

none of those. It is an organization that in principle supports abortion rights, but came out and said that there is no medical necessity here. It is not necessary. Yet the President, just weeks after this letter was released—and by the way, there are hundreds if not thousands of obstetricians who have come forward and said the same thing—the President stood up and said I need to veto this bill because—I think it was on a Friday night he vetoed it, so not too many people were around to watch the veto—this is medically necessary to protect the health of women, when we have experts upon experts and the definitive body representing physicians in this country saying that it is not necessary and that, in fact, the President is not telling the truth to the American public or to Members of Congress.

So we are hiding behind a lie. I guess the question I have is how many Senators are going to continue to hide behind Bill Clinton's lie on the issue of partial-birth abortion? Many Senators—many Members of his Cabinet, many people—were apologists for Bill Clinton for the past several months because he told them one thing and we found out later that it was not true. And a lot of people were hurt by that, burned by that, the fact that the President wasn't coming clean with the American public. We have another instance right here where the President has not come clean with the American public on this issue. How many people are going to continue to go out and defend this President and his veto on a bill where his rationale for vetoing it is not true? Hopefully: Fool me once, shame on you. If Senators allow this President to fool them twice, shame on them.

I yield the floor.

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

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. CAMPBELL. Mr. President, on behalf of the majority leader, I now ask unanimous consent the Senate resume consideration of S. 2312, the Treasury and general Government appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies,

for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell amendment No. 3379, to provide for appointment and term length for the staff director and general counsel of the Federal Election Commission.

Glenn amendment No. 3380, to provide additional funding for enforcement activities of the Federal Election Commission.

Graham/Mack amendment No. 3381, to provide funding for the Central Florida High Intensity Drug Trafficking Area.

Campbell (for Grassley) amendment No. 3386, to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

Harkin amendment No. 3387, to provide additional funding to reduce methamphetamine usage in High Intensity Drug Trafficking Areas.

Kohl (for Kerrey) amendment No. 3389, to express the sense of the Senate regarding payroll tax relief.

#### AMENDMENT NO. 3379, AS MODIFIED

Mr. CAMPBELL. Mr. President, on behalf of Senator MCCONNELL, I ask unanimous consent that it be in order for me to send a modification to the desk for amendment No. 3379.

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

The amendment, as modified, is as follows:

At the end of title V, add the following section:

#### SEC. . PROVISIONS FOR STAFF DIRECTOR AND GENERAL COUNSEL OF THE FEDERAL ELECTION COMMISSION.

##### (a) APPOINTMENT AND TERM OF SERVICE.—

(1) IN GENERAL.—Section 306c(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)) is amended by striking paragraph 1 and inserting the following:

“1 (A) The Commission shall have a staff director and a general counsel who shall be appointed by an affirmative vote of not less than 4 members of the Commission. Subject to exception in subparagraph (D), the staff director and general counsel shall, beginning January 1, 1999, serve for terms of 6 years and such terms may be renewed by an affirmative vote of not less than 3 members of the Commission.

“(B) The staff director and general counsel may serve after the expiration of his or her term until his or her successor has been appointed.

“(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the staff director or general counsel he or she succeeds.

“(D) The term of any individual appointed prior to and serving on the date of enactment of this act as general counsel shall be until January 1, 2008 and shall not be subject to renewal under subsection (A) until such date.”

(b) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING STAFF DIRECTOR OR GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following:

“(5) Nothing in this Act shall be construed to prohibit any individual serving as an acting staff director of the Commission from performing any functions of the staff director of the Commission or any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.”.

Mr. CAMPBELL. Mr. President, I know of no further debate on the pending McConnell amendment, and I ask unanimous consent that the yeas and nays be vitiated, and for the Chair to put the question.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we have negotiated this modification in the McConnell amendment so that it is no longer targeted at the sitting general counsel of the Federal Elections Commission. That was my objection to it, my very strong objection to it. This amendment has been modified now so it has no effect on the current general counsel until the year 2008. He is eligible to retire at that date in any event.

And even then, the amendment has now been changed so that three of the six members of the Federal Elections Commission can renew the appointment of the general counsel or staff director. It would not take four of the six to renew the appointment of a general counsel or staff director.

So in effect we have grandfathered the current general counsel. And with respect to future general counsels and staff directors, we have provided that once they are appointed, which of course will take a majority vote of the Commission, they shall serve for 6 year terms and their terms can be renewed by a vote of three of the six members of the Federal Elections Commission. This is a very significant change that makes this perfectly acceptable to me.

I want to thank Senator MCCONNELL for working with us on this. With that, I support the amendment.

After this is concluded, I understand that we will then be offering and there will be general support for an amendment of Senator GLENN, if I understand what we worked out here correctly.

Mr. MCCONNELL. I say to my friend from Michigan, as he well knows, his side of the aisle was in the position to scuttle the whole Treasury-Postal bill over this issue. Under those circumstances, this agreement was reached.

I gather the Glenn amendment will be adopted on a voice vote, which is acceptable to me.

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment, as modified.

The amendment (No. 3379), as modified, was agreed to.

Mr. CAMPBELL. Mr. President, I ask unanimous consent all previous yeas and nays ordered on other amendments be vitiated.

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

Mr. CAMPBELL. It is my understanding that the other amendments

will be resolved in various fashions. Therefore, I ask unanimous consent the vote in relation to the final passage of H.R. 4104 occur at 2 p.m. today.

Mr. LEVIN. Reserving the right to object—and I will not—I understand, that the manager, then, will be supporting the Glenn amendment when I offer it after this unanimous consent is agreed to.

Mr. CAMPBELL. That is correct.

The PRESIDING OFFICER. Without objection, the unanimous consent agreement is agreed to.

Mr. LEVIN. I have been informed that the Glenn amendment, which adds, I believe, \$2.8 million to the FEC budget, is part of what has already been incorporated in a unanimous consent agreement and it will not need to be separately offered. Am I correct?

Mr. CAMPBELL. The Senator is correct.

Mr. LEVIN. I thank my friend from Colorado.

AMENDMENTS NOS. 3386 AND 3380

Mr. CAMPBELL. The amendment No. 3386 offered by Senator GRASSLEY and amendment No. 3380 offered by Senator GLENN are acceptable to the managers. I therefore ask unanimous consent that all time be yielded back and ask for their immediate adoption and that the motion to reconsider be laid upon the table.

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

The amendments (Nos. 3386 and 3380) were agreed to.

AMENDMENTS NOS. 3387, 3381, AND 3389,  
WITHDRAWN

Mr. CAMPBELL. On behalf of Senators GRAHAM of Florida, HARKIN, and KERREY of Nebraska, I ask unanimous consent that the amendments Nos. 3387, 3381, and 3389 be withdrawn.

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

The amendments (Nos. 3387, 3381, and 3389) were withdrawn.

AMENDMENT NO. 3356, AS MODIFIED

Mr. CAMPBELL. I send to the desk a modification to amendment No. 3356, previously adopted, and ask it be so modified.

The PRESIDING OFFICER. Without objection the amendment is so modified.

The amendment (No. 3356), as modified, is as follows:

On page 47, strike lines 11 and 12.

On page 46, line 18, strike "\$5,665,585,000, of which: (1) \$552,757,000" and insert "\$5,651,480,000, of which: (1) \$538,652,000".

On page 56, line 20, strike "\$5,665,585,000" and insert "\$5,651,480,000".

On page 62, between lines 19 and 20, insert the following:

SEC. 4 . DEPARTMENT OF TRANSPORTATION  
HEADQUARTERS.

(a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998;

provided that the annual rent payment does not exceed \$55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 4 . SECURITY OF CAPITOL COMPLEX.

There is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex \$14,105,000.

Mr. CAMPBELL. Mr. President, I would like to take a moment to speak about one aspect of the Statement of Administration Policy on this bill. Specifically, the section referring to the Customs Automation Enhancement Account.

The SAP makes it appear that the Committee neither funded nor considered the Administration's request for this program. In fact, we fully funded the request, which was \$8 million. When the budget was submitted, it included authorizing legislation on a Merchandise Processing Fee, which would net \$56 million for this program. This is not within the jurisdiction of the Appropriations Committee and if the authorizers were not going to act in sufficient time, the Administration should have sent up a budget amendment to cover the cost of the program so that it could be considered by the Committee. That did not happen, this committee never received a formal request to increase the funding for this program. If we had, we would have given it consideration. I just wanted to let my colleagues know that we fully funded this program and would have considered the request to increase it, but we never received anything upon which to act.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I want to thank the Chairman and Ranking Member of the Treasury appropriations subcommittee for accepting the amendment which includes \$1,500,000 additional funding for the Southwest Border High Intensity Drug Trafficking Area to combat the methamphetamine problem. I know the Senators are aware of the growing national problem of methamphetamines. New Mexico is no exception and has been experiencing a growing problem with methamphetamine production, transshipment, and cleanup of seized methamphetamine labs. It is fast becoming the drug of choice because it is easy to manufacture, it is highly addictive, and it is cheap to buy on the street. The costs associated with combating the methamphetamine problem is straining New Mexico's ability to combat other illegal drugs. New Mexico's proximity to the US/Mexico border exacerbates the problem because of increased international travel.

Mr. CAMPBELL. I agree with the Senator from New Mexico that methamphetamines are an increasingly difficult problem to control. This funding will significantly help in controlling the problem there.

Mr. KOHL. Methamphetamine is a growing problem across the nation, and

it is my understanding that New Mexico, because of its proximity to Mexico, is experiencing its own share.

Mr. BINGAMAN. Is my understanding correct that the entire \$1,500,000 in this amendment will go directly to the New Mexico HIDTA?

Mr. CAMPBELL. Yes, Senator, per your request \$1,500,000 will be directed to the New Mexico HIDTA for fiscal year 1999 in order to combat the methamphetamine problem in your state.

Mr. BINGAMAN. I thank the Senators for their willingness to recognize this problem and to assist New Mexico.

PUBLIC ACCESS TO GOVERNMENT RESEARCH  
DATA

Mr. LOTT. Mr. President, I would like to take a moment during this body's consideration of the Treasury, General Government Appropriations Act for fiscal year 1999 to recognize Senator SHELBY for his diligent efforts this year to ensure that the public has access to federally funded research data. Sunshine in government is a principle that enjoys broad support from both sides of the aisle as evident from the bipartisan support of the Freedom of Information Act and the 1986 Community Right to Know Law. While we all agree that this principle is important, the Senator from Alabama has correctly identified a major inconsistency—the public's lack of access to federally funded research data. Currently, there is no systematic government-wide process for the public to access research data supported by federal funds. Equally disturbing is the fact that this research data is often used to support major rulemakings. Because of Senator SHELBY's interest in this issue, the Treasury, General Government Appropriations bill for FY 99 contains a requirement that the Director of OMB evaluate current government-wide procedures for making research data available to the public and report back to the Committee on the need for changes to existing procedures. My own view is that reform in this area is long overdue and I would like to commend Senator SHELBY for his leadership to help rectify this matter and pledge to work with him and Chairman CAMPBELL in Conference on final language to correct this problem as soon as possible.

Mr. FAIRCLOTH. If our esteemed Majority Leader would yield for a moment, I also would like to commend Senator SHELBY and Chairman CAMPBELL for their work in this area. Recent Congressional debates over federal regulatory programs, such as the revised particulate matter standard, and the criteria for listing new species under the Endangered Species Act, show the importance of providing the public with full access to federal research data to validate research results and gain the proper public support. The importance of this issue is also reflected in a recent court decision on environmental tobacco smoke that concluded that the Environmental Protection Agency had been selective in

including research data in its overall assessment of health risks. Public access to research data would help ensure that federal rules are based on the best science possible. I too would like to commend Senator SHELBY and Senator CAMPBELL, Chairman of the Treasury and General Government Appropriations Subcommittee, for their efforts to correct this problem.

Mr. CAMPBELL. I thank my colleague from North Carolina. The public's lack of access to federal research data is an issue of growing concern to Members of the Treasury and General Government Appropriations Subcommittee. The lack of public access to research data feeds general public mistrust of government and undermines support for major regulatory programs. The Senator from Alabama has taken the lead on this important issue and I look forward to working with him and all my colleagues who have expressed support for enhanced public access to research data in Conference.

Mr. SHELBY. I thank the Majority Leader and my colleague from North Carolina and the Senator from Colorado, the Chairman of the Treasury and General Government Appropriations Subcommittee, for their support. The Administration's resistance to providing the public access to federal research data not otherwise protected from disclosure under current law indeed contradicts the spirit of current law. The Paperwork Reduction Act of 1995 requests the Director of OMB to "foster greater sharing, dissemination, and access to public information." OMB Circular 110, Subpart C, is even more specific, stating that unless specifically waived, Federal agencies "have the right to . . . obtain, reproduce, publish or otherwise use the data first produced under an award". Unfortunately, these policy directives are not being implemented on a systematic basis. Given the prevalent use of government funded research data in developing regulations and federal policy, it is important that such data be made available to other interested Federal agencies and to the public on a routine basis for independent scientific evaluation and confirmation. I thank my colleagues for their support on this issue and I look forward to working with them to improve the language in Conference.

Mr. CAMPBELL. I thank my colleague from Alabama for raising this important issue and I look forward to working with you, Senator FAIRCLOTH and the Majority Leader in Conference to develop an effective solution.

Mr. SHELBY. I thank the Chairman for his support on this issue.

Mr. FAIRCLOTH. Mr. President, I rise today in support of the Gang Resistance Education and Training (GREAT) Program as part of the Treasury Appropriations bill for Fiscal Year 1999. I am pleased to see that this legislation increases national funding from \$10 million to \$13 million for 1999.

Gangs are a serious problem in this country. We must be proactive in finding ways to stop gang violence.

A recent article in the Washington Post noted that nearly twice as many teenagers reported gangs in their schools in 1995 as they did in 1989. School administrators from North Carolina have found that gangs and violence go together. I believe that when we couple gangs and violence with drug use and weapons, we have a formula for disaster.

Fortunately, programs like the GREAT program educate children about the perils of gangs and offer alternative ways to resolve conflicts rather than through violence. I would like to thank the Chairman of the Subcommittee on Treasury and General Government, BEN NIGHTHORSE CAMPBELL, for the inclusion of North Carolina counties in the GREAT program: Bladen, Cumberland, Mecklenburg, New Hanover, and Wake. I hope that more communities in North Carolina and this country will follow their lead.

Experts may say that small involvement in the GREAT program means that there is little gang activity in the state. I believe that we should not wait until there is evidence of a gang before we bring GREAT into a school district. We must be proactive in educating our young people about the dangers of gangs. If we wait until there is a problem, then we may face a deadly situation like those faced this year by several of our nation's schools. We must act before it is too late. GREAT is a sound program which I am pleased to support.

#### AMENDMENT NO. 3379, AS MODIFIED

Mr. GLENN. Mr. President, I would like to second the comments of my colleague from Michigan and add that I also have no objection to the McConnell amendment as it has been changed and offered today.

The amendment as it is now constructed will call for a periodic vote of the Commission to re-confirm the General Counsel, but it will not allow a partisan minority of the Commission to act unilaterally, and it will not leave the position of General Counsel open until a successor is appointed, thereby paralyzing the enforcement efforts of the agency.

I am also pleased that this amendment allows the current General Counsel to serve a term of eight years from enactment. I am confident that the amendment in its current form will be enacted into law and signed by the President.

Finally, today we add crucial money to the FEC budget in order to help the agency to investigate and prove violations of the existing law. The additional 2.8 million dollars in enforcement funds bring our Senate appropriation for the FEC up to the same level offered in the House. These funds are an important step in allowing the agency the resources it needs to investigate and enforce our remaining campaign finance laws.

Mr. CAMPBELL. I ask unanimous consent when the Senate completes all debate on S. 2312, the Fiscal Year 1999 Treasury and General Government Appropriations Act, the Chair lay before the Senate Calendar No. 478, the House companion measure, H.R. 4104; that all after the enacting clause be stricken and the text of S. 2312, as amended, be inserted in lieu thereof; and that the House bill, as amended, be read for the third time and the Senate immediately move to final passage of H.R. 4104; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair appoint the following conferees on the part of the Senate: Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD, and that the foregoing occur without any intervening action or debate.

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

Mr. CAMPBELL. With that, Mr. President, I have no further comment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. As a Senator from the State of Nebraska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. I now ask unanimous consent that the Senate stand in recess until 1:45 today.

There being no objection, the Senate, at 12:19 p.m., recessed until 1:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 5 minutes on the legislation before us.

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

Mr. WYDEN. Mr. President, I rise this afternoon to express my desire to work further with the Chair of the subcommittee and ranking minority member on a particularly important provision affecting our YMCAs, our YWCAs and other charitable organizations that do so much good work throughout the country. Throughout the recess, I heard continually from constituents who enjoy these important organizations in Oregon that they are concerned about a provision in the committee report accompanying this legislation that deals with the tax-exempt