ''clear that a CONCEALED purpose (of the UN) is to destroy the sovereignty of the United States of America in order to build a WORLD GOVERNMENT without the right of secession'', and in 1958, for the first time, by an overwhelming vote, requested the United States to withdraw from the UN; and

Whereas, Over the years the NSDAR has objected to various UN commissions, special agencies and treaties and, believing control of the military is an essential ingredient of sovereignty, has also opposed agreements such as the Program for General and Complete Disarmament ''creating a permanent UN peacekeeping force subjecting American troops to international control''; therefore, be it

*Resolved*, That every DAR member be mindful that upon application for membership, she pledges allegiance to the United States of America and agrees to support its Constitution, and as stated in the NSDAR Handbook, ''DAR Membership is incompatible with any form of international, regional or world government which would dilute American sovereignty, supersede our constitutional rights and guarantees or limit our nation's independence.''

WORLD HERITAGE SITES JEOPARDIZE AMERICAN LAND SOVEREIGNTY

Whereas, Independence Hall, cradle of American liberty, and 20 other uniquely American properties have been designated World Heritage Sites in direct violation of Article IV, Section 3 of the U.S. Constitution which authorizes Congress to make ''all needful Rules and Regulations respecting Property belonging to the United States'';

Whereas, The World Heritage program, under the control of UNESCO mandates that natural Heritage Sites in the United States can be designated Biosphere Reserves under the UNESCO Man and the Biosphere Program, and 47 Biosphere Reserves have been selected in the United States covering 50 million acres, land in which economic development, property rights and population dispersion are to be centrally managed by agencies of the United Nations; and

Whereas, In an effort to preserve federal, state and private property rights, The American Land Sovereignty Protection Act, currently before the United States Senate, would end United States participation in the United Nations Biosphere Reserves and World Heritage programs and eliminate the designation of all sites in the United States unless approved by Congress; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution be aware of the danger posed to freedom by the UNESCO controlled World Heritage Sites and Biosphere Reserve programs in which sovereign United States land is to be managed by the United Nations in accordance with international goals and dictates; and support the American Land Sovereignty Protection Act which would require consent of Congress, state and local authorities before submitting any American site to international supervision.

UNITED NATIONS CLIMATE CHANGE CONVENTION

Whereas, The United Nation's Framework Convention on Climate Change, signed in Japan in 1997, will mandate massive energy cuts, resulting in the loss of millions of jobs, exacerbating the exodus of energy dependent industry, and affecting all business, including agriculture;

Whereas, This will cause living standards to plummet and food prices to soar, while giving rise to a new global regulatory bureaucracy and forcing American industry to relocate in the 128 under developed countries exempt from the treaty, such as China, India and Mexico; and

Whereas, The government's own satellite program over the past 18 years shows a slight cooling, and many prominent climate scientists consider the global climate convention or treaty to be flawed and its goals unrealistic ''. . . based solely on unproven scientific theories, imperfect computer models . . . and unsupported assumptions that catastrophic global warming follows from the burning of fossil fuels . . .''; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution oppose the United Nations Framework Convention on Climate Change which would result in deindustrialization of the United States, drastically lowering living standards as industry is forced to relocate in under developed countries exempt from the convention, and in a new global regulatory bureaucracy which would further destroy sovereignty.

INJUSTICE FOR ALL—WORLD COURT

Whereas, a global treaty conference to establish a world tribunal supported by the General Assembly of the United Nations, and already considered by many as an accomplished fact, will be held during June, 1998 in Rome to begin the treaty ratification process to establish an International Criminal Court (ICC);

Whereas, The definition of the new World Court of War Crimes is loosely defined and presently includes genocide, crime against humanity and war crimes with power to add other categories such as ecological crimes; and serious concerns are being raised about a tribunal dedicated to the creation of precedents in international law by judges from countries that are culturally alien to American values and outside the common law tradition, with no procedural rights or immunities as guaranteed by the United States Constitution and the Bill of Rights; and

Whereas, The United States will be expected to provide most of the enforcement personnel for the ICC, and American military personnel on United Nations peacekeeping forces will be at risk of being targeted with war crime charges; therefore, be it

*Resolved*, the National Society Daughters of the American Revolution oppose any efforts to surrender our nation's sovereignty to the United Nations by establishing the International Criminal Court, a world tribunal that will override the United States Constitution, the American legal system, and our inherent rights.

THE AMERICAN HERITAGE RIVERS INITIATIVE (AHRI)

Whereas, The American Heritage Rivers Initiative (AHRI), implemented by Presidential Executive Order 13061, allows federal takeover of 10 American rivers initially and ultimately as many as 114, establishing vaguely defined ''river communities'' including watershed areas[1];

Whereas, Although communities are encouraged to submit future plans for their river designation, the final decisions will be made by the AHRI Committee which is appointed by the President's Council on Environmental Quality, leaving nonelected state administrators, employees and nongovernmental organizations (NGO's) in control of designated rivers; and

Whereas, U.S. Representative Helen Chenoweth—Idaho has introduced legislation to stop federal funding of the AHRI, an initiative which imposes another layer of federal bureaucracy, violates constitutional and statutory law, reduces the states' domain and restricts private property rights; therefore, be it

*Resolved*, The National Society Daughters of the American Revolution oppose the American Heritage Rivers Initiative, a maneuver by the Executive Branch to thwart the powers reserved to Congress regarding regulation of navigable waters, to curb jurisdiction of states over land use planning as well as to restrict water rights, local zoning and individual property rights.

NATIONAL ID—ALL PERSONAL DATA

Whereas, The Fourth Amendment to the Constitution grants ''The Rights of the people to be secure in their person, house, and effects''; and most losses of their individual freedoms have come as a result of governmental programs ''to assist and make safe'' all of which are seemingly benign when taken individually;

Whereas, Massive numbers of regulations and laws and a national ID enforced by a powerful bureaucracy, are characteristic of communism, fascism, and totalitarianism and, proposed legislation on encryption would necessitate giving a third party ''the ability to read all E-mail, listen to telephone calls and read computer files'', precluding privacy from government agencies; and

Whereas, Data consolidation into a national identification card is an approaching eventuality with the implementation of the military MARC card, the Employment Authorization Reader Card, bar coding, Social Security Card, Governmental Employment Card, biometric ID, and compilation of education, legal, family and health history; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution must continue to remain vigilant in regard to the encroachment on our constitutionally guaranteed liberties and freedoms, and oppose further increasingly invasive expansion of government into our daily lives and oppose data consolidation into a national identification card.

[1] The Mississippi River watershed area drains over 40% of the United States.

CENSUS 2000: SUPPORT FULL ENUMERATION VERSUS SAMPLING

Whereas, The Constitution of the United States mandates the enumeration of the population every ten years for the purpose of apportioning Congressional representation and determining the distribution of funding for government programs among the states which is essential to provide statistical information to be utilized in drawing district boundary lines which effect Congressional and local elections;

Whereas, In order to reduce the estimated cost of 4.8 million dollars for Census 2000, the Bureau of the Census is exerting pressure to change from the traditional method of full enumeration to a sampling procedure of unproven accuracy, in which only a percentage of the population would be counted; and

Whereas, The information recorded in past census records is an invaluable tool for genealogists, historians and sociologists and should continue to be so; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution support the Constitutional requirement of full enumeration of the Census 2000 which will provide important and necessary information to the United States Government and its people.

NO TO PUERTO RICAN STATEHOOD

Whereas, When the House of Representatives recently voted by a margin of one to enable Puerto Rico to become the 51st state, the public was unaware that this was on the Congressional agenda although the President of Puerto Rico and his associates had retained 30 Washington, D.C. firms to lobby for statehood;

Whereas, The per capita income of Puerto Rico is half that of our poorest state, more than one half of its population would qualify for welfare, and 80% do not speak English and are resistant to learning English; yet as a state, Puerto Rico would have two Senators and probably six Representatives, the latter to be taken from the 50 States since the House of Representatives is capped at 435 members; and

Whereas, The reason given for statehood by a number of prominent Americans of Hispanic descent is that Puerto Rico's present commonwealth status does not meet the United Nations' criteria for ending colonialism; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution oppose making Puerto Rico the 51st state which, with more than one half of its population qualifying for welfare, would create a severe financial drain on taxpayers, would receive Congressional representation at the expense of other states, and would lead to social polarization, not assimilation, considering its different language and culture which its leaders have declared will be maintained.

FAST TRACK TRADE AUTHORITY

Whereas, Article I, Section 8, of the United States Constitution gives to Congress the power ''to regulate commerce with foreign nations and among the several states'', and the Framers of the Constitution, after extensive debate, relegated this power to Congress as a check and balance on the President's authority to make treaties and conduct foreign policy;

Whereas, The North Atlantic Fair Trade Act (NAFTA) set a precedent when it passed Congress by using a ''fast track'' procedure not found in the Constitution, and the President of the United States is now requesting extension of ''fast track'' authority to pass multinational trade agreements; and

Whereas, ''Fast track'' authority will restrict Congressional input to twenty hours of debate, and will limit the Congressional vote to 'yes or no', while prohibiting all rights to amend executive trade agreements; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution recommend NAFTA be rescinded and oppose extension of ''fast track'' trade authority to the President of the United States, whereby the Constitutional right of Congress to act on trade agreements would be eroded and power would be transformed to the Executive.

AMERICAN FAMILY

Whereas, Remembering that the NSDAR motto ''God, Home and Country'' focuses attention on the importance of God—spiritual values and morals, home—one's own dwelling place and that of their immediate kindred, comprising parents and children, and constituting the fundamental social unit in society, and country—the United States of America to which we pledge our allegiance;

Whereas, Since 1973, the family income has declined necessitating many families with both parents in the work force and children in day-care; the quality and parental control of many schools has been diminished; many types of media have overwhelmed American life altering moral standards; the pervasive influence of drugs, alcohol and violence has compromised the safety of the family; and the roles of both mother and father have been eroded by government and societal intervention; and

Whereas, Before passing laws, Congress and State Legislatures should consider the effects of law on the family, communities should support solutions so that families are nurtured and encouraged; families should increase their involvement in school matters; parents should carefully guide their family consumption of media and assume their responsibility as family leaders of moral standards, thus producing families with high moral standards and conscientious citizens; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution proudly proclaim its motto ''God, Home and Country'' as an example to the nation.

MILITARY STRENGTH

Whereas, In the last five years the government has downsized United States military forces by 40%, thus not only calling into question our ability to handle two conflicts in different parts of the world simultaneously, a stated military goal, but also endangering our status as the preeminent military power in the world;

Whereas, Although this country now has no defense against ballistic missiles, and although the proliferation of nuclear, chemical, and biological weapons and missile technology is increasing around the world to an alarming degree among nations of doubtful friendliness, our government, citing the constraints of the 1972 Anti-Ballistic Missile Treaty with the former Soviet Union, is opposed to a space based missile defense system, the most economical and efficient kind of middle defense; and

Whereas, The administration has just released to China our most advanced missile technology even though China threatened the United States with a missile strike on Los Angeles at the height of the Taiwan crisis, is arming rogue nations world wide, and its military strategist have written a book on how to win the coming war with the United States; therefore, be it

*Resolved*, That the National Society Daughters of the American Revolution recommend the following steps by the United States Government for the safety of the nation:

1. Rebuild the nation's armed forces so that there can be no doubt that the United

States is the preeminate military power in the world and able to handle two conflicts simultaneously in different parts of the globe, a stated military goal,

2. Stop any further high technology transfers to China,

3. Cancel the 1972 Anti-ballistic Missile Treaty with the former Soviet Union and its constraints on missile defense, and

4. Fund the manufacture and deployment of a space based Anti-Ballistic Missile Defense System for the protection of the American homeland.

REAFFIRMATIONS

1. CHINA SPELLS TROUBLE (1997)

*Resolved*, That the National Society Daughters of the American Revolution oppose the granting of Most Favored Nation trading status, the leasing of the Long Beach naval base or any other American port facility, any joint military training exercises and the sale of military technology or hardware to communist China.

2. RESTORE CONSTITUTIONAL GOVERNMENT (1997)

*Resolved*, That the National Society Daughters of the American Revolution supports enumerated powers legislation which would require Congress to cite constitutional authority for all legislation, and further supports efforts to abolish the use of unbridled Executive Orders, restore Constitutional balance with strict limitation of Presidential power, thereby preserving the rights of the citizenry as intended by the Founding Fathers.

3. UNITED STATES PATENT RIGHTS (1997)

*Resolved*, That the National Society Daughters of the American Revolution stands opposed to the restructuring of the United States Patent and Trademark Office and to laws and international agreements that encroach on United States patent and trademark laws and Constitutional rights to ''writings and discoveries'' which rob inventors/writers/designers of their creative endeavors and allow worldwide use of their efforts.

# *Daily Digest*

HIGHLIGHTS

The House passed H.R. 2431, Freedom From Religious Persecution Act of 1998.

House Committees ordered reported 7 sundry measures.

# Senate

## *Chamber Action*

*Routine Proceedings, pages S4845-S4926*

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2079–2085 and S. Con. Res. 96. **Page S4906**

Measures Reported: Reports were made as follows:

S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes, with amendments.

Special Report entitled ''Allocation to Subcommittees of Budget Totals for the Concurrent Resolution for the Fiscal Year 1999''. (S. Rept. No. 105–191) **Page S4906**

Measures Passed:

*WIPO Copyright Treaty Implementation:* By a unanimous vote of 99 yeas (Vote No. 137), Senate passed S. 2037, to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, and to provide limitations on copyright liability relating to material online, after agreeing to the following amendment proposed thereto:

**Pages S4884–S4900**

Hatch Amendment No. 2411, to make technical corrections. **Page S4885**

Department of Defense Authorizations: Senate resumed consideration of S. 2057, to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on amendments proposed thereto, as follows:

**Pages S4850–83**

Adopted:

Thurmond/Levin Amendment No. 2399, to increase the amount for classified programs, and to offset the increase by reducing the amount for Air Force procurement for the Advance Medium Air-to-Air Missile System program, and the amount for Defense-wide research, development, test, and evaluation for engineering and manufacturing development under the Theater High Area Defense program.

**Pages S4853–54**

Hutchinson/Abraham Amendment No. 2387, relating to commercial activities in the United States of the People's Liberation Army and other Communist Chinese military companies. (By 24 yeas to 76 nays (Vote No. 136), Senate earlier failed to table the amendment.) **Pages S4864–71, S4876, S4879–80**

Thomas Amendment No. 2401 (to Amendment No. 2387), to strike the findings provisions.

**Pages S4871, S4880**

Hutchinson/Abraham Modified Amendment No. 2388, relating to the use of forced labor in the People's Republic of China. **Pages S4871–75**

Harkin Amendment No. 2402 (to Amendment No. 2388), to increase monitoring of imported products made with forced or indentured labor and forced or indentured child labor. (The amendment was incorporated into the modification of Amendment No. 2388.) **Pages S4873–75**

McCain/Levin Amendment No. 2410, to provide eligibility for hardship duty pay on the basis of the nature of the duty performed instead of the location of the duty, and to repeal an exception.

**Pages S4882–83**

Pending:

Feinstein Amendment No. 2405, to express the sense of the Senate regarding the Indian nuclear tests. **Page S4877**

Brownback Amendment No. 2407 (to Amendment No. 2405), to repeal a restriction on the provision of certain assistance and other transfers to Pakistan. **Page S4879**

Universal Tobacco Settlement Act: A motion was entered to close further debate on the motion to proceed to consideration of S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Monday, May 18, 1998. **Page S4883**

American Competitiveness Act—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1723, to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers, on Monday, May 18, 1998. **Page S4925**

Appointments:

*National Skill Standards Board:* The Chair, on behalf of the President pro tempore and upon the recommendation of the Majority Leader, pursuant to P.L. 103–227, appointed the following individuals to the National Skill Standards Board: Jon A. Reeves, of Mississippi, Ronald K. Robinson, of Mississippi, and Earline N. Ashley, of Mississippi. **Page S4925**

*North Atlantic Assembly:* The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed Senator Hutchinson as a member of the Senate Delegation to the North Atlantic Assembly during the Second Session of the 105th Congress, to be held in Barcelona, Spain, May 22–27, 1998. **Page S4925**

Nominations Confirmed: Senate confirmed the following nominations:

Paul J. Hoeper, of California, to be an Assistant Secretary of the Army.

William P. Dimitrouleas, of Florida, to be United States District Judge for the Southern District of Florida.

Stephan P. Mickle, of Florida, to be United States District Judge for the Northern District of Florida.

Sue Bailey, of Maryland, to be an Assistant Secretary of Defense. **Pages S4925, S4926**

Messages From the House: **Page S4902**

Measures Referred: **Page S4902**

Petitions: **Pages S4902–06**

Executive Reports of Committees: **Page S4906**

Statements on Introduced Bills: **Pages S4906–16**

Additional Cosponsors: **Pages S4916–17**

Amendments Submitted: **Pages S4917–21**

Notices of Hearings: **Page S4921**

Authority for Committees: **Pages S4921–22**

Additional Statements: **Pages S4922–25**

Record Votes: Two record votes were taken today. (Total—137) **Pages S4879–80, S4894**

Adjournment: Senate adjourned for 1 minute during today's proceedings, thus changing the legislative day. **Page S4883**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:41 p.m., until 9:30 a.m., on Friday, May 15, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4925–26.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## YEAR 2000 COMPLIANCE

*Committee on Agriculture, Nutrition, and Forestry:* Committee held hearings to examine the Department of Agriculture information technology systems to ensure compliance with Year 2000 deadline, receiving testimony from Marsha Pyle Martin, Chairman and Chief Executive Officer, Farm Credit Administration; Brooksley Born, Chairperson, Commodity Futures Trading Commission; Anne F. Thomson Reed, Chief Information Officer, Department of Agriculture; Joel C. Willemssen, Director, Civil Agencies Information Systems, Accounting and Information Management Division, General Accounting Office; Peter de Jager, de Jager and Company, Ltd., Toronto, Canada; and Irene Dec, Prudential Insurance Company of America, Roseland, New Jersey.

Hearings were recessed subject to call.

## SUBCOMMITTEE ALLOCATIONS

*Committee on Appropriations:* Committee completed its review of subcommittee 302(b) allocations of budget outlays and new budget authority allocated to the committee in S. Con. Res. 86, setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003.

## ERISA

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education and Related Agencies concluded hearings to examine the Employee Retirement Income Security Act (ERISA) preemption, focusing on remedies for denied or delayed health claims, after receiving testimony from Olena Berg, Assistant Secretary of Labor for Pension and Welfare Benefits; Evan Miller, Hogan & Hartson, on behalf of the Association of Private Pension, and Ronald F. Pollack, Families USA Foundation, both of Washington, D.C.; and Mark Smith, AMP Incorporated, Harrisburg, Pennsylvania, on behalf of the National Association of Manufacturers.

## APPROPRIATIONS—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

*Committee on Appropriations:* Subcommittee on Treasury and General Government concluded hearings on proposed budget estimates for fiscal year 1999 for the Department of the Treasury, focusing on the Bureau of Alcohol, Tobacco and Firearms' Gang Resistance, Education and Training program, after receiving testimony from John W. Magaw, Director, and Gale Rossides, Assistant Director for Training and Professional Development, both of the Bureau of ATF, Department of the Treasury; Edward N. Kondracki, La Crosse Police Department, La Crosse, Wisconsin; Cuyler Windham, Cumberland County Police Department, Fayetteville, North Carolina; and numerous public witnesses.

## NATIONAL PARK SYSTEM

*Committee on Energy and Natural Resources:* Subcommittee on National Parks, Historic Preservation, and Recreation concluded hearings on S. 1693, to improve state-of-the-art protection and interpretation to NPS sources, focusing on Title IX, Commercial Filming in National Parks, and Title X, Capital Improvement Project Bond Demonstration Program, and S. 1614, to require a permit for the making of a motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System, after receiving testimony from Representative Hefley; Destry Jarvis, Assistant Director for External Affairs, National Park Service, Department of the Interior; Albert C. Eisenberg, National Parks and Conservation Association, Jack Valenti, Motion Picture Association of America, Jeff Perlman, American Advertising Federation, and Daniel L. Jaffe, Association of National Advertisers, Inc., all of Washington, D.C.; Matthew Miller, Association of Independent Commercial Producers, Inc., and Alfred R. Califano, OneSuch Films, both of New York, New York; Leigh von der Esch, State of Utah Film Commission, Salt Lake City; and Victor S. Perlman, American Society of Media Photographers, Princeton Junction, New Jersey.

## BUSINESS MEETING

*Committee on Finance:* Committee ordered favorably reported S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, with amendments.

## CHINA

*Committee on Foreign Relations:* Committee held hearings to examine United States interests at the forthcoming U.S.-China summit to be held in June, receiving testimony from Stanley O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs; Robert Kagan, Carnegie Endowment for International Peace, Mike Jendrzejczyk, Human Rights Watch/Asia Division, and Robert A. Kapp, United States-China Business Council, all of Washington, D.C.; and Arthur Waldron, University of Pennsylvania, Philadelphia.

Hearings were recessed subject to call.

## IRAN

*Committee on Foreign Relations:* Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine United States policy toward Iran, after receiving testimony from Martin S. Indyk, Assistant Secretary of State for Near Eastern Affairs; Richard W. Murphy, Council on Foreign Relations, New York, New York; and Michael Eisenstadt, Washington Institute for Near East Policy, and Steven Emerson, both of Washington, D.C.

## SAFETY OF FOOD IMPORTS

*Committee on Governmental Affairs:* Permanent Subcommittee on Investigations held hearings to examine the adequacy of procedures and systems used by the Department of Agriculture Food Safety and Inspection Service and the Department of Health and Human Services Food and Drug Administration to oversee the safety of food imported into the United States, receiving testimony from Robert E. Robertson, Associate Director, Food and Agriculture Issues, Resources, Community, and Economic Development Division, General Accounting Office; Reggie Jang, San Francisco, California, former Consumer Safety Inspector, Food and Drug Administration, Department of Health and Human Resources; and Mary Ellen Camire, University of Maine, Orono.

Hearings were recessed subject to call.

NOMINATIONS

*Committee on the Judiciary:* Committee concluded hearings on the nominations of Rosemary S. Pooler and Robert D. Sack, both of New York, each to be United States Circuit Judge for the Second Circuit, Victoria A. Roberts, to be United States District Judge for the Eastern District of Michigan, Richard W. Roberts, to be United States District Judge for the District of Columbia, and Ronnie L. White, to be United States District Judge for the Eastern District of Missouri, after the nominees testified and answered questions in their own behalf. Ms. Roberts was introduced by Senators Levin and Abraham and Representative Upton, Mr. Roberts was introduced by District of Columbia Delegate Norton, and Mr. White was introduced by Senator Bond and Representative Clay.

NOMINATION

*Committee on Small Business:* Committee ordered favorably reported the nomination of Fred P. Hochberg, of New York, to be Deputy Administrator of the Small Business Administration.

Prior to this action, committee concluded hearings on the nomination of Mr. Hochberg, after the nominee testified and answered questions in his own behalf. Testimony was also received on the nominee from Senator D'Amato; Representative Forbes; and Ada Alvarez, Administrator, Small Business Administration.

INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

# House of Representatives

## *Chamber Action*

Bills Introduced: 25 public bills, H.R. 3865–3889; and 9 resolutions, H.J. Res. 119, H. Con. Res. 277, and H. Res. 431–434 and 437–439, were introduced. **Pages H3311–12**

Reports Filed: Reports were filed as follows:

H. Res. 435, providing for consideration of H.R. 3616, to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999 (H. Doc. 105–535); and

H. Res. 436, providing for consideration of H. Res. 432, Expressing the Sense of the House of Representatives Concerning the President's Assertion of Executive Privilege and providing for consideration of H. Res. 437, Calling Upon the President of the United States to Urge Full Cooperation By His Former Political Appointees and Friends and their Associates with Congressional Investigations (H. Doc. 105–536). **Pages H3310–11**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Ney to act as Speaker pro tempore for today. **Page H3259**

Motion To Adjourn: Rejected the Serrano motion to adjourn by a yea and nay vote of 15 yeas to 379 nays, with 1 voting "present", Roll No. 152. **Pages H3259–69**

Question of Privilege of the House: The Chair ruled that H. Res. 431, relating to a question of the privileges of the House did constitute a question of privilege and was in order. **Pages H3260–61**

Subsequently, agreed to the Armey motion to table the resolution by a recorded vote of 223 ayes to 196 noes, Roll No. 153. **Page H3261**

Freedom From Religious Persecution Act of 1998: The House passed H.R. 2431, to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution by yea and nay vote of 375 yeas to 41 nays with 1 voting "present", Roll No. 155. **Pages H3271–94**

Agreed To:

The Brady amendment that establishes provisions to promote religious freedom including an internet site, training for foreign service officers, equal access to U.S. missions abroad for conducting religious activities, international broadcasting and exchanges; and foreign service awards for promotion of internationally recognized human rights; creates a five member commission on international religious persecution composed of a Director, two Senators and two Members of the House of Representatives; and provides limited contract sanctity for transactions involving the Trade and Development Agency or the Export Import Bank; **Pages H3288–90**

The Hastings of Florida amendment that permits the Director of the Office of Religious Persecution Monitoring, in consultation with the Secretary of State to make policy recommendations to the President to promote and develop legal protections and

cultural respect for religious freedom; and requires the Director to assist the Secretary of State in establishing an award program for foreign service officers who provide meritorious service in the promotion of human rights including the right to religious freedom (agreed to by yea and nay vote of 415 yeas to 3 nays, Roll No. 154); and **Pages H3290–92**

The Campbell amendment that permits the President to waive sanctions against Sudan if the President determines that national security interests justify a waiver and notifies specified Senate and House of Representatives committees in writing of his intention to waive any sanction. **Pages H3292–93**

H. Res. 430, the rule that provided for consideration of the bill was agreed to by a voice vote. Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 3806, modified by the amendments printed in part 1 of H. Rept. 105–534, the report accompanying the rule, was considered as an original bill for the purpose of amendment. **Pages H3263–71**

Committee Election: the House agreed to H. Res. 434, electing the Delegate of the Virgin Islands, the Honorable Christian-Green to the Committee on Small Business. **Page H3294**

Legislative Program: The Majority Leader announced the legislative program for the week of May 18. **Pages H3294–95**

Meeting Hour—Monday, May 18: Agreed that when the House adjourns today, it adjourn to meet at noon on Monday, May 18. **Page H3295**

Meeting Hour—Tuesday, May 19: Agreed that when the House adjourns on Monday, it adjourn to meet at 10:30 a.m. on Tuesday, May 19, for Morning Hour debate. **Page H3295**

Calendar Wednesday: Agreed that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, May 20. **Page H3295**

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until Monday, May 18, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. **Page H3295**

Senate Messages: Message received today from the Senate appears on page H3259.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H3312–55.

Quorum Calls—Votes: Two yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H3259–60, H3261, H3291–92, and H3294. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 4:40 p.m.

# *Committee Meetings*

## MISCELLANEOUS MEASURES

*Committee on Commerce:* Ordered reported the following measures: H. Con. Res. 171, declaring the memorial service sponsored by the National Emergency Medical Services (EMS) Memorial Service Board of Directors to honor emergency medical services personnel to be the ''National Emergency Medical Services Memorial Service''; H.R. 2202, amended, National Bone Marrow Registry Reauthorization Act of 1998; and H.R. 3849, amended, Internet Tax Freedom Act.

## CHINA TRADE POLICY

*Committee on Commerce:* Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on China Trade Policy. Testimony was heard from Ambassador David Aaron, Under Secretary, International Trade, Department of Commerce; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Education and the Workforce:* Subcommittee on Workforce Protections approved for full Committee action the following bills: H.R. 2869, to amend the Occupational Safety and Health Act of 1970 to exempt safety and health assessments, audits, and reviews conducted by or for an employer from enforcement action under such Act; H.R. 2873, amended, to amend the Occupational Safety and Health Act of 1970; H.R. 2661, amended, Sound Scientific Practices Act; and H.R. 3725, amended, Postal Service Health and Safety Promotion Act.

## GULF WAR VETERANS' ILLNESSES

*Committee on Government Reform and Oversight:* Subcommittee on Human Resources held a hearing on the Status of Efforts to Identify Gulf War Veterans' Illnesses: Tumor Data. Testimony was heard from Kwai Chan, Director, Special Studies and Evaluation Group, GAO; Susan Mather, M.D., Chief, Public Health and Environmental Hazards Officer, Department of Veterans Affairs; Gary Christopherson, Acting Assistant Secretary (Health Affairs), Department of Defense; Richard Miller, M.D., Director, Medical Follow-Up Agency, Institute of Medicine/National Academy of Sciences; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on International Relations:* Subcommittee on Asia and the Pacific approved for full Committee action the following resolutions: H. Res. 392, relating to the importance of Japanese-American relations

and the urgent need for Japan to more effectively address its economic and financial problems and open its markets by eliminating informal barriers to trade and investment, thereby making a more effective contribution to leading the Asian region out of its current financial crisis, insuring against a global recession, and reinforcing regional stability and security; and H. Res. 404, commemorating 100 years of relations between the people of the United States and the people of the Philippines.

## BANKRUPTCY REFORM ACT; RELIGIOUS LIBERTY AND CHARITABLE DONATION PROTECTION ACT

*Committee on the Judiciary:* Ordered reported the following bills: H.R. 3150, amended, Bankruptcy Reform Act of 1998; and H.R. 2604, Religious Liberty and Charitable Donation Protection Act of 1997.

## OVERSIGHT—PUBLIC SAFETY OFFICERS VALOR—CONGRESSIONAL RECOGNITION

*Committee on the Judiciary:* Subcommittee on Crime held an oversight hearing on Congressional Recognition for Acts of Exceptional Valor by Public Safety Officers. Testimony was heard from Peter E. Bergin, Acting, Principal Deputy Assistant Secretary and Director, Diplomatic Security Service, Department of State; Donnie R. Marshall, Acting Deputy Administrator, DEA, Department of Justice; and public witnesses.

## OVERSIGHT—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

*Committee on Resources:* Subcommittee on Energy and Mineral Resources held an oversight hearing on Outer Continental Shelf Oil and Gas Leasing. Testimony was heard from Senator Boxer; Representatives Jones, Pallone, Cunningham, Capps, Lampson, Regula, Scarborough, Goss and Taylor of Mississippi; and Cynthia Quarterman, Director, Minerals Management Service, Department of the Interior.

## DISABLED SPORTSMEN'S ACCESS ACT

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 2760, Disabled Sportsmen's Access Act. Testimony was heard from Representatives Cunningham, Peterson of Minnesota, Chambliss and Kelly; the following officials of the Department of Defense: Sherri W. Goodman, Deputy Under Secretary, Environmental Security; and Lt. Col. A. Lewis Deal, USMC, Executive Officer, Weapons Training Battalion, Quantico Marine Corps Base; and public witnesses.

## OVERSIGHT—ROCKY MOUNTAIN WEST—FOREST HEALTH

*Committee on Resources:* Subcommittee on Forests and Forest Health held an oversight hearing on Forest Health in the Rocky Mountain West. Testimony was heard from Lyle Laverty, Regional Forester, Rocky Mountain Region, Forest Service, USDA; and public witnesses.

## NATIONAL DEFENSE AUTHORIZATION ACT

*Committee on Rules:* Granted, by voice vote, a rule providing 1 hour of debate on H.R. 3616, National Defense Authorization Act for Fiscal Year 1999. The rule waives all points of order against the bill. Finally, the rule provides that there shall be no further consideration of the measure except by subsequent order of the House. Testimony was heard from Chairman Spence and Representative Skelton.

## SENSE OF THE HOUSE RESOLUTION CONCERNING EXECUTIVE PRIVILEGE; COOPERATION WITH CONGRESSIONAL INVESTIGATIONS

*Committee on Rules:* Granted by a vote of 7 to 1, a rule providing for consideration of H. Res. 432, expressing the sense of the House of Representatives concerning the President's assertions of executive privilege, in the House with 1 hour of debate equally divided and controlled by the Majority Leader or his designee and an opponent. The rule provides that the resolution shall be considered as read. The rule provides that the previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

The rule provides for consideration of H. Res. 433, calling upon the President of the United States to urge full cooperation by his former political appointees and friends and their associates with congressional investigations, in the House with one hour of debate equally divided and controlled by the Majority Leader and an opponent. The rule provides that the resolution be considered as read. Finally, the rule provides that the previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

## COMMUNICATING SCIENCE AND ENGINEERING

*Committee on Science:* Held an oversight hearing on Communicating Science and Engineering in a Sound-Bite World. Testimony was heard from public witnesses.

## OVERSIGHT—MILLENNIUM SHORT CIRCUIT

*Committee on Science:* Subcommittee on Technology and the Subcommittee on Management, Information, and Technology of the Committee on Government Reform and Oversight held a joint oversight hearing on Millennium Short Circuit: The Y2K Effect on Energy Utilities. Testimony was heard from Hugh L. Thompson, Jr., Deputy Executive Director, Regulatory Programs, NRC; Kathleen M. Hirning, Chief Information Officer, Federal Energy Regulatory Commission, Department of Energy; and public witnesses.

## DRUG-FREE WORK PLACES

*Committee on Small Business:* Subcommittee on Empowerment held a hearing on how to best obtain drug-free work places. Testimony was heard from Representative Portman; and public witnesses.

## AVIATION SECURITY EFFORTS

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation held a hearing on the Status of Aviation Security efforts with a focus on the National Safe Skies Alliance and Passenger Profiling Criteria. Testimony was heard from Keith O. Fultz, Assistant Comptroller General, Resources, Community and Economic Development Division, GAO; the following officials of the Department of Transportation: Alexis M. Stefani, Deputy Assistant Inspector General, Aviation; and Adm. Cathal L. Flynn, Associate Administrator, Civil Aviation Security, FAA; James E. Orlando, Advisor to the Aviation Mail Security Committee, U.S. Postal Service; and public witnesses.

## OIL POLLUTION—CRIMINAL LIABILITY

*Committee on Transportation:* Subcommittee on Coast Guard and Maritime Transportation held a hearing on Criminal Liability for Oil Pollution. Testimony was heard from Capt. Malcolm Williams, USCG, Chief, Office of Maritime and International Law, Department of Transportation; and public witnesses.

## VA MEDICAL CENTER—ALLEGED DEATH COVERUPS

*Committee on Veterans' Affairs:* Subcommittee on Oversight and Investigations held a hearing on the GAO report of the Inspector General investigation of an alleged cover-up of deaths at the Columbia, Missouri VA Medical Center in 1992, and an examination of VA's development of a quality assurance/risk management reporting system. Testimony was heard from Representative Hulshof; Eljay B. Bowron, Assistant Comptroller General, Special Investigations, Office of Special Investigations, GAO; and the following officials of the Department of Veterans Affairs: Richard J. Griffin, Inspector General; and Thomas L. Garthwaite, M.D., Deputy Under Secretary, Veterans Health Administration.

## MISCELLANEOUS MEASURES

*Committee on Ways and Means:* Ordered reported amended the following bills: H.R. 3828, Veterans Medicare Access Improvement Act of 1998; and H.R. 3809, Drug Free Borders Act of 1998.

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# COMMITTEE MEETINGS FOR FRIDAY, MAY 15, 1998

## Senate

No committee meetings are scheduled.

## House

No committee meetings are scheduled.

*Next Meeting of the* SENATE

9:30 a.m., Friday, May 15

Senate Chamber

Program for Friday: No legislative business is scheduled.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

12 noon, Monday, May 18

House Chamber

Program for Monday: House will meet in pro forma session.

## Extensions of Remarks, as inserted in this issue

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