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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 19, 1998.

I hereby designate the Honorable STEVEN C. LATOURETTE 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:

With gratefulness and joy we celebrate that Your grace, O God, is sufficient for all our needs and available to us in all the reaches of our lives. If we live with the good fortune of life, You are there, and if we suffer and know anguish, You are there. Whether in the heights of happiness or in the depths of despair, whether at the end of the day or at the morning light, in youth or age, in all the seasons of our existence, we can be confident that Your spirit leads us and Your grace accepts us, whatever we have been and wherever we are.

For all these great gifts, O God, we offer our praise and thanksgiving. 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 North Carolina (Mr. BALLENGER) come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1316. An act to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.

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

S. 1104. An act to direct the Secretary of the Interior to make corrections in maps relating to the Coastal Barrier Resources System.

S. 1279. An act to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, and for other purposes.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Mexico-United States Interparliamentary Group meeting during the Second Session of the One Hundred Fifth Congress, to be held in Morelia, Mexico, June 19–21, 1998—

The Senator from Kansas (Mr. ROBERTS); and

The Senator from Alabama (Mr. SESSIONS).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain five 1-minutes on each side.

HAPPY FATHER'S DAY FROM THE FATHERHOOD PROMOTION TASK FORCE

(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, as the co-chair of the Task Force on Fatherhood Promotion, I rise today to discuss the importance of a faithful father.

With Father's Day this Sunday, it is vital that we pause to thank the men across this country who have given time to their children, love them, discipline them and show their commitment to keeping a family together.

When more than 50 percent of all adults agree that fathers today spend less time with their children than their own fathers did with them, this should cause us to pause. We must consider the reality that only if we spend time with our kids now will they desire time with us later.

As Father's Day comes and goes again, we should resolve that the most important relationship we will ever cultivate will not be here in the halls of Congress, or over dinner downtown, or at a campaign fund-raiser, but will be the ones that develop in our own homes.

To all those fathers who are working to be good dads:

Keep up the valuable work that you are doing. Society and, most importantly, your own kids will say, ''Thank you.''

☐ 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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PRIVATIZATION SCHEMES TRADE AWAY SOCIAL SECURITY'S GUARANTEE FOR A WALL STREET GAMBLE

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

Mr. KUCINICH. Mr. Speaker, investing Social Security in the stock market concedes to the hysteria manufactured by Wall Street. They exaggerate Social Security's actuarial imbalance and call it a crisis. There is no crisis. With current tax and benefit rates remaining constant, Social Security will pay 100 percent of the benefits of future recipients until 2032 without any change whatsoever. That is according to the most conservative estimates which assume extremely low economic growth rates and high unemployment.

What private sector initiative can promise the same? What other program backed by the full faith and credit of the United States? None. Only Social Security is guaranteed.

Privatization schemes trade away Social Security's guarantee for a Wall Street gamble. What goes up must go down. All forms of privatization constitute a cave-in and a back-track.

Members of Congress will soon be offering a resolution that says Congress must guarantee that all obligations to current and future Social Security beneficiaries will be paid in full. Americans need to hear Congress reaffirm its commitments to its citizens.

Stand up for Social Security.

THE PROBLEM IN EDUCATION IS NOT A QUESTION OF MONEY

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

Mr. GIBBONS. Mr. Speaker, will we ever learn from history?

Last year the liberal Democrats said, ''We need to spend more money on education because it will improve the education of our children.'' And so Congress voted to do so. The year before that, the message was exactly the same: Spend more money. And Congress did.

And the year before that, we heard the same arguments: Spend more money, and children will do better in school. And Congress did.

And the year before that, the liberals were in full cry demanding that more money be spent on education because that will surely improve student performance. And indeed Congress bowed to those demands.

But somehow we have still failed schools, and student performance is as dismal as ever.

My question is to the other side: At what point do they conclude that the problem in education is not a question of money? Is the other side utterly incapable of thinking seriously about the question, or will no amount of failure, absolutely no amount of evidence, ever have the slightest impact on their thinking?

Mr. Speaker, I yield back the balance of any thinking time they may have.

BEAM ME UP—TEACHERS IN AMERICA CANNOT EVEN MENTION GOD?

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

Mr. TRAFICANT. Mr. Speaker, Mildred Rosario, a sixth grade teacher in the Bronx, was fired. Mildred was fired for attempting to comfort her students over the drowning loss of a fellow classmate by simply saying he was in heaven.

Mildred was fired for saying, I quote, he was in heaven.

Unbelievable.

In America teachers can pass out condoms in school. Teachers can pass out needles. Teachers can even have forums and discussions on devil worship. But in America teachers cannot even mention God.

Beam me up.

A Nation that can discuss devil worship in our schools but cannot even mention God is a Nation that has lost both its sense of values and its sense of common sense.

Mr. Speaker, I yield back any problems we have in our schools.

THE PRESIDENT IS OPPOSED TO EDUCATION SAVINGS ACCOUNTS

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

Mr. BALLENGER. Mr. Speaker, it is not very useful or helpful to debate another man's motives. After all, how can one possibly know the true motives in another man's heart? But how else can we explain the President's opposition to perhaps the best single thing this Congress has done for our Nation's children this year in the area of education?

Yesterday the President indicated that he plans to veto the Coverdell legislation that would allow parents, guardians, even corporations and unions to set aside up to $2,000 per year in tax-free savings accounts.

Think about this: The President is opposed to education savings accounts. This is something that middle-class parents have been calling for for years. What could possibly explain the opposition of most of the Democrat Party to this pro-education bill? Could it be that this party is utterly, totally, inextricably beholden to the teachers' unions, special interests that fight every single reform that might threaten their power?

This is special-interest politics at its worst, and our children are the ones who are being short-changed by it.

WHERE DO THE REPUBLICANS STAND?

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

Mr. PALLONE. Mr. Speaker, Republicans continue to do everything they can to block the teen smoking and the campaign finance legislation. They want to preserve soft money and keep the obscenely large contributions from big tobacco and other special interests rolling in to fill their campaign coffers.

We know on Wednesday Senate Republicans killed the comprehensive bill to help stop teen smoking, and the GOP's efforts showed where the Republicans stand: in the pocket of the big tobacco companies who want to snuff out any real efforts to prevent kids from smoking.

And now we see the same thing happening with regard to managed care reform, patient protections. We have not been able to get a hearing on patient protections; we have not had any effort really to try to bring a bill to the floor that would reform managed care in the way that most Americans want to see something happen this year in Congress, to make it possible for us to have quality health care in this country.

What we are seeing here on a regular basis is Republican efforts to kill every major piece of progressive legislation, whether it is the tobacco settlement, it is campaign finance reform, or it is managed care reform.

AMERICA NEEDS REAL EDUCATION REFORM

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

Mr. ROGAN. Mr. Speaker, what would it take to convince education bureaucrats that reformers are pro-education? Would an effort to give parents more control over their children's education do it? Would a program that gives children trapped in terrible schools the opportunity to go to a better school do it? How about reforms in place around the country that offer disadvantaged children real hope for the first time?

No, none of these are satisfactory to the education bureaucrats, because they oppose everything we are attempting to do—from charter schools to parental choice to improve education. The only way to convince them is simply keep sending more money to spend from Washington, D.C.

We Republicans reject this failed philosophy. We are going to pass legislation to give control, as Governor John Engler says, to parents who love their children, and take it away from bureaucrats who love their paychecks.

BEST WISHES TO THE MEMBERS UNDERTAKING THE STUDY OF OUR CURRENT RELATIONSHIP WITH CHINA IN AN ELECTION YEAR

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

Mr. SNYDER. Mr. Speaker, yesterday this House voted to fund a $2.5 million study of our current relationship with China. The newly-appointed chairman, a Republican, the gentleman from California (CHRIS COX) and the ranking member, a Democrat, the gentleman from Washington (NORM DICKS), two well-respected Members of this body, deserve our support and respect as they begin investigating whether our decades-long policy and current procedures allowing commercial American satellites to be launched by Chinese rockets have inadvertently allowed transfer to the Chinese of information useful to the Chinese missile program. These are issues deserving thoughtful analysis, but unfortunately for the gentleman from California and the gentleman from Washington they undertake this investigation at a time of intense rhetoric and prejudgment, and of course elections are 4½ months away.

Mr. Speaker, I encourage this body to let these Members do their work unobstructed by the hot rhetoric that sometimes overtakes this body. The gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) and the other members of this committee, we wish them well.

KILLER CONGRESSMEN

(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, yesterday's Washington Post headlines says it all: GOP Kills McCain Tobacco Bill. And in this body the Republicans leadership is trying to derail campaign finance reform.

Let me add what the Philadelphia Inquirer says today: Killer Congressmen. So unfair to call this a do-nothing Congress. Top Republicans on the Hill are putting in a lot of hard work right now. Think it is easy to kill off the tobacco bill and campaign financing reform at the same time? That is what they did yesterday, and that is what they continue to try to do.

The gentleman from Georgia (Mr. GINGRICH) and his minions are killing off campaign finance reform. It is an astute gamble. Thwarting the Shays-Meehan bill may hurt their ability to pose as reformers, but it will keep open the soft money spigot they count on to hold their House majority.

What more proof do we need that our political system is hopelessly broken? Vote to fix our political system, vote to end big money in campaigns, and vote for real campaign finance reform. Vote for the Meehan-Shays bill.

PROVIDING FOR CONSIDERATION OF H.R. 4059, THE MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 477 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 477

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. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Pending the adoption by the Congress of a concurrent resolution on the budget for fiscal year 1999, the following allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 shall be considered as made to the Committee on Appropriations:

(1) New discretionary budget authority: $531,961,000,000.

(2) Discretionary outlays: $562,277,000,000.

(3) New mandatory budget authority: $298,105,000,000.

(4) Mandatory outlays: $290,858,000,000.

□ 0915

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

House Resolution 477 is an open rule providing for the consideration of H.R. 4059, the Military Construction Appropriations bill for fiscal year 1999.

The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations. Further, the rule waives points of order against the consideration of the bill for failure to comply with clause 2 of Rule XXI, prohibiting unauthorized appropriations or legislative appropriations in general appropriations bills, and clause 6 of Rule XXI, prohibiting reappropriations in general appropriations bills.

Further, Members who have preprinted their amendments in the Congressional RECORD prior to their consideration will be given priority recognition to offer their amendments if otherwise consistent with House rules.

In addition, the rule grants the Chairman of the Committee of the Whole the authority to postpone votes and reduce voting time to 5 minutes, provided that the first vote in a series is not less than 15 minutes.

The rule provides for one motion to recommit, with or without instructions.

Finally, because we are still without a budget resolution conference report, the rule provides that the allocations required by the Budget Act, section 302(a) of the Congressional Budget Act of 1974 that sets out the process requiring those numbers, shall be considered as made to the Committee on Appropriations. In other words, Mr. Speaker, we are using last year's budget resolution numbers, as adjusted for economic assumptions.

The Committee on Rules hearing was cordial and bipartisan, which I am told is a reflection of how the Subcommittee on Military Construction of the Committee on Appropriations has acted during the stewardship of the gentleman from California (Mr. PACKARD), the chairman of the subcommittee, and the gentleman from North Carolina (Mr. HEFNER), the ranking member. The gentleman from North Carolina (Mr. HEFNER) has been a tremendous asset to this House, and his contributions to a better quality of life for our men and women in uniform are truly commendable.

I support this open rule as well as the underlying bill. The bill funds military construction, family housing and base closure for the Department of Defense for the fiscal year ending September 30, 1999. The spending level represents a reduction in the underlying bill of $1 billion from last year's bill, $8.2 billion this year versus $9.2 billion for 1998, a reduction from last year's bill, and I believe that the bill contains a reasonable amount of spending, with the majority of the money going to family housing.

I commend the gentleman from California (Mr. PACKARD) and the gentleman from North Carolina (Mr. HEFNER) for their hard work and cooperation in bringing forward this Military Construction Appropriations bill, and I would urge the adoption of both the rule and the underlying bill.

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

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague from Florida (Mr. DIAZ-BALART) for yielding me the time, and I yield myself such time as I may consume.

This resolution, which is H. Res. 477, is an open rule. It will allow for full and fair debate on H.R. 4059, which is the Military Construction Appropriations bill for fiscal year 1999.

As my colleague from Florida described, this rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

This rule permits germane amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

The Committee on Rules reported this rule without opposition in a voice vote.

This bill appropriates $8.2 billion for military construction, housing for military members and their families, hospitals, and construction projects associated with base closings. This represents a cut of about 11 percent below the level appropriated last year.

The bill funds necessary capital improvements to our Nation's military facilities. The bill places a special emphasis on the planning and the construction of several barracks, family housing and operational facilities.

The bill contains funding for 3 projects at Wright-Patterson Air Force Base, which is partially located in my district. This includes money to restore 40 units of family housing.

The bill also funds construction of a building to consolidate the Aeronautical System Center's acquisition support functions.

The third Wright-Patterson project will renovate a C–141–C flight simulation training facility for the Air Force Reserve.

I also wish to call to the attention of my colleagues an extra provision in the rule which essentially scraps the budget resolution that we just passed on the floor of this House 2 weeks ago.

The rule we are now voting on establishes that the Committee on Appropriations will use last year's spending targets, not the ones we adopted in the House this year.

Mr. Speaker, passage of this bill is important to our national defense and to our fighting forces.

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

Mr. DIAZ-BALART. Mr. Speaker, we have no further speakers at this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this is really an incredible process that we are going through here this morning. When the majority party took control of the House, they said they would do things differently, and they sure have. If we take a look at what has happened, this House has, or is supposed to have, an orderly budget process. We are supposed to produce a budget resolution which defines priorities and defines overall spending patterns, and then and only then are committees supposed to bring up their legislation which fits within the budget resolution which has been passed.

Instead, this House, this year, under this leadership has blown that process to smithereens. First it started with the highway bill, which before the budget resolution was even considered ran that horse out of the barn. That bill wound up spending about $25 billion more than the budget allowed it to spend.

Then this House passed the Kasich budget, which indicated that they were going to make substantial reductions below the budget which we agreed to last year. This chart demonstrates the difference between the Kasich budget and the budget that had been agreed to on a bipartisan basis with the White House last year. Under that bipartisan agreement last year, we are already supposed to be cutting domestic discretionary spending $43 billion below current services. Under the Kasich plan which this House passed, which that side of the aisle passed, those cuts are increased to $64 billion by the fourth year.

But then, having posed for political holy pictures by saying that they are going to cut that amount in the generic, what has happened? They then bring to the floor appropriation bills which do not meet the Kasich targets, and now we are supposed to, under this rule, for instance, approve a proposal which has a $1.4 billion adjustment in this year alone to the Kasich budget. That is not the only variance from the Kasich budget that we have here today, and it certainly is not the only variation from square budgeting.

Because in addition to this $1.4 billion gimmick, the committee is also bringing appropriation bills to the floor which exempt from the caps, which they just imposed, spending to solve our computer problem for the year 2000; in addition to which they brought additional spending to the floor in the defense bill which provides an additional amount of spending above the cap for computer security.

In addition to that, the majority party which for years has said that the CBO should be the Bible when it comes to determining what spending levels are, they have just decided that they are going to direct the CBO to say that the defense bill costs $2.5 billion less than it actually costs.

So when we total it all up, we have a $1.4 billion gimmick in this rule this morning. We had in the defense bill almost $5 billion in excess of the caps if those caps are going to be counted on a real basis; plus, we have in the Treasury Post Office appropriation bill another $2 billion in excess of where the caps are supposed to bring us in.

So at this point I would simply say, it is very, very difficult to figure out what the rules are, because so far we have been proceeding under 3 different sets of rules, 3 different sets of assumptions within the past 3 weeks.

I have finally figured out what the rules are for spending this year. The rules are whatever the Speaker's office says they are. So I am going to vote against this rule because I think that this is an incredible way to run a railroad.

What has happened is that the Republican leadership has brought to the floor the Kasich budget resolution, which pretended to their most conservative Members within the Republican Caucus that they intended to make these deep reductions shown by this chart. They are now bringing appropriation bills to the floor which totally ignore those levels. All I can say, fellows, if this is your idea of reform, I would hate to see your idea of what the status quo is all about.

Mr. DIAZ-BALART. Mr. Speaker, we have no further speakers at this time.

I yield myself such time as I may consume to simply reiterate that the underlying legislation being brought to the floor this morning has a cut in it, a reduction in funding of $1 billion. That is not a reduction in growth, that is an actual cut of $1 billion from last year's bill, and that the Budget Act of 1974 is complied with with the procedure that we are following this morning.

Equally as important, the legislation that we are bringing to the floor this morning is under an open rule where every Member will have the opportunity to propose any amendment that the membership may wish to.

We are striving to bring as many pieces of legislation to the floor with open rules as possible. We are proud of our record in that regard, and we will continue to bring as much legislation as possible to the floor under this open rule process which grants every Member the opportunity to bring forth any amendment that is germane.

So with that in mind and stating it once again that this is an open rule, I would urge the adoption of the rule and reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, let me explain to the House our problem. This bill has a totally nongermane provision in it, this resolution. For the first time in the 15 or 16 years that I have been in the House, and longer for the gentleman from Wisconsin (Mr. OBEY), we are using a rule to comply with the

Budget Act. We are making budget process procedures here in a rule.

□ 0930

Buried in this rule dealing with military construction appropriations is a major budget resolution provision. No notice. Simply stuck in there with the numbers. So that anyone who did not follow the numbers would not really understand the significance of this provision.

But here is the significance of it. This is an admission of failure. The Budget Act says that the budget resolution must be completed by Congress, through the House, through the Senate, through conference, a concurrent resolution passed by April 15. We are already more than two months delinquent. More delinquent, later than ever before in the 25 years that we have had a budget process.

In order to complete the process, the reason we have this deadline is so that the Committee on Appropriations can begin its allocation process. It has 13 subcommittees. The resolutions that we pass of spending functions has to be allocated to the separate subcommittees. And unless we get this done timely, the Committee on Appropriations cannot get their bills to the floor.

But anticipating that we might not do it timely, there is a provision in the Budget Act that gives the chairman of the Committee on the Budget the authority to file a spending allocation which the Committee on Appropriations can then take and suballocate. It is section 302(a)(5) of the Budget Act.

So, Mr. Speaker, we have a procedure established not by rule of the House, not by a resolution, but established by law. It is statutory law of the United States giving the chairman of the Committee on the Budget the authority to notify the chairman of the Committee on Appropriations that this is his spending allocation which he can suballocate.

So the first question is why did we not follow black letter rules? Why did we not follow the statutory law of the United States as prescribed in the Budget Act? Why do we bury in a MILCON rule this arcane provision that nobody would understand unless he followed the letter of the budget process? What is happening here? What is this all about? A totally nongermane provision buried for the first time in a construction bill. Why do not we simply have the chairman of the Committee on the Budget write the letter that is necessary?

Then we notice there is a slight discrepancy, if we consider a billion dollars slight, because these numbers add up to $1.1 billion in budget authority and $1.4 billion in actual spending, we call it outlays, more than was provided for in the Kasich resolution, the House Republican resolution which narrowly passed the House just a couple of weeks ago.

So the whole House spoke on this subject and passed a resolution a couple of weeks ago, and already we are beginning to unravel that resolution. We saw it almost unravel here on the House floor. And the last thing I said about it is we passed a resolution, but what have we passed? Because the black hole in the middle of it leaves as much unresolved as resolved. Here we begin to see one of the mysteries of the black hole in the middle of that resolution. We have to come out here and patch it up with a military construction spending resolution on the House Floor.

But nobody should mistake the import of this. We have just raised spending and, therefore, I guess reduced the tax cut that the Republicans would make in their budget resolution by at least a $1.1 billion. The resolution we passed, even though we had passed ISTEA, the renewal of the highway funding bill called T–21, the Transportation Equity Act for the 21st Century, even though we had passed that and even though that increased spending under the Balanced Budget Agreement above the Balanced Budget Agreement by $35 billion and that had to be accommodated, the budget resolution passed by this House totally ignored it and left it to be worked out later. And here we are working it out in this stealthy fashion. A billion here, a billion there, and pretty soon we are talking real money. This is some way to run a budget process.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

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

Mr. OBEY. Mr. Speaker, I agree with the gentleman that this is a stealthy process. Will this budget fly in the rain? I know the B–2 will not fly in the rain. Will this budget fly in the rain?

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

Mr. Speaker, I must commend my dear friends on the other side of the aisle for their extraordinary imagination and parliamentary ability, parliamentary ability which obviously is connected to imagination.

A number of points have just been made that were fascinating. Number one, that a mysterious provision has been buried in this rule. That was said more than one. Very interesting. My recollection this morning was that the Speaker recognized me first and that I granted time to my dear friend, the gentleman from Ohio (Mr. HALL). The gentleman from Massachusetts (Mr. MOAKLEY) was here on the floor first, so I granted time to the gentleman from Massachusetts and then the gentleman from Ohio has been controlling the time for our distinguished friends on the other side of the aisle.

Now, when the Speaker recognized me and I made a brief statement this morning describing the rule, this open rule with which we are bringing the underlying legislation to the floor, it is not only in the rule but I mentioned on the floor and I will repeat, because we are still without a budget resolution conference report the rule provides that the allocations required by the Budget Act, section 302(a) of the Congressional Budget Act of 1974 that sets out the process requiring those numbers, shall be considered as made to the Committee on Appropriations.

In other words, we are using last year's budget resolution numbers as adjusted for economic assumptions.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I have a question on that specific point, because the Budget Act provides a way for the appropriations process to go forward in the absence of a budget resolution. It requires a letter from the chairman, and that is specifically provided under section 302(a)(5) of the Federal code.

The Budget chairman is directed then to write a letter relative to the allocations and that allows the appropriations process to move.

Will the gentleman tell us whether the chairman has written a letter as provided in the Budget Act?

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, we have complied not only with the spirit but with the letter of the law, the Budget Act. And I have in my possession, and I would be glad to give my distinguished friend a copy, a letter from the chairman of the Committee on Appropriations where the following among other things is stated:

This procedure that we are using, that complies not only with the spirit but with the letter of the Budget Act, has been done in previous years when the conference on the budget resolution was late. And further, the chair of the Committee on Appropriations states if the conference agreement on the budget resolution should adjust these numbers that we are using in this appropriations bill that is brought to the floor today, the committee will adjust, the Committee on Appropriations will adjust its allocation and reflect such changes in further suballocations for later bills.

But what I wanted to make reference to was in regard to the great imagination showed by my colleagues on the other side of the aisle when they talk about the stealth procedures that are being utilized. Stealth procedures. When I brought out, the Committee on Rules brought out in his rule in writing for everyone interested to read, but I brought out in my oral statement this morning opening this debate what we are doing fully in compliance with the Budget Act of 1974. So that is something I think is important to point out.

Also, Mr. Speaker, I would like to point out that was stated more than once by our distinguished friends that we are raising spending. I remember I used to be in the State legislature in Florida and a lot of times when discussions would occur with regard to reductions in the growth of government spending, those would be called cuts.

Here in Washington in the 6 years since I have been here, often we have seen that when reductions in the growth of government are referred to, they are called cuts. And yet the underlying legislation that we are bringing this morning to the floor, the military construction bill, does not reflect a reduction in the growth of government spending. No, no. It brings to the floor an actual cut in the budget of a billion dollars, from $9.2 billion to $8.2 billion.

So what I am saying is obviously what we are seeing this morning is great talent, imagination, parliamentary ability. But I think that I certainly have never seen in the context of an open rule being brought to the floor for legislation so that all these amendments and all these ideas and all this imagination can be reflected in the context of an open rule, where every Member can come to the floor and debate ad infinitum if they wish in the context of our open rule, Mr. Speaker, which is something that was very rare when the other side controlled the majority, we are seeing all these signs of imagination. All of these signs of parliamentary ability. All of these signs of talent.

Mr. Speaker, I would say to my colleagues on the other side of the aisle, why not wait and during the open rule which we are granting, which is something that they rarely gave to us, why not wait during all the time in the world that we are granting for all of this maneuvering on the open floor?

Instead, they bring it during the open rule to obfuscate the fact that we are bringing an open rule. To obfuscate the fact that they rarely brought an open rule. To divert the attention of the membership to the fact that this Republican majority has a much higher percentage of open rules that it brings to the floor than the Democrats when they were in the majority.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota (Mr. POMEROY).

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

Mr. Speaker, I would ask the gentleman from Florida (Mr. DIAZ-BALART), my friend, if he might take a question.

Mr. DIAZ-BALART. Mr. Speaker, if the gentleman would yield, I would be glad to.

Mr. POMEROY. Mr. Speaker, the question gets to that letter that I was asking about, and I did not want to pursue it on the gentleman's time, so he could make his point. But it really relates specifically to the legal requirements before this body under the Budget Act.

Mr. Speaker, I ask the gentleman whether a letter had been submitted by the chairman of the Committee on the Budget, as required under section 302(a)(5) of the Budget Act. I reminded the gentleman that the budget laws for this country say that when there is not a budget resolution passed by Congress, the procedure provided in the statute is to have the Committee on the Budget Chairman submit a letter with the spending allocations.

The gentleman said he had received a letter from the chairman, and quoted from it.

Mr. DIAZ-BALART. Mr. Speaker, of the Committee on Appropriations.

Mr. POMEROY. Oh, the gentleman received a letter from the Appropriations chairman.

Mr. DIAZ-BALART. That is the letter that I have before me.

Mr. POMEROY. Mr. Speaker, reclaiming my time, I appreciate the gentleman for making that distinction.

Mr. Speaker, I have a follow-up question. The Budget Act does not provide or specify in any way about a letter from the Committee on Appropriations chairman. The procedure is that the Committee on the Budget chairman must submit a letter relative to the spending allocations so that the body may proceed.

My question is has the Committee on the Budget chairman submitted a letter pursuant to the legal requirement of the Budget Act?

Mr. DIAZ-BALART. Mr. Speaker, if the gentleman would continue to yield, I am not in possession of that letter. But what I do know is that the procedure set forth by the Budget Act has been fully complied with, and that the Budget Act contemplates the possibility that we are dealing with at this time. This is not the first time we are dealing with it and in that contemplation, if I may answer——

Mr. POMEROY. Mr. Speaker, my time is running, so if the gentleman would get to the point, please.

Mr. DIAZ-BALART. Then I cannot answer the gentleman's question if he will not give me the time to answer his question.

Mr. POMEROY. Mr. Speaker, reclaiming my time, I think we have a filibuster going on. Reclaiming my time. Let me really take issue with the gentleman from Florida from the majority when he says that the Budget Act has been fully complied with. It has not.

There is a procedure. The procedure is, first of all, the House and Senate have to pass a budget resolution by April 15. Obviously, that has not taken place. There is a fail-safe provision, because I will be the first to admit the Democratic majority routinely blew that April 15 deadline. But the follow-up provision is that the Committee on the Budget chairman must submit a letter with the spending allocations. Here the gentleman from Florida says he has no letter from the Committee on the Budget chairman. He says that the act has been fully complied with, but he has no letter. That cannot be case.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

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

Mr. OBEY. Mr. Speaker, what needs to be understood is that this is not a rule on the military construction bill. This is a rule which allows this House to totally ignore the budget resolution that just passed 2 weeks ago on this and every another appropriation bill that comes to the House.

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That is the problem, this is not a military construction rule. This is a rule that blows away the votes that my colleagues just cast 2 weeks ago in favor of the Kasich budget, and my colleagues are trying to hide it.

Mr. POMEROY. Reclaiming my time, I hope every Member watching this is aware that, in essence, this is nothing more than a flat-out House amendment of the budget we passed 2 weeks ago, an amendment adding more than $1 billion in spending, because the figures simply do not jive.

This rule would allow spending at the rate of $531.9 billion, and the Budget Act is $530.8 billion, a difference of well over a billion dollars in budget authority, nearly $1.4 billion in budget outlay. What they are trying to do in the rule is essentially amend the budget that we had enacted just 2 weeks ago.

My question, though, continues to be whether or not there is even legal authority for this provision because the Budget Act sets the rules. The rules are you have got a budget resolution. If you do not have a budget resolution, you have a budget chairman letter. We do not have the resolution. We do not have the letter. I seriously question whether or not this procedure comports with the Budget Act.

I will be checking with the Parliamentarian in terms of whether or not a point of order might be raised in terms of whether this body is acting outside of Federal law relative to this budget issue.

I do want to emphasize, as an aside, that this has nothing to do with MILCON. In fact, the gentleman from California (Mr. PACKARD) and the gentleman from North Carolina (Mr. HEFNER) are known for their bipartisan fairness. As a minority member, I can tell you that the MILCON committee has always listened carefully to my concerns and been respectable to them.

Mr. DIAZ-BALART. Mr. Speaker, I would simply reiterate that we are fully complying with the Budget Act of 1974 and all other laws and obviously the rules of the House.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, to my friend from Florida, if he wishes to respond, I will be glad to yield him some time. The gentleman brags that this is an open rule.

We have always had open rules on MILCON bills ever since I have been in this Congress. We have always had an open process on military construction. But the amendment in the rule that we are concerned about deals with budget allocations which has nothing to do with the MILCON budget.

My question is, the gentleman is bragging that this is an open process that we will be able to offer any amendments that we want to once this rule is adopted. Once this rule is adopted, will I be able to offer an amendment that will adjust the budget allocations on the MILCON bill?

Mr. Speaker, I yield to the gentleman from Florida to answer that question.

Mr. DIAZ-BALART. The gentleman, as one of the most distinguished Members of this House and someone who is extraordinarily knowledgeable of the rules of the House knows——

Mr. CARDIN. That I will not be able to offer an amendment.

Mr. DIAZ-BALART. That the gentleman can oppose the previous question on this rule and make that point precisely to oppose the previous question.

Mr. CARDIN. Reclaiming my time.

Mr. DIAZ-BALART. Fine.

Mr. CARDIN. For the rule that my colleagues brought out that they brag is an open rule that deals with the budget allocations for this country, if it is adopted, I am not going to be able to offer any amendments to adjust those budget allocations, because it is not even germane to the rule that is being brought out to consider the MILCON bill.

Be honest out here as to how my colleagues are handling this. This is not the regular procedures of the House. The regular procedures of the House would be that we would adopt a budget resolution, and that would become the allocations. That is supposed to be done by April 15. My colleagues missed that deadline.

So now the Committee on the Budget chairman is supposed to give allocations. The Committee on the Budget chairman has different views than the Committee on Appropriations chairman. So the Committee on the Budget chairman is not even here to defend these allocations.

Let me just compliment my friend, the gentleman from South Carolina (Mr. SPRATT), because he offered an alternative budget that dealt with discretionary spending which was in compliance with the Balanced Budget Act of last year.

My colleagues are now accepting some of the allocations from the gentleman from South Carolina (Mr. SPRATT), but our problem is how are we going to pay for it? Are we going to go into the surplus and use the surplus and not protect Social Security? Are we going to cut Medicare? How are we going to pay for this? These are questions we ask when we do a budget resolution.

A budget resolution should mean something around here. But, no, my colleagues bring out a resolution from the Committee on Rules that changes the budget resolution that was passed on this floor. Then my colleagues say it is an open process, and we have no opportunity to offer any amendments to deal with it.

So my colleagues just cannot get their act together on this budget. We understand that. My colleagues have got differences with their own caucus, but they are not willing to bring everybody into the process. If they did, as we did last year, we would be able to reach a bipartisan agreement and be able to move forward with the appropriation process. But that is not what they are interested in doing.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the gentleman from Florida makes much of the fact that this is an open rule. I defy him to name one year when the Democratic Party, when it was in control, brought to the floor anything but an open rule on the military construction bill.

Mr. CARDIN. Mr. Speaker, I am glad to yield to the gentleman from Florida if he can tell us when there has not been an open rule on MILCON.

Mr. DIAZ-BALART. Mr. Speaker, what I am most impacted by at this point——

Mr. OBEY. Can the gentleman name a year?

Mr. DIAZ-BALART. If the gentleman wants to interrupt me before I can even answer my questions, then that is his prerogative. I am not going to be answering with constant interruptions. The gentleman thinks he is funny by getting up and saying, will you yield, and before I can even answer, he does not even allow me to answer.

Mr. OBEY. The gentleman is avoiding the question.

Mr. DIAZ-BALART. In the Committee on Rules, neither you there nor anyone else was asking to change this rule.

Mr. OBEY. The answer is there was not a year.

Mr. DIAZ-BALART. So the bottom line is this is an open rule, Mr. Speaker. We are proud of this open rule. It is a lot better than the other side did when they controlled the majority.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlemen will suspend.

The time is controlled by the gentleman from Maryland (Mr. CARDIN). The Chair would ask the indulgence of Members to speak one at a time and only when yielded to.

Mr. CARDIN. Mr. Speaker, I appreciate that. Just to respond, on a military construction rule, I did not think it was necessary for me to go to the Committee on Rules to talk about budget allocations. I would have thought that the Committee on Rules would be dealing with military construction. I admit that was naive on my part. I should know that this Committee on Rules would do anything it wants to do.

But let me tell my colleagues something, in the 12 years that I have been here, to answer the ranking member on the Committee on Appropriations, we have never had anything but an open rule on military construction.

Mr. DIAZ-BALART. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I have been sitting over in my office listening to what has been going on here. I have been a Member of this body for 20 years. I served 16 years in the minority. In those 16 years, I have seen the Democratic majority in an arrogant way treat this minority like they were a piece of you know what.

When we took over 4 years ago, when the American people decided they have had enough of this hypocrisy, we began to produce rules that were fair to both the majority and the minority in this House. Sure, they are not always open rules. They cannot be. You know that. You were in the majority for 16 years.

But when I hear people come on the floor today and start criticizing this military construction rule, which is an open rule, and it has one little addendum that was not even questioned, but when I hear people come on this floor and start saying, oh, you are picking up last year's budget levels, let me tell my colleagues what would happen if we did not do that, Mr. Speaker.

Suppose it were not in here. Do you know how the reverse of this debate would be going? The same people, the same Members would be saying, oh, you know, this is terrible. You Republicans have not adopted the budget yet. So we cannot go ahead with our appropriation bills. It is imperative that we go ahead right now and we pass these appropriations bills.

So my colleagues would be arguing just the opposite of what they are today. The one thing that the American people will not accept is hypocrisy. I mean, stand up here and say it one way or the other, but do not say it both ways.

Mr. OBEY. Mr. Speaker, will the gentleman yield on that?

Mr. SOLOMON. I yield to the gentleman from Wisconsin, one of my best friends in this body.

Mr. OBEY. Mr. Speaker, let me make perfectly clear to the gentleman from New York, there is nothing wrong with the rule on the military construction bill. The problem is the new budget resolution that my colleagues have slipped into it which allows them to spend billions of dollars more than they told the country they were going to spend just 10 days ago. That is the problem. If the gentleman is looking for a definition of hypocrisy, I would suggest that maybe he ought to look at that.

Mr. SOLOMON. Let me say to my good friend, he has a photostatic memory. I know him. I have served with

him for 20 years. He pulls things out of the air, and I say how did he remember that. Sometimes, most of the times, it is truthful. But let me do the same thing. I have got a little photostatic memory, too.

Back on July 23, 1985, in H.R. 5231, there is the exact same deeming provision sponsored by the gentleman from Wisconsin (Mr. OBEY). That is what the Committee on Rules did.

Mr. OBEY. But what did it deem?

Mr. SOLOMON. It deemed it. That is exactly what we are doing here.

Mr. OBEY. The difference is what it deems, not whether there is a deeming provision.

Mr. SOLOMON. Regular order.

The SPEAKER pro tempore. The time is controlled by the gentleman from New York.

Mr. SOLOMON. The gentleman knows that, if and when the budgeteers get together over in that other body, and they are a little more arrogant than the Democratic majority used to be over here, as a matter of fact, they are a lot more arrogant in most cases; but when they finally get together and they adopt the budget, I see my good friend from South Carolina rising, then we will revert right back to the same kind of caps that we had before.

Can I go back to my office, I have not been there in 2 weeks, and try to get caught up on my work so I can catch a plane to go back to my district?

Mr. SPRATT. Mr. Speaker, will the gentleman yield before he goes back to his office?

Mr. SOLOMON. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I want the gentleman to go back to his office and answer his mail. We cannot meet with the other body until we have a conference committee. We passed a resolution 2 weeks ago. When are we going to conference? After the July 4th break. That is about July 15.

Mr. SOLOMON. Let me say to my good friend, he knows there are 100 egos over there. There are Republican egos. There are Democrat egos. We are dealing with all kinds of people, especially one man named BYRD over there. I mean, you know, he is some bird. He is a very nice gentleman.

Mr. SPRATT. But we cannot deal with anything until we have a conference. We do not even have one established.

Mr. SOLOMON. My colleagues know what is going on right now. I just wanted to set the record straight to my very good friends on that side of the aisle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would admonish all Members to avoid personal references to Members of the other body.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, we have had a fascinating discussion, and I want to emphasize, too, I have no problem with the rule on military construction. That is not the issue that has me upset and concerned today.

I am glad to see the chairman of the Committee on Rules has stayed on the floor, because, with all of the statements that have been made about fair rules, I would like to take the opportunity now to ask him: Why did the gentleman deny the opportunity of the Blue Dogs to have our budget voted upon on this floor so that some of this might not have occurred today?

Mr. Speaker, I yield to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, we have been explaining that for a long time. I brought the President's tax increases on this floor. There were about $78 billion in them.

Mr. STENHOLM. I must reclaim my time.

Mr. SOLOMON. Let me finish. The gentleman asked me to answer his question, I say to my friend.

Mr. STENHOLM. Okay.

Mr. SOLOMON. In other words, we gave an opportunity to the American people through their representatives, and that is exactly why the Blue Dogs were not made in order. We could have made in order 50 alternatives if we wanted to. We asked our side not to do it. We asked your side not to do it. Let us have an up or down vote on the alternatives.

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Mr. STENHOLM. Mr. Speaker, with all do respect, and I want to continue to yield to the gentleman, because he did see fit to give the CATs a vote. So what he just said is a little bit disingenuous because he allowed a Republican substitute but he chose not to let the Blue Dogs.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, I will say to my good friend that, yes, we did allow the CATs and we allowed the gentleman from South Carolina (Mr. SPRATT), too.

By the way, I want to tell the gentleman from South Carolina that the deeming portion that was in the 1985 bill was offered by one of the most respected and admired members of the Committee on Rules, also from the State of South Carolina, Mr. Butler Derrick. I just wanted the gentleman to know that.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from South Carolina.

Mr. SPRATT. Could I just ask the gentleman, Mr. Speaker, in 1985, did the deeming resolution raise the allocation above that which the House had just approved 2 weeks before? This is $1.4 billion more than the whole House approved.

Mr. SOLOMON. Well, if the gentleman will continue to yield, the only way to continue with the appropriation process so we do not get into a position of shutting down the government, the only way is to deem last year's figures, which is what we did in 1985. The gentleman knows that.

Mr. STENHOLM. Reclaiming my time, Mr. Speaker, I think it is clear to everyone that we are completely and totally ignoring the rules of the budget process. That is a given.

There is no problem with the military construction bill we will take up. It is an open rule, a fair rule, and one that can be discussed. My problem today, as the ranking member of the House Committee on Agriculture, I have some very strong concerns about the allocation that the leadership of the House, written in the Speaker's office, has given to agriculture. I am sure others will have the same.

I have no problem with the total amount of spending. We have made that very, very clear. The Blue Dog budget, what we have before us today, is a cap on spending. I have no problems with that. But I have a problem with prioritization. Because, in my opinion, there are some real needs in agricultural research, in rural housing, in conservation programs, numerous cooperative State research, education, extension, that are being cut, that are not as high a priority as the legislative branch of government. Why we are increasing $100 million on the House of Representatives and then cutting in these areas of extreme importance, I do not understand, and we will have more to talk about that later.

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

Mr. FAZIO of California. Mr. Speaker, we are not here to be critical of the military construction subcommittee. The gentleman from North Carolina (Mr. HEFNER) and the gentleman from California (Mr. PACKARD) have done their job. We are not even here to be critical of the gentleman from New York (Mr. SOLOMON), who is just carrying the burden of leadership. What we are here to say is that this rule, uniquely, among the 13, is designed to pass a budget in real terms that will apply to the appropriations process, and nobody really knows that until we came to the floor this morning and discovered buried in this MilCon rule an increase in allocation of $1.1 billion in budget authority and $1.4 billion in outlays so that we could practically do, even to the degree we can, the business of this country.

In fact, the Republicans had a breakdown in the budget process. They have had to promise the moderates, the gentleman from Delaware (Mr. CASTLE) and others, that they would not raise taxes; and they had to prove to the CATs that they would cut taxes $110 billion; they have told the veterans' lobby that they will not cut veterans' programs; and they have told the moderates they would not cut Medicare and Medicaid. At the same time, they have had to promise the gentleman from

South Carolina (Mr. SPENCE) they would increase defense spending.

It does not add up, my colleagues. They cannot pass a budget resolution. I do not even know that Mr. DOMENICI and Senator LOTT have reached any agreement on what the Senate ought to be doing. So what we are doing today is passing the budget resolution.

Everyone ought to know that this is not a rule on military construction. In practical terms, it is a way to get by the inability of this majority to function; to pass a budget. They want to be all things to all people, and it does not add up. As a consequence, the appropriators have to proceed. Because, if not, we will end up shutting the government down again, having a continuing resolution and looking inept.

So my colleagues should vote as they will on this rule, but should not be deluded into thinking it is simply a $1 billion cut in MilCon spending. This rule will define the entire appropriations process for the rest of this summer. If we are going to proceed on this basis, we might as well just forget the Committee on the Budget, forget the conference, that may or may not ever reach a conclusion, and simply go back to the system we had before the budget reforms of the 1970s.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to say that, first of all, it is important to reiterate, because we have heard so often today it being alleged that we are doing something stealthily, that not only did we have a hearing and a markup in the Committee on Rules for this resolution that we are bringing to the floor today, in order to bring before us the underlying legislation of the military construction appropriations bill, but, today, in our presentation, our initial presentation, we talked about how we are complying with the Budget Act of 1974 through this procedure.

And then with regard to the so-called unprecedented nature of what we are doing, my dear friend, the gentleman from California (Mr. FAZIO), just said that we are, in effect, to paraphrase him, getting rid of the budget process. Our friends, when they controlled the majority in 1985, did this. Because at that time a conference report on the budget had not been passed as well. But they did not do it in June. They did not do it on June 19. No, it was July 24 that year that the budget process had not been completed. And they also brought a rule forward, in order to comply with the Budget Act, doing the same thing, deeming last year's numbers for this year's. So the reality is it has neither been done in a stealthy way, much less in an unprecedented way.

But I want to point out one very important point, because speaker, after speaker, after speaker on the other side have mentioned they have nothing against this military construction bill. Oh, no, no, no, this military construction bill is very good, and the gentleman from North Carolina (Mr. HEFNER), of course, has to be congratulated, and the gentleman from California (Mr. PACKARD). And speaker, after speaker, after speaker reiterate the fact they have nothing against the military construction bill; that it is very important to pass the military construction bill.

Let us keep one thing in mind. If our distinguished friends manage to defeat this rule today, if our distinguished colleagues on the other side of the aisle manage to defeat this rule, what they will be doing is denying our men and women in uniform the military construction bill. And let there be no doubt that all this fancy debate and imaginative performance that we have seen here today will have, if it is successful, the outcome, the effect, of denying the gentleman from North Carolina and the gentleman from California the opportunity to come to the floor today and to present a piece of legislation which is very necessary to our men and women in uniform throughout this country and those who are serving in so-called peacekeeping missions like in Bosnia.

So have no doubt, distinguished colleagues, as to what we are doing. This is not unprecedented. It was done in 1985, and not in June but in July. It was not stealthily done. It was publicly done in the Committee on Rules under the leadership of the gentleman from New York (Mr. SOLOMON). And again today we brought it out in our oral statement at the very beginning. What we are dealing with is bringing forth legislation that is critical to the national security of this country. So let us clarify and make clear exactly where we are and what we are dealing with.

If we want to continue talking as though we were in the model United Nations, like I was in college, because that is what I have been reminded of today with some of the speeches on the other side of the aisle, very theoretical and nice sounding speeches, but we are not talking model United Nations or model parliaments like when we were in high school or college. This is the military construction bill of the United States that we are bringing to the floor today. It is about time that we get to this legislation, and it is about time that we pass it today, and that is why I urge passage of the rule and passage of the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT), the ranking minority member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply say that the assertion of turning down this rule will deny anything to anybody in the military is absolute, total, flat nonsense.

This military construction bill is going to pass with bipartisan support. The problem is that there is added an illegitimate and, in my view, strange and sneaky way around the Kasich budget in the rule, and that is the objection. So do not drag out the red herring about endangering military. That is absolute, total, bald-face nonsense.

Mr. SPRATT. Mr. Speaker, let me make clear to everybody that this is not a tempest in a teapot. The money is not so significant in a budget of $1.7 trillion, but the precedent is vitally important.

A few weeks ago this House passed a budget resolution, narrowly passed it, which provided $530,863,000,000 for discretionary spending. Budget authority. And $560,885,000,000 for outlays. Now, the chairman of the Committee on Appropriations has requested an increase of $1.1 billion in budget authority and $1.4 billion in outlays. This procedure is not in compliance with the Budget Act.

Section 302(a)(5) allows the chairman of the Committee on the Budget, when there is no budget resolution, to write a letter to the Committee on Appropriations and set a level so that the committee can then suballocate that overall level to 13 different committees and we can proceed with bills like this. But in this case it is not the chairman of the Committee on the Budget, it is the chairman of the Committee on Appropriations, and he is actually requesting more than the House approved.

So in two important respects we are deviating from the budget procedures that we have established and followed for 25 years so that we can spend $1.7 trillion in a reasonably fair, orderly and systematic manner.

What we see here is a continuation of a trend, a sort of defiance, an indifference to the established procedure for the budget process. This is the latest budget resolution that we have seen; the longest delinquency in producing a concurrent budget resolution in 25 years. When we finally, 2 months late, got the budget resolution to the House floor, it came to the House floor 10:30 p.m. and we debated it into the wee hours of the morning.

And as we took it up, we noted that this budget resolution, which was a majority resolution, the Republican resolution, had a huge black hole in the middle of it. Because even though we had passed a highway spending bill that exceeded the balanced budget agreement by $35 billion, and set new levels of spending for transportation in that amount, the budget resolution wholly ignored what the Congress had done and left unresolved exactly how those spending increases would be accommodated in the resolution. And then, when there were not enough votes to pass it, it unraveled still further on the House floor.

This is no way to run a budget process, Mr. Speaker.

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

What we have been alleging and bringing forth, the military construction bill, is not bald-faced horsefeathers, or some other regional folkloric terminology the gentleman from Wisconsin is so good at using. It is a very serious matter, this legislation, and it is very important to the national security of this country.

And these arguments, I think, we have refuted most effectively, in terms of this having been supposedly surreptitious or unprecedented. That is not true. It is not true, and I feel very proud of the gentleman from California (Mr. PACKARD) and of the chairman of the Committee on Rules in bringing forth this legislation under an open rule. And we have a very distinguished and admirable record of bringing forth important pieces of legislation, and most legislation, under open rules.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me just briefly say that, first of all, this rule is not going to be defeated because every Republican is going to vote for this rule, and I will see to it. That means it is going to pass. And there are also a lot of good Democrats that are going to vote for this rule, because it is absolutely imperative.

Everyone knows, and the gentleman from Wisconsin (Mr. OBEY) knows, as does the gentleman from Maryland (Mr. CARDIN), that if we do not have this provision in the first appropriation bill coming up, it means a point of order lies against all other appropriation bills. So I will say to my good friend, the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), it is not just the military construction appropriation bill, it is the veterans' bill, the Departments of Veterans and Housing, but it is every Federal program.

Mr. Speaker, we have some people around here that just want to raise points of order against everything. And we all know that they would do it. It stops dead in its tracks every single appropriation bill for every Federal program that we have today. So Members ought to come over here, vote for this rule, and then vote for the bill. It is terribly important.

When we talk about veterans or the military construction budget, right now we are in a dilemma, because the defense budget of this country, and I see the gentleman from Missouri (Mr. IKE SKELTON), one of the best Democrats that ever served in this body over there, ranking member of the Committee on National Security, he knows if we stop these appropriation bills we are stopping research and development in our military and we are stopping procurement. These contracts have to go forward so that the young men and women serving in our military today have the best state-of-the-art that we can give them. God forbid if they are ever called into harm's way. And with what is happening in nuclear proliferation around this world, it can happen tomorrow, in Kosovo and other places.

Let us use some sense here. Stop being hypocritical and come over here and vote for the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding me this time.

I did not intend to speak. I thought this rule would go quickly and we would be done almost an hour ago. There is not anyone more controversial in this body than the gentleman from North Carolina (Mr. HEFNER) and myself. I recognize that. But it was a surprise that we found so much controversy on this rule.

My colleagues on the other side of the aisle cannot have it both ways. They cannot complain about the slowness of the process and the fact that we are not bringing the appropriation bills to the floor, and then proceed to prevent us from bringing our appropriation bills to the floor.

We simply feel that we are following the procedures under the circumstances we find ourselves in. We are following the procedures to allow us to bring this and all the other appropriations bills to the floor as rapidly as we can.

□ 1015

I intend to be on the floor, the gentleman from North Carolina (Mr. HEFNER) and I, next Monday, the very next legislative day. If we do not pass this rule, it obviously prevents us from doing so. If we do not follow that, then each appropriations bill will be delayed and then my colleagues will have another legitimate reason to say that we are not moving forward with the appropriating process and we are leading to a shutdown or a continuing resolution. That is what we heard today.

All we are asking in this rule is to allow us to bring the military construction bill to the floor next Monday and do our job. We have cut this bill over 10 percent from last year's appropriated level. The President cut it 15 percent. We have had to add on in this bill to even make it so that we are doing some semblance of a job of taking care of our military needs.

All we are asking at this time is that they allow us to move forward by passing this rule.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

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

Mr. OBEY. Mr. Speaker, I simply want to make it clear, we have absolutely no criticism of the job the gentleman has done. He has simply run into an accident that started out to happen to somebody else. That is the problem here.

I want to make clear that when we do get to his bill, there will be a lot of Democrats supporting his bill, including this one.

Mr. PACKARD. But the fact is, my colleagues, we will not get to my bill and the Hefner bill unless we pass this rule. We hope that all Members will help us do that.

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

I obviously support this rule. It is a fair rule. It is an open rule. It is important to bring the underlying legislation to the floor as soon as possible. The gentleman from California (Mr. PACKARD) has stated that we will have it on the next legislative day, on Monday, on the floor if we pass this rule. So I urge my colleagues to vote for it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The previous question was ordered.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to divide the question.

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

Mr. SOLOMON. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The question is on the resolution.

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

Mr. OBEY. 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. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.R. 4060, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 478 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 478

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. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for

amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2, 5(b), or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, 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, House Resolution 478 makes in order H.R. 4060, the fiscal year 1999 Energy and Water Development Appropriations bill, under a completely open rule, which the Committee on Rules reported by voice vote.

As is customary, the rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 7 of rule XXI, which requires printed hearings and reports to be available 3 days prior to consideration of an appropriations bill. Waiving this rule facilitates consideration of this noncontroversial bill, which the Subcommittee on Energy and Water reported by voice vote.

The rule also waives clause 2 of rule XXI, which prohibits legislating on an appropriations bill. The Committee on Rules conferred with the authorizers and determined there was no opposition to this waiver.

Similarly, the Committee on Ways and Means has no problem with waiving clause 5(b) of rule XXI, which addresses tax and tariff provisions under that committee's jurisdiction. The rule also waives clause 6 of rule XXI, which prohibits reappropriations in a general appropriations bill.

To ensure an orderly amendment process, the rule allows the Chair to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Further, the Chair may postpone and reduce votes to 5 minutes, as long as the first vote in any series is a 15-minute vote.

Finally, the rule provides for the customary motion to recommit, with or without instructions.

Mr. Speaker, like many of my colleagues, I was shocked to learn that the President's fiscal year 1999 budget proposal would cut spending for the construction of new levees, flood walls, and other protective water infrastructure by almost 50 percent.

In fact, the recommended funding levels for these projects, managed by the Army Corps of Engineers, would be the lowest in real dollars in the history of the civil works program.

How quickly the administration forgets. It was only 5 years ago that the Midwest was ravaged by floods which caused millions of dollars in damage and waged a devastating human emotional toll on those citizens who lost their homes, businesses, and communities to ever-rising flood waters.

Even more recently, the State of California has battled unrelenting floods that left the citizens searching for the means to rebuild their communities.

It is unclear where the next flood tragedy will appear. But eviscerating the construction budget of the Corps of Engineers only ensures that the damage will be more widespread.

Our recent past should convince us that investing in a defense system to prevent flood damage is far preferable to spending the money on cleanup after lives have been destroyed.

My constituents in central Ohio would be directly affected by the shortsightedness of the administration's budget. The West Columbus floodwall is currently being built to protect the homes and businesses along our Scioto River from catastrophic floods.

In 1913, 1937, and 1959, the Scioto overflowed its banks, causing millions of dollars' worth of damage to both residential and commercial property. Without floodwall protection, 17,000 residents continue to be placed at risk of life, injury and personal hardship. And that is only my story.

Construction of the West Columbus floodwall has been on track since it began in 1993. The U.S. Army Corps of Engineers identified a need for $16 billion in the next fiscal year to keep the project on schedule toward completion. Yet, the President slashed the Corps' budget.

I would like to commend the gentleman from Pennsylvania (Mr. MCDADE), the chairman, and the gentleman from California (Mr. FAZIO), the ranking member, and the rest of my colleagues on the Appropriations Subcommittee on Energy and Water for crafting a very fiscally responsible bill that restores these devastating cuts proposed in the President's budget, while at the same time keeping spending below the fiscal year 1998 level.

As my colleagues know, the energy and water bill provides funding for much more than flood protection. This legislation funds the Bureau of Reclamation, the Department of Energy, the Appalachian Regional Commission, and the Nuclear Regulatory Commission.

In their bill, the subcommittee was able to increase spending on programs, such as the solar and renewable programs, science programs, and the atomic energy defense activities.

The bill also includes important funding for defense environmental management and cleanup of hazardous and radioactive materials. These dollars will clean up sites throughout the country which were contaminated during the production of nuclear weapons.

Additionally, provisions of the bill seek to increase the efficiency of the Department of Energy through contract competition and reevaluation of the Department's organizational structure.

Mr. Speaker, the final product of the work of the subcommittee is $78.7 million below fiscal year 1998, keeping us on track to a balanced budget and a smaller, smarter government.

My colleagues in the Committee on Rules, both Democrat and Republican, had nothing but praise for the efforts of the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from California (Mr. FAZIO) to produce a balanced, bipartisan bill.

Mr. Speaker, I urge my colleagues to support this fair and open rule, which will provide for a thorough debate of spending priorities.

Further, I urge my colleagues to support the subcommittee's fine work by voting yes on this responsible energy and water appropriations bill.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague my dear friend the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary half hour.

Mr. Speaker, I rise in support of this rule and I urge my colleagues to support the Energy and Water Appropriations bills. I must say, though, Mr. Speaker, there is something curious in the bill.

Last year, my good friend the gentleman from New York (Mr. SOLOMON), the chairman, talked about the Armey protocol in which any provision objected by the authorizing committee members will be exposed to a point of order. But this year, the very first year it comes up, my Republican colleagues have decided to abandon the principles of the Armey protocol in terms of this rule.

Specifically, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BLILEY), the ranking member and the chairman of the Committee on Commerce, the authorizing committee, wrote a letter objecting to the legislative language in

this bill that falls within their jurisdiction. The request was completely ignored by the Republicans on the Committee on Rules, breaking faith with their own leadership protocol.

In terms of the bill, though, I want to congratulate my colleagues the gentleman from California (Mr. FAZIO) and the gentleman from Pennsylvania (Mr. MCDADE) for another job very well done. They and their colleagues have worked hard and long to give us a bill that meets most of our energy and water infrastructure needs, and for that we owe them a great debt of gratitude.

This appropriations bill will provide $3.9 billion dollars for the Army Corps of Engineers, which is above President Clinton's request but still less than we appropriated last year. That means that the level of funding is somewhere near what is required to fund worthy projects which are authorized and are ready for construction.

The bill also contains funding for the Department of Energy, which is $305 million more than last year but $867 million less than the President requested.

Unfortunately, we are just now beginning to feel the restraints of the Balanced Budget Agreement which was enacted only last year, and that means that many deserving energy initiatives could not be as fully funded as we had hoped.

For example, the Energy Department should be spending some of their time developing clean, non-greenhouse gas power sources. But the freeze this bill imposes on the solar and renewable energy program will seriously undermine that effort.

The bill also denies the administration's request for an additional $110 million for research and development related to global climate changes.

Mr. Speaker, this is the energy we need to develop in order to reduce greenhouse gas emissions and lower people's energy costs.

Mr. Speaker, the bill also makes some potentially dangerous cuts in the funding to clean up nuclear waste. And, Mr. Speaker, if the Energy Department does not clean up nuclear waste, who will?

□ 1030

Finally, the bill increases funding for basic science research and development. We are pleased that the committee was able to provide some increase over the President's budget request for fusion energy programs.

There were some really difficult choices for the Committee on Appropriations this year, mainly due to the strict limits in the balanced budget agreement. This means that any extra funding given to one program has to come out at the expense of other very important programs.

But, Mr. Speaker, this bill is coming to the floor with an open rule, and any Member that has an amendment that conforms to House rules can present it.

I urge my colleagues to support this rule.

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

Ms. PRYCE of Ohio. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, in contrast to the last rule, I fully support this rule, and I want to explain why and explain the difference.

We heard speakers on the previous rule suggest that if we voted that rule down, that somehow we in the Democratic minority would be responsible for holding up the appropriations process. I would simply make the point to my friends on the majority side of the aisle, you are in the majority, you have the votes to pass any provision you want and any rule you want on this House floor, and you have demonstrated that many times. But I would just simply say this. Do not ask us to support a rule on the companion bill that was just before us simply because you cannot get your act together on passing the basic budget in the first place. When that budget was before this House, which changed the agreement that you had reached with the President of the United States last year to establish a very different trend line for appropriations than was the case in that bipartisan budget agreement, we warned you at that time that the budget resolution that you were passing would never pass your own Republican Members in the other body, in the Senate. You ignored that warning, and now you are finding out that that is true. You are finding out that your own Republican colleagues in the Senate believe that the budget that you passed was extreme, and, in fact, the rules preclude me from naming other Senators but the Senator who is chairman of the Budget Committee in the Senate, a Republican, said as much.

I would simply ask, why did we go through the charade of passing that budget in the first place if you yourselves did not intend to abide by it? That is my question today.

Mr. Speaker, I would simply say that what you have done in the previous rule in contrast to this one, in the previous rule what you did was bring to the floor a stealth provision which calls for the amending of the budget resolution which you passed with such fanfare just 2 weeks ago. I find that procedure quaint but not surprising, because it simply demonstrates what everyone knew but did not admit when that bill was before us, that that budget was essentially a political document to allow the majority party to pretend that it had room in the budget for a tax cut when in fact it is not able to pass the budget resolution which would make that tax cut possible.

I will simply say, I will vote for the rule on this bill, because this rule does not contain that gimmick. The previous rule simply asked every member of our party and every member of yours to ignore the very rules which you imposed on this House just 10 days ago. Maybe you can explain that in your caucus. I would find it very difficult to explain in ours.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. HEFNER).

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

Mr. HEFNER. Mr. Speaker, this is a troubling time for me. We were before the Committee on Rules on Military Construction, and I think it is a very good bill that we put together with limited funds. But there is an old saying that goes, ''Oh what a tangled web we weave when first we practice to deceive.''

If I might just remind Members the process that went on just a week ago. We had on this floor a budget. We had the Kasich budget; we had the Republican substitute, which did not pass; we had a so-called Blue Dog budget that tracked very closely to what the budget was in the other body that had the votes to pass, but it was not made in order by the Committee on Rules.

Members who have been here for quite some time know that the Committee on Rules is the Speaker's committee. The Speaker decides, and he can call the shots on what comes out of the Committee on Rules. They did not see fit to put in place a budget that could have passed here and would have gone a long way to implement the balanced budget that we have. We do not want to put that in order because it will pass.

Then we talk about campaign reform for all these years. We come and they offer a rule on campaign financing, and they put all of these amendments in order, many of them nongermane, and then they have an amendment that says if something is declared unconstitutional, the whole bill goes down the tubes, a procedure that would absolutely do away with any campaign reform.

The gentleman from California (Mr. PACKARD) and I worked very hard on this military construction bill. It is regrettable that we come down to a situation where we have to have this debate on the rule. But this is just the beginning. There are other appropriations bills that are going to come to this House, and everybody put out press releases that voted for the balanced budget, especially on the Republican side, and the Speaker said not 3 days ago, we balanced the budget, we did all these things, but what you have done, you have done it with a phony vehicle. You have done it with a phony budget.

This is just the beginning of what is going to happen on these appropriations bills. Either you are going to bust the caps or you are going to waive points of order and you are going to go

use emergency amendments, you are going to use fake emergencies to get around the Committee on the Budget. The money is still going to be there, you are going to spend the money, but it is just not going to show up. It is going to show up without offsets and it is going to blow the balanced budget.

This is troubling to me. The gentleman from Florida, bless his heart, he is very emotional. We want to pass Military Construction. I was chairman for over 10 years. The things that he mentioned are not even in the military construction budget. This is a scare tactic.

Mr. Speaker, Military Construction is a good bill. This is a good bill. This does not have the emergency moneys in this one that gets around, but Defense does. Defense has a tremendous amount of money, and I support the defense budget. But when we get to these things, when we get all of these appropriations bills and all the emergencies are counted in, guess what? The gentleman from Wisconsin (Mr. NEUMANN) is exactly right when he was contesting what we were doing in appropriations. It was not popular, but he was exactly right, because you voted for that budget and you voted for it with cuts that were unspecified, and you have programs that nobody wanted to talk about that were unspecified cuts. It was a phony budget that was passed then, and it got no better since it has been passed. I do not like to question rules, but to me this is something that is just going to get worse and worse and worse.

Like I said years ago, this budget is so ugly, like the lady that had the kid that was so ugly they had to get a pork chop around its neck to get the dogs to play with it. This budget, you could not tie enough around its neck to get anybody to play with it. It is a terrible thing for this body to be considering this, because we are going to have to do a lot of this work over again because this budget is phony and these points are going to be raised on other appropriations bills, and rightfully so.

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

Mr. Speaker, the last two speakers were referring to the rules debate immediately preceding this, and to some other extraneous matters. This Member was not present for that very spirited debate. As I understand it, it was a procedural attempt to keep the legislative ball rolling and the appropriations process on track. But, nonetheless, this rule is not objectionable. I am gratified to hear the gentlemen approve of this rule. After all, it is wide open, and it is as fair as it could be made fair.

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

Mr. MOAKLEY. Mr. Speaker, all I want to say, the gentlewoman did not miss a thing by not being here when the other rule was considered.

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

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

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule for consideration of H.R. 4060, the Fiscal Year 1999 Energy and Water Appropriations bill. I first want to thank the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from California (Mr. FAZIO) for their hard work on this important legislation. I also want to thank the gentleman from Texas (Mr. EDWARDS) for the help he has provided my office on this bill. I am especially pleased by the support this legislation provides for addressing the chronic flooding problems of Harris County, Texas. In 1994 southeast Texas suffered some of the worst flooding our area had ever seen. This and more recent floods are a clear reminder that our lives, our infrastructure and our economy depend on sound watershed management. I am pleased that H.R. 4060 includes vital funding for several flood control projects in the Houston area, including Brays, Sims, and Hunting and White Oak bayous.

I am most grateful for the committee's decision to fully fund the Brays Bayou project at $6 million for fiscal year 1999. This flood control project is necessary to improve flood protection for an extensively developed urban area along the Brays in the southwest Harris County. The project consists of three miles of channel improvements, three flood detention basins and seven miles of stream diversion and will provide a 25-year level of flood protection.

The administration's budget did not provide any request for this funding so I appreciate the committee taking the action. I also appreciate that the bill fully funds the ongoing project for Sims Bayou at $18 million rather than the administration's request of $9 million. This is critical to keep this project ongoing to help with the chronic flooding in the area.

Finally, Mr. Speaker, I am pleased that the legislation provides the $60 million which was requested by the U.S. Army Corps of Engineers for the dredging and deepening and widening of the Houston ship channel. This is critically important. This is the second largest port in the Nation, creating more than 200,000 jobs in our area. The administration had only requested $5 million. This is necessary to get the Houston port project on track and moving forward. This is both an economically and fiscally sound project as well as environmentally sound where the port has worked with the environmental community in the Houston area to make the project sound and workable.

I appreciate the work of the chairman and the ranking member on this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, I rise in support of the rule for H.R. 4060, the Energy and Water Development Appropriations bill for the fiscal year 1999. Bipartisanship has long been the hallmark of this committee, and I am very pleased to report that this spirit has continued during consideration of this year's bill. It was particularly challenging to draft this bill with a painfully low administration request for the Corps of Engineers budget on one side, more than $800 million below what we appropriated just last year, and important, yet expensive DOE-proposed initiatives on the other side.

Although we have improved our position somewhat with the budget allocation, we have still not been able to make this bill whole by any stretch of the imagination. The best that can be said is that we have administered the pain as evenhandedly as possible.

If Members are wondering why the gentleman from Pennsylvania (Mr. MCDADE) and I are retiring, it is because despite adding more than $700 million over the President's budget request to the water development side of the bill, which is so important to our colleagues after two El Nino winters, the bill is still $200 million below last year's level. Consequently, the committee has had to make some tough decisions and adopt some commonsense decision rules in the bill by not funding new construction starts, not funding unauthorized projects and not funding recreation projects unless they are tangential to a flood control or navigation project.

Even so, there are many authorized construction projects in the pipeline which do not receive funding. The operations and maintenance account, dredging and upkeep of our harbors and navigable waterways, is still funded more than $100 million below last year.

□ 1045

These necessary cuts hit home across the country including the important Calfed initiative in my home State of California, an initiative supported by a large number of the California delegation on a bipartisan basis that is $45 million below the 120 million that our committee recommended just last year.

We are clearly feeling the effects of the balanced budget agreement in our bill, and I suspect that, as a pattern, we will have to get used to it for many years to come. Insufficient funding for meritorious water development projects that are important to our Nation's economy will be the watch word for many budget years in the future.

On the energy side of the equation we face similar budget constraints. We had to balance new priorities like the Spallation Neutron Source while sustaining numerous other DOE programs that are essential to the Nation, and while I would like to see an increase in the number for solar and renewable energy programs, I am pleased that this account did not sustain any cuts given

the difficult environment in which the committee was forced to work.

I understand the reasoning behind the committee report's words of caution to the administration pertaining to policy decisions and sound science with regard to global climate change, but I would like to reiterate that the energy efficiency programs funded in this bill are programs that our Nation has been investing in for years, long before the debate over global climate change occurred. I believe that any debate relating to climate change in the Kyoto Protocol should be conducted independently of this bill.

The committee was able to provide an increased diffusion energy program above the administration's request. I am pleased the committee has also provided generous increases in the basic science research and development account and in areas such as high energy physics.

This bill continues to support the crucial effort of our Nation to maintain our nuclear weapons stockpile through the National Ignition Facility and the ASCI program. Because of the tight allocation, there are shortfalls in some areas like the Uranium Enrichment Decontamination and Decommissioning Fund, and I would like to be able to address this and other shortfalls in conference, if it is at all possible.

In short, I think that the gentleman from Pennsylvania (Mr. MCDADE) and our committee have done a good job in a tough year. Mr. MCDADE, who cannot be with us today, I think is a strong advocate of all of the demands that are placed on this bill by people looking to develop the economies of their local regions and districts. He and I support the open rule, but I believe this bill can withstand any amendments that may be proposed on the floor just as it did last year.

So I ask for a yes vote on the rule and a yes vote on the Energy and Water Appropriations bill in hopes that when we get to conference with the other body we may be able to do more of the legitimate requests that have been made of us that we have unfortunately been unable to account for in this bill.

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

Mr. Speaker, I appreciate the remarks of the gentleman from California, the ranking member, and I also appreciate his hard work, that of the entire committee and that of the gentleman from Pennsylvania (Mr. MCDADE) for a very tough job under difficult circumstances.

I have no further speakers, Mr. Speaker.

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

Ms. PRYCE of Ohio. 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.

PROVIDING FOR CONSIDERATION OF H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the vote de novo of agreeing to the resolution, House Resolution 477, on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. OBEY. 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 231, nays 178, not voting 24, as follows:

[Roll No. 248]

YEAS—231

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
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
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Hall (OH)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—178

Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Skaggs
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—24

Barr
Blunt
Cooksey
Gonzalez
Green
Gutknecht
Hastert
Hastings (FL)
Jefferson
Lewis (GA)
Martinez
McDade
McIntosh
McNulty
Meeks (NY)
Oxley
Parker
Reyes
Rothman
Schumer
Shaw
Sununu
Torres
Weldon (FL)

□ 1107

Mr. POMEROY changed his vote from ''yea'' to ''nay.''

Messrs. MURTHA, KANJORSKI, MOLLOHAN and RAHALL changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 248, I was unavoidably detained. Had I been present, I would have voted "yes."

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183), to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. COLLINS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, June 18, 1998, a request for a recorded vote on Amendment No. 132 offered by the gentleman from California (Mr. THOMAS) to amendment No. 13 in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) had been postponed.

AMENDMENT NO. 132 OFFERED BY MR. THOMAS TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on Amendment No. 132 offered by the gentleman from California (Mr. THOMAS) to Amendment No. 13 in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the yeas prevailed by voice vote.

The Clerk will redesignate the amendment to the amendment in the nature of a substitute.

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

Amendment No. 132 offered by Mr. THOMAS to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

Amend section 601 to read as follows (and conform the table of contents accordingly):

SEC. 601. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act or any amendment made by this Act shall be treated as invalid.

In the heading for title VI, strike **SEVERABILITY** and insert **NONSEVERABILITY** (and conform the table of contents accordingly.)

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 254, not voting 24, as follows:

[Roll No. 249]

AYES—155

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bliley
Boehner
Bonilla
Bono
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Frost
Gekas
Gibbons
Gillmor
Goodlatte
Goodling
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McKeon
Mica
Miller (FL)
Myrick
Nethercutt
Ney
Northup
Norwood
Obey
Oxley
Packard
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Radanovich
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sabo
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Spence
Stearns
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—254

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Campbell
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Goode
Gordon
Goss
Graham
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal
Neumann
Nussle
Oberstar
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rivers
Rodriguez
Roemer
Roukema
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scott
Serrano
Shays
Sherman
Sisisky
Skelton
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—24

Barr
Blunt
Cooksey
Gonzalez
Green
Gutknecht
Hastings (FL)
Kasich
Lewis (GA)
Martinez
McDade
McIntosh
McNulty
Meeks (NY)
Morella
Parker
Reyes
Rothman
Schumer
Shaw
Skaggs
Sununu
Torres
Weldon (FL)

□ 1127

The clerk announced the following pair:

On this vote:

Mr. McIntosh for, with Mrs. Morella against.

Mr. WAXMAN changed his vote from ''aye'' to ''no.''

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. COLLINS). Are there any further amendments to the Shays amendment?

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, too many Americans believe our campaign finance system is

corrupt. We must treat this illness in the body politic which, in my opinion, if ignored, will undermine our democracy.

Like beauty, of course, genuine reform may be in the eye of the beholder. In my view, genuine reform must purge from Federal elections unregulated soft money which has become so pervasive. Meehan-Shays does that.

Reform should be subject to disclosure. The issue ads which are so clearly intended to influence elections must be covered. Meehan-Shays does that.

Reform, in my opinion, should level the playing field for challenges by further restricting franked mail in election years. Meehan-Shays does that.

Reform, as well, should encourage wealthy candidates to limit personal spending and toughen disclaimers on ads, giving voters better information with which to judge content. Meehan-Shays does that.

Reform also should enhance candidate disclosure by giving the public quick access via the Internet. Meehan-Shays does that.

Meehan-Shays does all of these good things, Mr. Chairman, but, by any standard, is breathtakingly modest. Yet, in this Republican Congress, its enactment is in doubt. Though there are good provisions in other bills, I will support Meehan-Shays as our best hope of fixing some problems now.

I might say that I know the distinguished gentlewoman from New York (Mrs. MALONEY) has an amendment that she will be now offering, which I also strongly support, which, in effect, says that, although there are reforms in Meehan-Shays that we want to adopt, there is more yet to do. She will establish a commission to look further at how we can make our election laws better.

Having said what reform is, let me say what it is not. Reform is not the Paycheck Protection Act, a Republican proposal to gag working Americans. Californians wisely rejected, Mr. Chairman, the paycheck protections last month as we did in March. Hopefully, this part of the Republican vendetta against working families will finally disappear.

Reform is not repealing all contribution limits. This would just tilt the playing field even more toward the affluent and away from ordinary Americans, for whom giving $1,000 to candidates is beyond reach, let alone $25,000.

Reform is not repeal of public financing of presidential elections, which ended the thrilling campaigns of yesteryear financed out of the suitcases stuffed with untraceable cash.

Finally, reform is not underfunding the Federal Election Commission. Republicans argue we do not need new laws, just enforcement of current ones. Yet, House committees have recommended funding for next year for campaign law enforcement that is simply inadequate. The majority are generous with rhetoric, but not with the resources the FEC needs to police campaigns.

Mr. Chairman, this debate that we are now engaged in is not designed, unfortunately, to facilitate the passage of reform. Indeed, many of us believe, perhaps cynically, that it is designed to undercut, undermine, and defeat campaign finance reform. In fact, many leaders on the Republican side make no secret of their antipathy towards reform legislation and particularly the Meehan-Shays legislation.

I hope that, notwithstanding this disastrous procedure, notwithstanding the opposition of many in the Republican leadership and many Republicans, notwithstanding those who would undercut reform efforts, I am hopeful that, through it all, that we will, nevertheless, have the courage and the wisdom and the common sense to pass Meehan-Shays.

AMENDMENT NO. 30 OFFERED BY MRS. MALONEY OF NEW YORK TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mrs. MALONEY of New York. Mr. Chairman, I offer amendment No. 30 to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

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

Amendment No. 30 offered by Mrs. MALONEY of New York to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

TITLE —INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. 01. 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 title 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. 402. 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. 403. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, 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. 404. 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.—When 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. 405. 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 leader 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 (taking into account the provisions of this Act and the amendments made by this Act), 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. 406. 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 05(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 05(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. 407. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section 05.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

Mrs. MALONEY of New York. Mr. Chairman, my amendment which I offer along with the gentleman from Michigan (Mr. DINGELL) and with the support of the gentleman of Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS), it is a bipartisan amendment.

It would create an independent commission to study and recommend changes to our campaign finance laws. This amendment is identical to the substitute introduced earlier this week by the gentleman from Washington (Mr. WHITE) and the gentleman from New Jersey (Mr. FRANKS) except for one important point.

The White amendment, had it passed, might have blocked and killed the Shays-Meehan bill. Due to the structure of the rule, had the White amendment received more votes than Shays-Meehan, it would have prevented Shays-Meehan from becoming law.

This amendment works in conjunction with Shays-Meehan. It strengthens and supports Shays-Meehan. It lets us fix some of the most important problems with our campaign finance system today and creates a commission to solve the problems that remain tomorrow.

I think this option is the best of both worlds. Shays-Meehan can be signed into law so that we can ban soft money and provide for greater disclosure of our third-party expenditures; but, at the same time, we will create a commission to fix problems that are not addressed in Shays-Meehan.

Mr. Chairman, I see that we have many, many amendments ahead of us on this substitute. I am sure that many of these amendments are strong. But if the House agrees to this commission proposal, then I hope my colleagues will withdraw their amendments. I certainly plan to withdraw the amendments that I had hoped to introduce, not because I do not think that they are strong and important, but, with this commission, we now have another vehicle to take a serious look at all of these issues that remain to be done and report back with a proposal for addressing them.

Mr. Chairman, we have a choice before us. We can spend until August debating every problem, every issue on campaign finance and the hundreds of amendments made in order under this rule, and we may never finish this debate. Or we can pass this amendment and pass Shays-Meehan and let the commission address the remaining problems. I think the choice is clear.

I urge all Members to support the Maloney-Dingell amendment and to withdraw any of their own amendments so that we can finally pass Shays-Meehan and take a real step toward restoring the faith of the American people in their electoral process.

Mr. Chairman, I yield to my colleague, the gentleman from Connecticut (Mr. SHAYS), who has worked so hard on campaign finance in a bipartisan spirit.

Mr. SHAYS. Mr. Chairman, I thank the gentlewoman for yielding. On behalf of those who are supporting this reform legislation, we gladly accept this substantive amendment by the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Michigan (Mr. DINGELL).

It improves the bill. It will enable us to deal with issues that are not dealt with in the Shays-Meehan reform legislation. I urge the amendment's passage. I do not think we to have too much debate about it.

Mrs. MALONEY of New York. Mr. Chairman, I yield back the balance of my time.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of this amendment. As many of my colleagues know, I have a major bill that is also going to be considered. But I think the most important bill, the one that everyone is consolidated around and can be passed is the Shays-Meehan bill.

I ask this body, when it comes time to vote for that bill, if you do not vote for it now, when will you vote for it? If you do not vote for it, who will vote for it?

This body has been able to rise to the occasion when asked by the American people to address the issue of campaign finance reform. This body in the 101st

session of Congress passed a comprehensive campaign finance reform bill. In the 102nd session, this body passed a bill. In the 103rd session, this body passed a bill.

All of those bills received far in excess the minimum number of 218 votes. They were all bipartisan votes. So we have in the past been able to rise to the occasion and adopt very comprehensive campaign finance reform.

This amendment should be adopted because we always need to be looking farther than what we are able to legislate. America is changing, and the style of campaigning and the style of running for office is changing.

We will not have all the answers in one bill. A commission needs to look at where we go as we merge into the 21st Century. For a democracy to survive, we have got to have active participation. Politics is not a spectator sport. It is a participatory requirement to sustain a country, to sustain a government in an era when people are getting turned off and thinking that their vote does not make any difference or thinking that money in politics buys such influence so a common voter cannot have an influence.

Yet, we see time and time again where elections around this country are won by just a few votes. Even in this House, we have had Members who have won by as little as four votes. We know that votes count. We ought to be doing things to really engage people in participating in the process.

We are moving into an era where telecommunications is playing more and more of a role in communication. Our old ideas about regulating campaigns have not really taken that into consideration. A commission certainly can look into that.

A lot of voters in a lot of States are now voting by mail. In California, it has been very popular. Oregon elected a United States Senator entirely by a mail ballot election. A lot of issues were raised in that. A commission can look at that and figure out whether those are things that we as a Congress ought to be looking at.

Public financing has been suggested as a voluntary effort. Maine has adopted it. Is it good for other States. Is it good to Congress at a national level. These are options that a commission can look at. We certainly need to all encourage a greater participation. We need to encourage greater participation.

I do not think we have all the answers. We, as Members, go home every weekend. We go out and have constituent meetings. We are always trying. We are talking to schools. The galleries are filled. We have students in here all day. There are probably classrooms on the steps right now if it is not raining outside. We are always engaging them and telling them the importance of participating in the process.

But as we say this, we watch how many people participate in elections. You have to register to vote in this country. Even those who are registered are not all the qualified adult persons. Those who are 18, American citizens, and have resided at least for 30 days in a community, those are the qualified voters in America. Yet, only half of the qualified voters register to vote, and only half of the registered voters turn out to vote.

If we are in the business of selling democracy, we are doing a very lousy job. We need to have commissions take a look at how we can better encourage people to do that. This amendment will do that. But most important, I think, to build confidence in America, we need to show them that, in 1998, this House, the House of Representatives, can pass a bipartisan bill that is both comprehensive and substantive that leads us another step towards regaining confidence in the American citizens, that their government in Washington can be a government that is true to the principles of this country. That is why we need to pass the Shays-Meehan.

I started this support for this amendment indicating that, if not now, when? My colleagues, Shays-Meehan, if not now, when?

Mr. METCALF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support for this amendment. I supported the amendment of the gentleman from Washington (Mr. WHITE), which was similar, but this is somewhat different. This amendment will strengthen this bill. I think that it is very critical to do that.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the Meehan-Shays bill provides for a soft money ban. It recognizes that sham issue ads. It are truly campaign ads and treats them as campaign ads. It codifies Beck and improves FEC disclosure and enforcement. The legislation provides that we put a ban on unsolicited franked mass mailings 6 months to the election, that is May on, and makes it clear that foreign money and fund-raising on government property are illegal. It presently is not illegal to raise soft money from foreigners or on federal property.

□ 1145

Believe it or not, it is not illegal. We make sure that people know it is.

I would just reiterate that we are prepared to vote right now on the commission bill. We have debated it long and hard, and pointed out when we debated the White proposal as a standing substitute, that we agreed with many of the merits, as long as we took a stand now to deal with soft money, deal with the sham issue ads, codify Beck and so on.

So we are prepared to support the Dingell-Maloney amendment to the reform bill, the Meehan-Shays bill, and I hope we can move forward on this because I know we have lots more amendments to deal with that Members would like to introduce.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. METCALF. Mr. Chairman, I want to just add that campaign finance reform is critical to restoring citizen confidence in our election process, and I think this is a part of it.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DINGELL. Mr. Chairman, I first want to commend my good friend, the distinguished gentlewoman from New York (Mrs. MALONEY), and my colleagues the gentleman from Washington (Mr. WHITE), the gentleman from New Jersey (Mr. FRANKS), and the gentleman from California (Mr. HORN) for the good work which they have done on the commission amendment, something which I believe will be helpful to the legislation. I believe that their dedication and effort in this matter does them great, great credit. I particularly want to pay tribute to the gentlewoman from New York (Mrs. MALONEY) for the remarkable courage, fortitude and diligence which she has shown in this matter.

It was, I would observe, Mr. Chairman, yesterday that I chose to vote ''present'', with great regret, against the amendment which I had hoped to offer in the form of a commission substitute. I did not vote this way because I believed that the commission was no longer a viable idea but, unfortunately, because of the rather extraordinary rule structure making the commission bill a possible roadblock to passing desperately needed comprehensive campaign reform in the form of the Shays-Meehan proposal. This is something which we must do in the public interest, because I think almost every Member of this Congress, and certainly the public at large, is disgusted with the regrettable situation we find with regard to financing our campaigns.

I originally joined with the other lead sponsors to create a device which would bring about a quick assured vote on a responsible proposal. We have that before us in the form of Shays-Meehan. I would observe that it is a proposal which is endorsed by both my good friend the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), and I want to commend them for their effort on this matter and thank them for their assistance to us in this undertaking.

The amendment that is offered by the gentlewoman from New York and I not only strengthens the Shays-Meehan substitute, but it will study campaign reform ideas that are not already addressed in Shays-Meehan. It should please any Member that believes Shays-Meehan does not go far enough. The commission will clearly have the authority and the ability to study and

address any additional improvements needed in our campaign system, consistent with the policies in the Constitution.

I should note that this is a good proposal. It enhances, it expands, it enriches, and it benefits the system that we would find under Shays-Meehan. And I would note that yesterday a large number of my colleagues voted for this. I would note that they now have an opportunity to vote for it and Shays-Meehan both, and I urge them to do so. That is in the public interest and is what the public wants.

Mr. WHITE. Mr. Chairman, I move to strike the requisite number of words.

We had a vote the other night on the commission bill, and it was not quite as successful as I would like, and I think many of those of us who voted for the commission are considering whether we should vote for this particular amendment. If possible, I would like to engage the gentlewoman from New York or the gentleman from Michigan in just a brief colloquy to make sure I understand exactly how this would work.

It is my understanding that if this amendment is adopted, the commission would be part of the Shays-Meehan bill. And if the Shays-Meehan bill passes, the commission, in the form that we had originally proposed it, would be included in that bill. Does that mean that, assuming it is signed into law, that the commission could then go to work, come back to Congress with a package that would amend Shays-Meehan; or would its hands be tied in any particular way?

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. As the gentleman knows, the commission bill is an appendage of Shays-Meehan. We would enact in this Congress, send to the Senate, the President would sign into law Shays-Meehan. All of the aspects of Shays-Meehan would become law.

Then, as the gentleman knows, our bill in the next Congress, the commission would go into effect for 180 days with 12 appointments, 4 Republicans, 4 Democrats, 4 Independents. It must have a supermajority of 9 votes to come back with an expedited review. That ensures that at least one Republican, one Democrat and one Independent agree. They can then come back to this floor for an up or down vote.

The likelihood of any part of Shays-Meehan being repealed, although it could be, is about as likely as a two-headed cow coming out of this commission, coming back. I do not think it would happen. I do not believe it would happen. It is beyond belief to me. But it possibly could. Again, it would have to be passed by this House.

Mr. WHITE. That is my understanding, too. Let me just ask the gentleman from Connecticut whether that is his understanding.

We do not exactly know what the commission would do, but it would at least be possible the commission could come back and propose changes that might change the Shays-Meehan approach?

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

Mr. WHITE. I yield to the gentleman from Connecticut.

Mr. SHAYS. We accept the commission bill without any restraints. It is the gentleman's bill, as it is the gentleman from New Jersey (Mr. FRANKS), the gentlewoman from New York (Mrs. MALONEY), and the gentleman from Michigan (Mr. DINGELL).

It could recommend whatever it wants. We would make an assumption that they might not deal, and probably would not deal with items that had already been dealt with, but they are free to do it, and we know that and accept it. And we know the House ultimately has a chance to vote on it. It is truly the gentleman's amendment without any restraints.

Mr. WHITE. Mr. Chairman, I appreciate that very much and, based on those representations, I intend to vote for this amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Before I make my presentation, I would like to ask the gentlewoman a question. As I understand it, the gentlewoman will have four Independents as part of the commission. As the only Independent in Congress, that issue is of some significance to me.

We know how Democrats and Republicans might be appointed. Ross Perot is not the only Independent in America. Some of us do not have many billions of dollars but also consider ourselves Independents. How would those Independents be selected?

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. How they are selected is the members are appointed by the President on recommendations made by the four leaders in the House and in the Senate. The Republican Speaker, the Democrat minority leader, the Republican leader in the Senate and the Democratic minority leader would make the recommendations.

Mr. SANDERS. Including Independents?

Mrs. MALONEY of New York. Yes.

Mr. SANDERS. Maybe we might want to chat on that. I am not so sure it would be a great idea for the leadership of the Democrat and Republican Party to decide who represents the Independent political movement in this country, of which there are more of than there are Democrats and Republicans. But having said that, I thank the gentlewoman for her efforts.

I would say this, Mr. Chairman. As a strong supporter of Shays-Meehan, and understanding that I would go further, but I think that is the likely legislation that might pass and I will support it, the main point that we have got to understand is the American people know very, very well today that the political process in Congress and throughout this country is controlled by big money interests who make huge contributions to both political parties.

Just this past week we know that the Republican Party held a fund-raising dinner in Washington for some of the wealthiest and most powerful people in America and they walked away with $11 million in one night. And, of course, the Democratic party, maybe not quite so successfully, tries hard to do the same thing.

Mr. Chairman, sometimes I think people think that when we talk about campaign finance reform this is an inside-the-beltway issue; that it is something esoteric; that it does not affect them. Wrong. Campaign finance reform is an issue which affects every American in every aspect of public policy.

This week the Republican leadership in the Senate killed legislation that would have required the tobacco industry to compensate our society for the death and disease it has created. Was there some connection between the defeat of this legislation and the many millions of dollars in soft money that went to the Republican Party from the tobacco interest? I think one has got to be very naive not to see the connection.

Mr. Chairman, Americans, people in our country, pay more money than any other people in the industrialized world for prescription drugs, and the Federal Government continues to provide hundreds of millions of dollars in corporate welfare to the pharmaceutical industry. Is there any connection between the $18 million that the drug companies have provided to both political parties since 1991 and the outrageously high cost of prescription drugs in this country? Once again, one would have to be very naive not to see the connection.

Mr. Chairman, this Congress continues to spend billions of dollars for weapons that we do not need, including B–2 bombers that cost us over $2 billion a plane. Meanwhile, we cut back on health care, education, desperately-needed housing, Medicare, Medicaid, and many other programs that ordinary Americans need. Is there a connection between the fact that the aerospace industry and military contractors contributed $5 million during the 1996 election cycle to the high rate of military spending? I think, again, you have got to be naive.

Last year, Mr. Chairman, in the budget bill passed by this Congress, we provided huge tax breaks to some of the largest corporations and wealthiest people in America. Meanwhile, and this is an important point to be heard, the wealthiest one quarter of 1 percent contributed over 80 percent of all campaign contributions. Should we be shocked that, having received all of

this money from the richest people in America, Congress decided that most of the tax breaks would go to the very rich while, at the same time, we cut back on Medicare?

Mr. Chairman, we have heard a whole lot about the role that labor unions play in the political process. Do they contribute a lot of money? Yes, they do. But let us not forget that in the 1995–1996 election cycle corporations and groups and individuals representing business interests outspent labor 11 to 1.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. COLLINS). The Chair reminds Members not to refer to Senate actions on any other measures.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, sometimes we hear about a commission and we wonder what more do we need to do to study what we should do to reform the way we raise money for campaigns in this country. And while I have some reservations about this, I do want to say that we do have a vote here today on the Shays-Meehan bill, and I will support that, because I think it is a step in the right direction. However, maybe it does make sense that after passing Shays-Meehan we also talk about what steps we might take in the future, and perhaps this commission is the way to address that.

I view the passage of that measure, the Shays-Meehan bill, as a step, an important step, but only a step towards where we need to end up. I am going to vote for it because it will eliminate the insidious influence of soft money, but it still preserves an element of the status quo in the current way we do business.

The current system is, to many Americans, broken, Mr. Chairman, and it is broken for them beyond repair. They believe it cannot be fixed and they really believe it must be replaced. I have an alternative amendment before this House that we will address within the next few weeks. Unfortunately, several weeks down the line because, as I understand it, we are not going to debate this issue next week, and then we have 2 weeks in the District. But at some point, perhaps, we will get to the alternative that proposes to end the private money chase in campaign finance.

It is called the Clean Money Option. And it is just that. It is an option for those that want to continue to raise money privately and to use private resources in the campaigning. They will be able to proceed on that basis. But there is an option for those of us and the American public who believe we should do away with private resources and influence. It is an approach that has already been passed into law by the Vermont State legislature and the Maine ballot initiative.

Under the clean money system, a candidate agrees to forego all private contributions, including his or her own, and accepts spending limits and a limited allocation to run their campaign from publicly-financed election funds.

□ 1200

It is not a blank check. Participating candidates must meet all local ballot qualification requirements and gather a significant number of $5 qualifying contributions from the voters they seek to represent.

Clean-money campaign reform is both simple to understand and sweeping in its scope. It is a voluntary system, as I said, that meets the test of constitutionality under the Supreme Court's ruling in Buckley vs. Valeo that effectively provides a level playing field for all candidates who are able to demonstrate a substantial amount of popular support.

It strengthens American democracy by returning political power to the ballot box. None of the other approaches currently under debate or that will be under debate come close to this comprehensive solution because they all preserve a central role for private money.

What makes the clean-money campaign reform different is that it attacks the root cause of the crisis, namely, a system funded on private money that comes from a small fraction of the electorate and is dominated by wealthy special interests.

As elected public officials, we should owe our allegiance to the people who sent us here, not to the largest campaign contributors. It comes down to this, Mr. Chairman: Who should own the office in which we serve, the public or the private-monied interests?

The public gets this issue, Mr. Chairman. They know what needs to be done. Various clean-money campaign reform bills and ballot initiatives and grass root movements are now in motion in at least 3 dozen states across this country. If we cannot act here in Washington to change this system, the voters will do it for us. Get ready. Because if it is not happening in the states of my colleagues already, it will be; and this is in fact the wave of the future.

Mr. Chairman, the clean-money reform has solutions to particular problems. There are 4 major complaints that voters have about the current system. One is that political campaigns cost too much money and last too long. The solution in our bill would be that campaigns have strict spending limits that could only begin once the money is disbursed.

Another problem cited is that special interests have too much influence and certainly the perception of that. The solution is that participating candidates could not receive direct contributions from private sources.

People complain that candidates spend way too much time chasing campaign contributions. The solution in the bill would be that there would be no need for that fund-raising. Candidates can focus on the issues and the public concerns if they choose, although they have the option to continue the private-money chase if they like.

The fourth complaint is that good people cannot win. The solution is that the clean-money option would create a level playing field and encourage more people to run.

This clean-money option, Mr. Chairman, is not a pipe dream. It is the law in two states and the subject of budding grass roots advocacy campaigns in nearly 40 others. Four states and localities, Arizona, Massachusetts, Missouri, and New York City, are poised to place similar initiatives on the November ballot.

Moreover, extensive polling has found public support in around 2–1 across all social and demographic groups, even among the self-described conservative Republicans. Newspapers from around the country have editorialized the support of clean money, including U.S.A. Today, The Boston Globe, St. Louis Post Dispatch, The Minneapolis Star Tribune, and many, many others.

Mr. Chairman, this is the direction we go. I hope the commission brings us closer to that point.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment.

I would like to take this opportunity to thank my colleagues, especially the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from New York (Mrs. MALONEY) for the merging of their substitute with the Shays-Meehan bill.

In putting together a comprehensive campaign finance reform bill, it is a very difficult task and we look to get proper compromises on both sides of the aisle. The fact is that the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from New York (Mrs. MALONEY) have a good proposal. It is a proposal that stems out from the meeting in Claremont, New Hampshire, 3 years ago, where the Speaker and the President shook hands and greed to establish a commission, and the gentlewoman from New York (Mrs. MALONEY) in a race to the floor of the House to introduce a bill. And I support that effort.

I also want to acknowledge the gentleman from Washington (Mr. WHITE) the gentleman from New Jersey (Mr. FRANKS) and the gentleman from California (Mr. HORN) on the Republican side for all of their efforts.

The merging of the supporters of a commission with the supporters of the Shays-Meehan bill means that we are now at that critical majority where we have a majority of the Members of this House finally ready, willing, and able to pass real campaign finance reform.

That would not be possible without compromises being made, like people

like the gentleman from California (Mr. FARR) and the gentleman from Massachusetts (Mr. TIERNEY) all who have excellent proposals who are merging and coming together with the Shays-Meehan substitute so that we can forge a majority in this House.

If we look at the votes that have been held thus far, it is very encouraging to those who have been fighting for reform. The vote on the commission bill with Members voting present or against it so it will not provide an impediment to passing the Shays-Meehan bill and the most recent votes that would have gutted the Shays-Meehan bill was resoundly defeated.

What we see here is a critical mass of Members from both sides of the aisle, from all parts of the country, who have joined together to reach compromise to pass real campaign finance reform.

I thank the Members on both sides of the aisle who are forging this very important critical majority. I look forward to getting through these amendments as soon as we can. Because the evidence is clear and overwhelming that we have a majority of the Members of this House who are prepared to pass the Shays-Meehan bill.

The CHAIRMAN pro tempore (Mr. COLLINS). The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

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

RECORDED VOTE

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 78, answered ''present'' 1, not voting 29, as follows:

[Roll No. 250]

AYES—325

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Calvert
Camp
Campbell
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (WA)
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thune
Thurman
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—78

Archer
Armey
Bachus
Baker
Ballenger
Bateman
Boehner
Bonilla
Brady (TX)
Bunning
Burton
Buyer
Callahan
Canady
Cannon
Chenoweth
Collins
Combest
Crane
Cubin
DeLay
Doolittle
Everett
Fossella
Fowler
Frank (MA)
Gekas
Granger
Hansen
Hastert
Hayworth
Hefley
Hostettler
Hulshof
Hutchinson
Johnson (CT)
King (NY)
Lewis (CA)
Lewis (KY)
Linder
McCollum
McCrery
McDermott
McKeon
Miller (FL)
Mollohan
Moran (KS)
Murtha
Neumann
Northup
Oberstar
Obey
Oxley
Paul
Paxon
Pickering
Pitts
Pombo
Radanovich
Rogan
Sabo
Salmon
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Skeen
Smith (OR)
Smith (TX)
Souder
Stump
Thomas
Thornberry
Tiahrt
Watt (NC)
Whitfield
Wicker
Young (FL)

ANSWERED ''PRESENT''—1

English

NOT VOTING—29

Barr
Blunt
Coburn
Cooksey
Gephardt
Gonzalez
Goodling
Green
Gutknecht
Hastings (FL)
Johnson, Sam
Kasich
Kennedy (MA)
Kennelly
Klug
Lewis (GA)
Martinez
McDade
McNulty
Meeks (NY)
Morella
Parker
Pomeroy
Reyes
Rothman
Sununu
Torres
Weldon (FL)
Wise

□ 1224

Messrs. TIAHRT, FOSSELLA, BURTON of Indiana and Mrs. NORTHUP changed their vote from ''aye'' to ''no.''

Mr. MCHUGH and Ms. MILLENDER-MCDONALD changed their vote from ''no'' to ''aye.''

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I want to state my strong support for the amendment offered by Representative CAROLYN MALONEY to the Shays-Meehan campaign finance reform bill. This amendment creates a 12-member commission to recommend changes to current campaign finance law.

I am a strong supporter of the Shays-Meehan bill and look forward to its enactment, but we all recognize that there may be some aspects of the current system of financing political campaigns that may not be addressed by the Shays-Meehan bill. The commission will serve as a necessary backstop, so as we encounter unanticipated campaign finance issues, we have a process to review and make recommendations to resolve these issues. I think this commission amendment is an important addition to the Shays-Meehan bill.

I did not support and voted against an earlier substitute to the underlying campaign finance bill that just provided a commission approach to address the abuses in the current campaign finance system. It is way past time for more review and study of the problems in our current system. We know what the problems are and the Shays-Meehan bill addresses these problems. To just enact a review commission would only further delay legislating on this important issue.

Our job here is to make laws. We can not continue to abdicate that responsibility on the issue of campaign finance reform. We have a good bill before us—the Shays-Meehan bill. The Maloney amendment will make this good bill better. Therefore, I strongly support the Shays-Meehan bill with the Maloney commission amendment and I urge all my colleagues to work together to enact this important bipartisan legislation.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. MEEHAN. Mr. Chairman, my understanding is the next amendment will be the Gillmor amendment, at which time a vote would be expected sometime just after 1 o'clock. Then we would go to other amendments, but there would not be a vote after the Gillmor amendment, that would be sometime after 1 o'clock. That is my understanding, and I think it would be helpful to Members to get what the schedule is.

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

Mr. MEEHAN. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I believe the gentleman has a correct understanding with the only correction being that if we can begin the Gillmor amendment and we can conclude it before 1 o'clock, there is no reason to wait until 1 o'clock to vote on it, if there are only two or three speakers on the Gillmor amendment.

My understanding is that both of the authors of this particular substitute are willing to accept the amendment as written if we could keep to a minimum the discussion of that amendment. As soon as the Gillmor amendment is voted on, that would be the last vote for the day. But if we begin discussing any other amendments, there would be no more votes and we would rise at 2 o'clock regardless of where we were in the discussion of any amendment.

Mr. MEEHAN. Certainly there may be some other people that want to speak on amendments, but I just wanted to get a clear understanding of what the schedule was so that Members could make their plans.

Mr. THOMAS. If the gentleman will yield further, the bottom line is the Gillmor amendment will be the last vote of the day, whenever that occurs prior to 2 o'clock.

AMENDMENT OFFERED BY MR. GILLMOR TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. GILLMOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILLMOR to Amendment No. 13 in the Nature of a Substitute Offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end the following new section:

''PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS

''SEC. 326. (a) IN GENERAL.—Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election (including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization) or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.

''(b) NO EFFECT ON GEOGRAPHIC RESTRICTIONS ON CONTRIBUTIONS.—Subsection (a) may not be construed to affect any restriction under this title regarding the portion of contributions accepted by a candidate from persons residing in a particular geographic area.''.

Mr. GILLMOR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. COLLINS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLMOR. Mr. Chairman, the amendment which the gentleman from Tennessee (Mr. TANNER) and I are offering would reaffirm in law a vital national interest, namely, that all Americans eligible to vote be treated in the same way by the Federal Election Campaign Act. The Gillmor-Tanner amendment is necessary because proposals have been made, both in this body and at the FEC, which would treat nearly 5 million Americans as second-class citizens politically. Namely, such proposals would deny American citizens who work for American subsidiaries of companies which are headquartered abroad an avenue of political association and participation that is guaranteed all other Americans, namely, the right to voluntarily contribute money to political candidates through political action committees sponsored by their employers.

Mr. Chairman, in my home State of Ohio, more than 218,000 Ohioans are employed by American subsidiaries of companies headquartered abroad, and there are more than 5 million Americans nationwide. That number is growing daily. It will get larger still as soon as the merger between Chrysler and Daimler-Benz is completed to form a new Daimler-Chrysler corporation.

□ 1230

It makes no sense to tell these Americans that today they may contribute to their company's political action committee, but the day the merger is completed they instantly become second class citizens and are denied this avenue of political participation. Even though the name on the paycheck may change, these employees remain American citizens, and the vagaries of corporate mergers should not be permitted to deny them their rights as Americans.

Just as past barriers were erected to discourage participation in the political process, some of today's propositions attempt to deny participation based on where an American chooses to work. Just as discriminatory behavior was wrong then, it is wrong now. Foreign nationals should not be allowed to contribute to American campaigns. That practice is already against the law, and I believe we ought to uphold that law, and this amendment in no way changes the illegality of foreign campaign contributions.

Furthermore, both the current law and the Federal Election Commission regulations prohibit foreign nationals' contributions to or any foreign national decision-making with respect to either corporate or labor-sponsored political action committees, and those prohibitions would not be amended by this amendment.

In closing, Mr. Chairman, the political rights of American citizens must not be limited by race, gender or place of employment, and a vote for the Gillmor-Tanner amendment would protect the right of American citizens to be treated equally by our current election law and any reforms that may eventually be enacted.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I know that the gentleman from Tennessee (Mr. TANNER) wants to speak. I just want to speak on behalf of the Meehan-Shays supporters, that we do support this amendment. It is a right of American citizens today.

I know we will have other amendments to consider, but we do support it and would urge others to support it as well.

Mr. GILLMOR. Mr. Chairman, I yield to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of this amendment which I think is really an affirmation of existing law and one, however, that is needed because the debate, the discussion, of overseas contributions has been muddled to a point where some have implied that perhaps those who work for corporations that are headquartered in other parts of the world should be prevented from participating in our political system.

We are part of a global economy, and increasingly who we work for is going to change during the time in which we work for them. Gentleman pointed out the Daimler-Benz-Chrysler merger as a good example of a long-standing American corporation where its employees have contributed both to its union's political action fund and its corporate PAC, and under some proposals that have been made their rates will be truncated and eliminated.

It seems to me the American people ought to be able to participate in politics regardless of the vagaries of who they work for at any given time. We all know that increasingly the subsidiaries, or even the companies that once were independent have become affiliated with entities that have not only multiple owners in terms of stockholders in most countries in the world, but perhaps the corporate headquarters anywhere else.

This amendment is, I think, an important reassertion of what should be a fundamental right for every American.

Mr. TANNER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. TANNER. Mr. Chairman, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I would associate myself with the remarks of the gentleman from California (Mr. FAZIO).

Obviously the vagaries of employment are that on any given time a corporate entity may or may not be a foreign-held corporation, but the American citizen who wants to participate and contribute through such devices as are legally available to American citizens to do so should be maintained, and I think that is appropriate, and I support the gentleman's amendment.

Mr. TANNER. Reclaiming my time, Mr. Chairman, I understand the sponsors of the amendment are going to agree to this, and so in order to save time I submit my statement in support of the Gillmor amendment for the RECORD.

Mr. Chairman, I rise to urge my colleagues to support an amendment which I have cosponsored with my colleague from Ohio, Mr. GILMOR, which would very simply protect the rights of all American citizens who are eligible to vote by ensuring that they will not be discriminated against as the result of changes we make to our campaign finance law.

In our zeal to pass some kind of campaign finance reform, let's not inadvertently take away rights from Americans to participate in our electoral process. I think we all agree that we should be very careful not to pass any reform which hinders Americans from participating.

Our amendment would make it clear that U.S. citizens who work for companies in the United States which happen to be foreign-owned will not lose the rights they presently enjoy to fully participate in federal campaigns.

An amendment being proposed later in this debate would bar U.S. subsidiaries of foreign-owned companies from operating PACS. Under this proposal, the definition of ''foreign'' would be decided by degree of ownership. Any company that is more than 51 percent foreign-owned would not be allowed to operate a PAC—regardless of the number of employees they have in the U.S. or the extent of their contributions to the U.S. economy.

Let me first reiterate that U.S. law presently forbids foreign nationals from participating in any way in federal elections, including contributing to and making decisions about a PAC.

Many U.S. subsidiaries make substantial contributions to our economy and are stellar corporate citizens. To discriminate against them and the U.S. citizens they hire is simply wrong. For instance, both Hardees and Burger King are foreign-owned, yet they—like U.S.-owned McDonalds—are U.S. institutions which hire American citizens to work in the thousands of restaurants all across my state and throughout this country. It would simply be unfair to deny American employees of Hardees and Burger King the basic right of participating in a PAC while ensuring American employed of McDonalds that they would continue to have the right to fully participate in their own government's election process.

After all, those employees at Hardees and Burger King pay taxes, shop at local stores, volunteer for the local charities and otherwise contribute to their communities just as their neighbors do who work for U.S.-owned companies. I urge all of my colleagues to ask constituents in your district who work for U.S. subsidiaries if they should be treated as ''foreign''. I am sure the response will convince you that it is patently unfair to discriminate against these American workers.

U.S. subsidiaries of companies based outside the U.S. are increasingly important participants in the American economy. In my home state of Tennessee:

138,200 Tennessee workers are employed by U.S. subsidiaries.

From 1980 to 1995, Tennessee employment at U.S. subsidiaries increased more than five times faster than all jobs in Tennessee.

Employees at U.S. subsidiaries constitute over 6% of Tennessee's total work force.

Support the rights of ALL Americans to participate fully in our political process and give these employees at U.S. subsidiaries the assurance that we will not treat them as second class citizens.

Support the Gilmor-Tanner amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to take this opportunity because I will be offering amendments later in the month concerning foreign contributions to U.S. campaigns, and I respect my colleague from Ohio and his desire to preserve the rights of U.S. citizens regardless of where they work to participate in our political system. But I have to say to both the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) that sometimes what appears is not always everything that should appear in the offering of an amendment, and I think, as we move through this bill, there may be the opportunity to refine some of the concepts in the amendment currently on the floor from other issues that also bear on the subject of national interest versus any purely private interest. And I think under our laws it is pretty clear that U.S. elections should be for U.S. citizens and that we have a problem in this country in foreign money infecting U.S. campaigns on both sides of the aisle.

Mr. Chairman, we have seen what has happened when millions and millions of dollars manages to come into this country either as independent expenditures or for various candidates not being disclosed properly, and in some cases, even though the law says foreign citizens shall not contribute, in fact they end up contributing because the disclosure requirements for foreign contributions are not kept in a separate category at the FEC.

This issue is not as simple as it first appears on the surface, and so I would say with all due respect to my colleague from Ohio, though I respect the right of individual Americans to contribute to campaigns, I draw the line where in fact those contributions are coming from foreign interests. I do not care who those foreign interests are, this is a nationally sovereign country, and we should be able to safeguard the election processes inside our nation.

Now let me draw an example for those of us who served during this period of time when Toshiba Company through a subsidiary in northern Europe gave away U.S. submarine technology to the then Soviet state, and if I were asked if I think Toshiba should be able to contribute to U.S. elections, I would say absolutely not. Their ability to try to subvert the rightful penalties that they should have paid for that incredible act against this country and our national security should not have been rewarded by allowing that corporation to participate in any way in the U.S. political process.

Now for their employees, for their employees to be able to participate as U.S. citizens they should be able to participate in their elections if they wish to support a candidate absolutely. But there are serious problems with the way in which foreign contributions are booked and with the way in which records are kept at the FEC.

I have studied this now for almost 10 years. I know this issue inside and out.

So I would just say that I would vote present on the proposal offered by the gentleman from Ohio (Mr. GILLMOR) if it were brought to a full vote here. I would encourage the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) to work with us as we try to get equal disclosure on foreign contributions into the elections in this country and to try to draw a very clear line here on what we are talking about.

Mr. Chairman, there is a difference between U.S. citizens and foreign interest participating in U.S. elections.

Mr. SHAYS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for the tone of her message and the strength of her message, and I agree with her comments, and one of the challenges that we have is, as these amendments come in, make sure we are touching base with all sides and making sure that we are able to meld this process so we can accommodate the various sincere and real concerns that Members have such as the gentlewoman, and I appreciate her present vote, and I appreciate her comments.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) very much, and I thank my colleague from Ohio (Mr. GILLMOR) for alerting me to the fact that this amendment would be discussed, and we look forward to working with the gentleman as our amendment comes up on the floor.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Gillmor-Tanner amendment which seeks to ensure that all American citizens are treated equally under the law. The political rights of American voters

should not be determined by where they work.

Just as our Nation has assured equal political participation for all citizens regardless of race, gender or national origin, we should ensure that no class of Americans are denied an avenue of political participation that is available to all other Americans.

In my home State of New York nearly 349,000 American citizens work for American subsidiaries of companies headquartered abroad. It makes no sense that my constituent who works at their American-owned McDonald's can join with fellow employees and contribute to campaigns through a political action committee while their neighbor who works at a foreign-owned Burger King or Hardee's is denied this avenue of participation in our political system.

Mr. Chairman, it is only fair and common sense that we provide in our election law a provision to ensure that all Americans receive the same opportunities and avenues of political participation. I urge my colleagues to support the Gillmor-Tanner amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Gillmor-Tanner amendment. I come from a State where the number of employees of U.S. subsidiaries of corporations headquartered in other countries has grown by 233 percent since 1980. Two of the largest employers in the high-tech Research Triangle Park, for example, Nortel and Glaxo-Wellcome, collectively employ 15,000 people in North Carolina. They make tremendous contributions to the U.S. economy, to the North Carolina economy, and to our local communities. It is unfair to discriminate against American citizens who are employees of these companies.

It is already illegal, Mr. Chairman, for foreign nationals to participate in political action committees. PACs are operated by U.S. employees, and funds for PACs are provided only by U.S. employees. There is no reason to deny U.S. citizens the right to participate fully in the political process, and that includes financial participation.

The Gillmor-Tanner amendment is a straightforward amendment ensuring that all U.S. citizens are treated equally under our campaign finance laws regardless of where they work.

I encourage all colleagues to support this sensible and fair provision.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the Gillmor amendment. This amendment has a simple objective: it ensures that American citizens who can vote in elections are not prohibited from participating in the political process solely because they work for U.S. subsidiaries of foreign-owned companies.

Although Federal election law already bars foreign nationals and foreign corporations from contributing to Federal candidates, in the current debate on campaign finance reform, amendments have been filed that would not only restrict foreign nationals from participating, but American citizens employed by foreign-owned companies as well.

Mr. Chairman, while intended to reduce foreign influence on our elections, such a change in election law would only end up excluding a class of Americans from enjoying rights held by all others. This approach would not only be unfair to the 209,000 residents of my state of New Jersey who work for U.S. subsidiaries of foreign-owned companies, but would also be constitutionally indefensible. The Gillmor amendment makes clear that campaign finance reform should apply equally to all Americans, and I urge my colleagues to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. GILLMOR) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GILLMOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 0, answered ''present'' 3, not voting 35, as follows:

[Roll No. 251]

AYES—395

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Costello
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
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kelly
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
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
McDermott
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)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—3

Johnson, E. B.
Kaptur
Leach

NOT VOTING—35

Baker
Barr
Blunt
Callahan
Coburn
Conyers
Cooksey
Cox
Everett
Gephardt
Gonzalez
Goodling
Green
Gutknecht
Hastings (FL)
Holden
Johnson, Sam
Kasich
Kennedy (MA)
Lewis (GA)
Martinez
McDade
McNulty
Meeks (NY)
Morella
Ortiz
Parker
Reyes
Rothman
Salmon
Smith (NJ)
Solomon
Sununu
Torres
Weldon (FL)

□ 1300

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Chairman, regrettably I was unavoidably detained for rollcall votes 250 (Maloney Amendment) and 251 (Gillmor Amendment). Had I been present, I would have voted ''yes'' on both rollcall votes 250 and 251.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Chairman, because of a family matter, I unfortunately missed three rollcall votes (249, 250, 251) pertaining to campaign finance reform.

I would have voted ''no'' on rollcall No. 249, the Thomas amendment to add a nonseverability clause, ''yes'' on rollcall No. 250, the Maloney amendment providing for a commission on campaign finance reform, and ''yes'' on rollcall No. 251, the Gillmor amendment to ensure every voter can participate in the political process.

I strongly oppose the Thomas amendment. It goes too far; the amendment strikes the provision in Shays-Meehan stating that if any part of the bill is found unconstitutional, the remainder stays intact, and it adds a provision stating that if any part is found unconstitutional, the entire bill is invalid. This Congress has passed several bills with severability clauses, including the Balanced Budget Act of 1997. Bills that are silent on the issue are considered by the courts to be severable. The Thomas anti-severability approach is highly unusual, and found in only four of the thousands of bills introduced this Congress.

I support the Maloney amendment, which would create a 12-member commission to recommend changes to current campaign finance law. The commission must submit recommendations, approved by at least 9 of the 12 members, within six months of the end of this Congress, and be considered under expedited procedures. The commission would be comprised of an equal number of Republican and Democratic appointees. While I strongly support the Shays-Meehan bill, I favor further reforms to our system, and this commission gives us the opportunity to further reform our system.

AMENDMENT NO. 82 OFFERED BY MR. DOOLITTLE TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore (Mr. COLLINS). The Clerk will designate the amendment to the amendment in the nature of a substitute.

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

Amendment No. 82 offered by Mr. DOOLITTLE to amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

Strike section 301(20)(B) of the Federal Election Campaign Act of 1971, as added by section 201(b) of the substitute, and insert the following:

''(B) NONAPPLICATION TO PUBLICATIONS ON VOTING RECORDS.—The term 'express advocacy' shall not apply with respect to any communication which provides information or commentary on the voting record of, or positions on issues taken by, any individual holding Federal office or any candidate for election for Federal office, unless the communication contains explicit words expressly urging a vote for or against any identified candidate or political party.''.

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

Mr. DOOLITTLE. Mr. Chairman, I am going to offer this amendment which is short and to the point. I believe I will just read it, because it makes the point.

It is entitled the Nonapplication to Publications on Voting Records: The term ''express advocacy'' shall not apply with respect to any communication which provides information or commentary on the voting record of, or positions on issues taken by, any individual holding Federal office or any candidate for election for Federal office, unless the communication contains explicit words expressly urging a vote for or against any identified candidate or political party.

Mr. Chairman, the effect of this language is to preserve the Buckley opinion, which of course is going to stand whether or not we enact Shays-Meehan. But it is to make sure that we do not place citizens in jeopardy for exercising their God-given right to free speech protected in the U.S. Constitution.

The Buckley case, which is so demeaned by our left-wing reformers, is quite clear on this. And it was a case that was a very strong case by judges, most of whom supported it. We have heard Buckley defamed time and time again. I want to quote a couple of things from Buckley and my colleagues will see why it has remained the constitutional foundation for so many years.

In the words of Buckley, The Federal Election Campaign Act, known as FECA, their regulation:

. . . apply only to expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for public office . . . this construction would restrict the application of FECA regulations to communications containing express words of advocacy of election or defeat, such as ''vote for,'' ''elect,'' ''support,'' ''cast your ballot for,'' ''Smith for Congress,'' ''vote against,'' ''defeat,'' ''reject.''

Now, here are the so-called magic words that are demeaned by our left-wing reformers. But the reason we have such words is further explained by the Court itself.

''. . . the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest.''

And then we come to this, and this really is the philosophical underpinning of the First Amendment. It explains how that applies to these disastrous attempts such as Shays-Meehan to abridge our freedom of speech. And it goes on to say:

Whether words intended and designed to fall short of invitation would miss that mark is a question both of intent and effect. No speaker, in such circumstances, safely could assume that anything he might say upon the general subject would not be understood by some as an invitation. In short, the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in these circumstances wholly at the mercy of the varied understanding of his hearers and consequently of whatever inference may be drawn as to his intent and meaning.

Such a distinction offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim.

This is why we have all said on our side that Shays-Meehan is patently unconstitutional on its face, because its regulation compels the speaker to hedge and trim.

Now, in Shays-Meehan, they claim they allow voter guides, but their regulation compels the speaker to hedge and trim. Why? Because there is a requirement that it be done in an ''educational manner.'' Clearly, it is intended to require only a flat recitation of facts and to bar commentary or advocacy on an event or issue.

But certainly the scorecards and voter guides put out by issue groups and labor unions do reflect a point of view. They do contain commentary. And under the First Amendment, they have every right to do so.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DOOLITTLE) has expired.

(By unanimous consent, Mr. DOOLITTLE was allowed to proceed for 3 additional minutes.)

Mr. DOOLITTLE. Mr. Chairman, also the requirement in Shays-Meehan is that the publication must contain, ''no words that in context have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.''

See, this is the inference they are talking about here where whatever inference may be drawn as to its intent and meaning. All of a sudden a Federal bureaucratic czar is going to determine whether or not what citizens have said in their voter guide fell within the law or outside the law. It chills the speech.

Mr. Chairman, I ask my colleagues to just think of this. Any organization that wants to distribute a voter guide, such as the Christian Coalition, such as National Right to Life, such as, I think the Abortion Rights Action League does them, any organization is now going to have to have in the back of its mind, and in its bank account, a half-million dollars, knowing that they will then be prepared to withstand a prosecution by the Federal bureaucratic czar who may determine that through the inference and so forth of the words, that the words fell within the scope of the Shays-Meehan law and, therefore, can be punished.

Now, the First Amendment of course would never allow this. But as we all know, when we have statutes that infringe on the Constitution, the only way to deal with that problem is to go through the extremely time-consuming and costly litigation process. So this puts every issue advocacy group in the country in jeopardy. They will all have to raise more money in order to fight the half-million dollar legal battle. I think that is wrong.

By the way, a voter guide, here is one from the Christian Coalition, this is what a lot of the incumbents who are not casting votes consistent with the wishes of the Christian Coalition get very upset by. This is very influential and it is definitely determined to influence the outcome of elections, which the Constitution says they have the right to do.

But it takes a Member's vote, they have votes probably of 20 different things or so, and it lists the voting records of everybody around the country. But it is an advocacy thing. It does have a point of view, because it says, ''How did your congressmen and senators vote on issues critical to the family?'' And on the backside it says, ''Christian Coalition, giving pro-family Americans a voice in their government again.''

Well, I think would it not be safe to infer that if Members are casting antifamily votes as related by the Christian Coalition, that they would think that Member should be defeated rather than elected? I do not think it is a large jump in logic to understand that that would be the intent.

When we get into the language of Shays-Meehan, they then are violating what can be done because this is not neutral. They now have words and context that can add no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates. Under Shays-Meehan, they are not just doing a flat recitation of facts such as they intend by the words ''educational manner.''

Therefore, Mr. Chairman, we need this amendment and I urge my colleagues to adopt it.

Mr. LEVIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I am looking for the language of the amendment. It does not really state it correctly. It says nonapplication to publications of voting records. And everybody should understand this goes far beyond voting records. It goes to all communications.

Let me read it. ''The term 'express advocacy' shall not apply with respect to any communication which provides information or commentary on the voting record of or positions on issues taken by . . .'' So it is anything in a political campaign. ''. . . by any individual holding Federal office or any candidate for election for Federal office, unless the communication contains explicit words expressly urging a vote for or against any identified candidate or political party.''

So the amendment offered by the gentleman from California is not really related to voting guides. What it does is try to strike all of the language within Shays-Meehan relating to express advocacy, to issue ads. Let no one be unclear about that.

□ 1315

Secondly, I wish we would stop talking about people who are for this bill as left wing reformers, I say to the gentleman from California, because when he says that, he is demeaning the gentleman across the aisle from him, the gentleman from Connecticut (Mr. SHAYS). He is demeaning the gentleman from Tennessee (Mr. WAMP) who has been actively involved, the gentleman from Maryland (Mr. GILCHREST), the gentleman from New York (Mr. BOEHLERT), the gentleman from California (Mr. CAMPBELL), the gentleman from South Carolina (Mr. SANFORD), and others, and Mr. MCCAIN.

My colleagues may disagree with their fellow or sister Republicans. Do not call them by an epithet. This debate serves better than that. No one is calling my colleagues a right wing nut.

We are also not demeaning the Supreme Court. By the way, if it is patently unconstitutional on its face, then do not present an amendment. The court will eliminate it. The problem with my colleague's position is that that is not true, and that is what they are worried about.

The 9th Circuit, which is not filled with left wing reformers, has interpreted the decision, the Buckley decision. There is a circuit that disagrees with it. But the 9th Circuit has said this, and we essentially, in this bill, attempt to follow the language in Furgatch or the gist of it.

Here is what they say: We begin with the proposition that express advocacy is not strictly limited to communications using certain key phrases. The short list of words included in the Supreme Court opinion in Buckley does not exhaust the capacity of the English language to expressly advocate the election or defeat of a candidate.

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

Mr. LEVIN. I am happy to yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, Furgatch is an express advocacy case and is perfectly consistent with our beliefs in the Buckley case. Furgatch, as I understand the case, the court named, I do not know, seven or eight words in the Buckley case, and Furgatch, the facts of the case amounted to essentially the same thing. That is all it says. But it is express advocacy. It does not advocate blurring the line between express advocacy of election or defeat of a candidate versus everything else.

Mr. LEVIN. I say to the gentleman, then, go back and read Shays-Meehan. Go back and read it, because all it says is, within the last 60 days, especially if there is express advocacy, if you attack a candidate, but do not say vote against, or if you say things that do not exactly say vote for, that, still, if the clear purpose is a political ad, it shall fall within independent expenditures and be controlled by the regulations with the FEC.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield again?

Mr. LEVIN. I yield to the gentleman from California.

Mr. DOOLITTLE. Only to say, right up until now and even now, it is clear we do not have to look at what the purpose or the intent is. Unless the words themselves are express and advocating the election or defeat of a candidate, then it is not subject to regulation.

The man in Furgatch said, I think it is Harvey Furgatch ran this ad and said, do not let them do this, meaning defeat them. I think they were talking about Jimmy Carter. It is quite clear. We should not seek to blur the line.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. LEVIN) has expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 3 additional minutes.)

Mr. LEVIN. Mr. Chairman, I would suggest, then, between now and next week that the gentleman should get together with the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) because I just think that his language is contrary to what he says he understands Furgatch to be.

He says, unless the communication contains explicit words expressly urging a vote for or against any identified candidate. That is, rewrite your amendment, then.

Let me just go on. Let me just finish, if I might. It goes on to say, a test requiring the magic words elect, support, et cetera, or their nearly perfect synonyms, for finding of express advocacy would preserve the First Amendment right of unfettered expression only at the expense of eviscerating the Federal election campaign ad.

No one is trying to gag anybody. If they want to do a political ad that essentially wants people to vote for or against, what they say is fall within the independent expenditure and other provisions of the law, which has limits on what can be expended and has requirements for disclosure, which is not true of these ads that are clearly campaign ads, that are clearly political ads.

But the people do not know who put the money up. They are hidden. They are endless. There is a flood of hidden, in terms of its support, of hidden money. That is what we say should not happen.

Now, look, in terms of the brochures, voter guides, if you think the language on voter guides is not clear enough, then amend that. But the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) have carefully tried to spell this out.

They say that a printed communication is not included if it presents information in an educational manner solely about the voting record or position on the campaign issue of two or more candidates. If it is not education, if it is essentially political, it should fall within the purview of the ad.

Now, look, no one is talking about a czar. We have laws on independent expenditures that the FEC has to enforce. The Supreme Court was worried about this 20 years ago. A lot has happened in the last 20 years, to include this bombardment of so-called issue ads that are really political ads.

If Members adopt this amendment, they are essentially eviscerating the issue advocacy provisions, the effort in Shays-Meehan to call and regulate political, what is really political and a campaign ad that is really a campaign ad.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to lend my voice to the debate on campaign finance reform and reluctantly stand in opposition to the amendment of my good friend, the gentleman from California (Mr. DOOLITTLE).

The issue at hand is express advocacy, and the courts have made a number of statements on this, and there are a number of conflicting comments on express advocacy and whatever the magic words are. Buckley makes a statement. Lower courts have been split on this issue.

But I think it is very important, if for no other reason, for the Congress to have some legislative history on what express advocacy is. I am of the strong opinion that when we do this, the Shays-Meehan legislative framework provides the kind of structure we need to ensure that those who want to advocate a position, an issue, or even a candidate be heard in a responsible manner.

Shays-Meehan does not limit the First Amendment rights for free speech. It provides a framework in which rigorous mental debate, rigorous mental effort, intellectual discussion can be pushed for. It does not limit free speech. It holds speech to a standard. It holds free speech and those who are giving it to be held accountable. It just does not let the broad array of anybody's opinion based on good judgment, good facts, or based on absolutely nothing go out into the free media. So I have a strong position, and I would hope my colleagues vote for Shays-Meehan.

I just want to make a couple of other points. Our responsibility as Congress is to ensure protection from the public against corruption. I do not think anybody in this House Chamber would say that too much money or money expended in years passed or in this election cycle, especially in some of the elections and special elections that are going on right now do not put forth or masquerade as putting forth the truth.

We have too much money in certain instances being put forth against Republicans and Democrats that do not support good, legislative, fundamental, sound issues. We as Members of Congress, I strongly feel, have the broad ability to protect the public in the political process from corruption and the appearance of corruption.

The Supreme Court specifically noted on a number of times that contribution limits do not undermine robust and effective discussion for candidates. Myself, I do not take, and I am not advocating this for everybody, even though I have an amendment, I do not take any PAC money. I do not take any money out of the district. You have to be eligible to vote for me as a candidate to contribute to my campaign.

That way, I do not raise a whole lot of money in campaign, but I can tell my colleagues that my campaigns, my discussions in campaigns, and my debates, even though I have been outspent six to one, seven to one, eight to one all across the board in most of my campaigns, I still have a rigorous and robust debate.

I would advocate that for everyone. But I think this Congress has the right, the power, and the broad responsibility to protect the public from political corruption and the appearance of corruption.

The Shays-Meehan bill does not affect, I will throw this in very quickly, State campaigns or State politics or State elections. It does regulate State party activity to the extent that it affects Federal elections. I think this is a positive thing.

Mr. Chairman, I will make two last quick points. Number one, the Supreme Court makes a statement. They make a ruling, and that is fine. To the extent we live with that, but we still have the option and the ability and the freedom and the responsibility to question that decision. That is what democracy is.

We are debating this issue. It is an exchange of information with a sense of tolerance for somebody else's opinion wherever they lie on the political spectrum. Then we vote. That is what is happening here.

The last point I would like to make is, in my judgment, the question here is, will we continue to allow campaign ads to bypass campaign finance laws simply because they appear to be such?

The CHAIRMAN pro tempore. The time of the gentleman from Maryland (Mr. GILCHREST) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. GILCHREST was allowed to proceed for 2 additional minutes.)

Mr. GILCHREST. Mr. Chairman, let me make this one last point, the question is should campaign ads escape finance laws simply because they are crafted to masquerade as something else? I do not think so. So I strongly urge my colleagues to vote for Shays-Meehan.

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

Mr. GILCHREST. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding to me. He is a dear friend of mine, and I appreciate my dear friend's well intentions. But we are debating the Doolittle amendment that exempts certain groups like the Christian Coalition from this bill and allows the Christian Coalition to pass out their voter guides.

The gentleman made two statements, and I ask him to clarify them for me. The gentleman said these groups should be held accountable. My question is, by whom? Second, that these groups are corrupting. They are corrupting. What about the Christian Coalition is corrupting the process by handing out a voter guide?

Mr. GILCHREST. Mr. Chairman, reclaiming my time, I think, number one, we, as Members of Congress, should continue to debate the kinds of language and the kinds of things that the overall American public would consider as real campaign advocacy.

There is an election in New Mexico right now, I would tell my colleagues of this House, where the kinds of campaign rhetoric against one of the candidates, which happens to be a Republican, is absolutely false. There are blatant lies. That is what I would assume and strongly feel that this legislation would get at.

I would never say that the Christian Coalition in its information packet about candidates and their voting record is masquerading as something other than what it is. I think they would be protected under Shays-Meehan. I do not see the Christian Coalition packet of information about Members of Congress any different from that of the League of Women Voters.

The CHAIRMAN pro tempore. The time of the gentleman from Maryland (Mr. GILCHREST) has again expired.

(On request of Mr. DOOLITTLE, and by unanimous consent, Mr. GILCHREST was allowed to proceed for 3 additional minutes.)

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

Mr. GILCHREST. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, what does the gentleman understand the term in the Shays-Meehan to mean in an educational manner?

Mr. SHAYS. Mr. Chairman, will the gentleman yield? I can answer.

Mr. GILCHREST. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, we just need to know exactly what is in the bill, and then we can argue it. We say a voting record and voting guide exception. The term ''express advocacy'' does not include a printed communication that prevents information in an educational manner solely about the voting record or position on a candidate issued on two or more candidates that is not made in coordination with the candidate, political

party, or agent of the candidate or party or a candidate's agent or a person who is coordinating with a candidate's agents. Third, it does not contain a phrase such as vote for, reelect, support, cast your ballot for, name of candidate for Congress, name of candidate in 1997, vote against, defeat, reject, and so on.

□ 1330

This 1994 Christian Coalition guide is legal. And what the gentleman wants to do is he wants to strike out the very language we put in the bill. I would just point out to the gentleman this is allowed under our bill, and the gentleman is taking it out.

Mr. GILCHREST. Reclaiming my time, Mr. Chairman, I would say to the gentleman from California that I would agree with the interpretation of the author of the bill; that the statement the gentleman from Connecticut (Mr. SHAYS) just read in no uncertain terms protects the brochure that the gentleman is holding for the Christian Coalition.

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

Mr. GILCHREST. I yield to the gentleman from California.

Mr. DOOLITTLE. Then support my amendment and then it will make it unambiguous. The problem with the Shays-Meehan language is it is ambiguous because we have the phrase ''in an educational manner''.

Mr. GILCHREST. Reclaiming my time, my interpretation of the bill and that section of the bill is that if we take that out, then what the gentleman is trying to do becomes more ambiguous. I think the specifics of the Shays language offers a concrete protection for the Christian Coalition's advocacy material.

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

Mr. GILCHREST. I yield to the gentleman from Michigan.

Mr. LEVIN. I wish to say to the gentleman from California that he says it relates to voting records. It is a misstatement of what it applies to. It applies to any communication. And it says that it will not be covered by Federal regulation unless there are explicit words urging a vote for or against.

What the gentleman is doing is trying to totally vitiate the express advocacy provisions. And the gentleman has said it so well, the gentleman who has the time. The gentleman is so right in saying that we should not allow ads to masquerade for something that they are not.

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

Mr. GILCHREST. I yield to the gentleman from Texas.

Mr. DELAY. The gentleman is absolutely wrong. He is reaffirming the express advocacy affirmed by the Supreme Court through Buckley-Valeo, Colorado, and many other decisions.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to speak to two issues which are very much related around this issue, which is soft money and express advocacy. Both are currently being used to deliver campaign ads by skirting campaign laws.

Soft money is meant to be used for general party building. It is meant to benefit the party as a whole, not to benefit any particular candidate. Express advocacy ads are meant to speak to issues and not to expressly advocate for the election or defeat of any single candidate. Currently, both of these laws and both of these activities have huge loopholes that are being exploited shamelessly by groups across the political spectrum.

Consider a real, not hypothetical, series of ads that ran this last cycle in New York. The people who ran these ads argued that publicly attacking one candidate in a race is not a benefit to the other candidate and should not be considered so. It is an interesting interpretation. $750,000 of soft money was spent to attack one candidate in a two-candidate race under the argument that this should be protected because it was, of course, not a benefit to the other candidate.

Let me tell my colleagues what the express language used was. On the air, the suggestion was that candidate number one was for more taxes, for more welfare. Candidate number one would tax and spend. Candidate number one was responsible for the mess in Albany. And the ad finished up by flashing the telephone number of the candidate and urging viewers to call and tell this candidate to cut taxes, not take another bite out of our paychecks.

Now, my understanding is that when these ads aired, there were no tax votes imminent in the assembly where that candidate was serving. There was no specific issue that was mentioned. The only message that one can glean from this particular ad was the one that was meant to be gleaned, which is to turn public opinion against the featured candidate, and $750,000 of soft money was used to air these ads.

The reforms embodied in Shays-Meehan are meant to shut down these sort of semantic shenanigans. Changes are needed because parties and organizations on both sides of the political aisle are currently abusing the system. My belief is that those who are pursuing real issue advocacy should have no problem doing so in a system reformed by Shays-Meehan. This is just another alarmist argument meant to frighten Members away from the reforms that our constituents want.

Mr. MEEHAN. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Actually, Mr. Chairman, the gentlewoman has brought up an interesting point. These ads, that are supposedly issue ads, let us talk turkey here and do one of the ads. I have it right here.

Now, this is an ad we cannot find out where the money came from, but it was spent by a tax exempt organization founded on June 20th, 1996 called Citizens For a Republic Education Fund. Here is the ad.

''Senate candidate Winston Bryant's budget as Attorney General increased by 71 percent. Bryant has taken taxpayer funded junkets to the Virgin Islands, Alaska and Arizona. And spent $100,000 on new furniture. Unfortunately, as the State's top law enforcement official, he's never opposed the parole of any convicted criminal, even rapists and murderers. And almost 4,000 Arkansas prisoners have been sent back to prison for crimes committed while they were out on parole. Winston Bryant: government waste, political junkets, soft on crime. Call Winston Bryant and tell him to give the money back.''

Now, if somebody wants to run an ad like that, that is fine, but the American public has a right to know who funded that ad. The American public has a right to know what money is behind that kind of a negative ad.

And that is what we are talking about here. The gentleman's amendment would gut our ability to have the public know who has funded that ad. Voters in any district, in any State, anywhere in America have an absolute unequivocal right to know who funded that particular ad, as well the first amendment guarantees a right to run that ad. That is a negative ad that can be run anywhere in America. But the public deserves to know who funded an ad like that.

And that is what this debate, by the way, is all about. The question is does the public have a right to know when somebody blatantly uses a negative political ad in a race and spends $300,000. The public has a right to know.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is my intention to save at least 2 of those 5 minutes for any individuals who wishes to engage me in debate so that we have a good exchange of views, and, indeed, I would like to begin with a point that has, to my judgment, not yet been raised.

The amendment by my good friend and colleague, the gentleman from California (Mr. DOOLITTLE), not only puts in a provision regarding the use of the so-called magic words as the only definition of express advocacy, but it strikes the provision in the bill that has other tests, and that is where I wish to focus. I have not heard the debate focus on it yet. Because one of those other tests says that the so-called advocacy in question cannot be ''made in coordination with a candidate.'' Instead, the amendment of the gentleman from California says that as long as the magic words are not used, ''vote for this candidate'', ''vote against this candidate'', it is to be permitted.

So the legislative history will be absolutely clear, if the amendment of the

gentleman from California passes, it will replace this language in the bill of the gentleman from Connecticut (Mr. SHAYS). So that it was the intention of the author and the intention of the House, if we pass this, to allow, as express advocacy, to allow as any advocacy so long as it does not use the words, ''even if it is in coordination with a candidate.''

Now, here is the example that I want to emphasize. Suppose, for example, then, that the Christian Coalition or the National Abortion Rights Action League, to choose a different point of view, sits down with a candidate and says, ''When do you want the voter guide to go out; how big print do you want; which issues do you want to suggest that we inform the public about; give us the good photograph instead of the bad photograph.'' In other words, they operate hand in glove with the candidate. That would be permitted under the amendment of the gentleman from California so long as the words ''vote for'' or ''against'' were not used.

Because I think that has to be an inadvertent error, I will now yield to my colleague from California as much time as he would like to take, hoping he will save me some time to respond, to explain if I have it wrong.

Mr. DOOLITTLE. Mr. Chairman, let me say that my amendment is pretty clear, I think. What the gentleman was describing was exactly what Bill Clinton and AL GORE did in this last election.

Now, Shays-Meehan wants to make that illegal. I do not want to make that illegal, although I will render it unnecessary because we will wipe away this monstrous regulation in present law that the big government, is that okay to say, or the pro-government reformers gave us 25 years ago, and instead we will just remove the limits and then the contributor can give to the candidate. That is the natural flow of money. We will not have to have these diversions and circumventions, soft money, issue advocacy, et cetera. It can just go right to the candidate.

I do not outlaw any of that, because we have a first amendment which protects speech.

Mr. CAMPBELL. I want to reclaim my time so I can respond to the gentleman, and then maybe we will get unanimous consent to continue, but I would like to respond. It is always a pleasure dealing with my colleague from California. He is honest, direct, and he has admitted my point was right, and let me repeat it.

What President Clinton did in the last campaign, which would be outlawed by the gentleman from Connecticut, is permitted by the gentleman's amendment. And that means, to wit, that the candidate sits down with a group, works through which issues will be identified in the so-called legislative information card, works out the text, works out the timing, works out the printing, works out the picture, works out everything to help the candidate, but so long as the magic words are not used, it is permitted.

My friend from California is candid. He admits that is what his amendment will do, and that is why we must vote against it.

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

Mr. CAMPBELL. I yield to the gentleman from Texas.

Mr. DELAY. I wanted to quickly point out, Mr. Chairman, the fact that the gentleman from Massachusetts, when he brought this ad up, has nothing to do with the gentleman's amendment. What we are talking about are voter guides. That is what his amendment addresses and has nothing to do with what the gentleman from Massachusetts is trying to portray. We are talking about voter guides here.

And the point I would make is a different point than the gentleman was pointing out. The gentleman from Connecticut failed to read, if he had read the last of his bill, where it says, ''no reasonable meaning other than to urge the election or defeat.'' And I pointed out that in the voter guide I held up, the Christian Coalition guide, if we took that guide and distributed it in a church, then a reasonable meaning person would describe that as advocacy for the person that was against abortion, against homosexual type things that are on that voter guide.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. CAMPBELL) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. CAMPBELL was allowed to proceed for 1 additional minute.)

Mr. DELAY. Mr. Chairman, will the gentleman continue to yield?

Mr. CAMPBELL. I yield to the gentleman from Texas.

Mr. DELAY. So the point is that the Christian Coalition, NARAL, or anybody else would not, under the Shays-Meehan bill, be able to put out their voter guides.

Mr. CAMPBELL. I thank the gentleman for his courtesy, Mr. Chairman, and I want him to stay in the well just to be sure. My point was a different one, and I will just hammer my point home, because I believe I have the right to do so.

The language in the Doolittle amendment removes the prohibition against coordinated expenditures for voter guides. So I am not now dealing with what the gentleman's dispute with the gentleman from Massachusetts may be, but just on this one question. I read the Doolittle amendment as saying that even if an organization works with the candidate for choosing the issues, for how they phrase them, for when the voter guides go out and how many people get it, indeed, the addresses that it is sent to, so long as they do not use the words ''vote for'' or ''vote against'', it would be permitted.

Now, that issue, the gentleman from Texas did not address. I want to make clear he is not disagreeing with me that that is the effect of the amendment of the gentleman from California.

Mr. DELAY. Well, if the gentleman wishes to continue to yield, I would suggest he yield to the gentleman from California, because he knows more about his amendment on that particular point.

Mr. CAMPBELL. I will be happy to do so, but I wanted to hammer home the point first that the gentleman from Texas was not disagreeing with me.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. CAMPBELL) has expired.

(On request of Mr. DOOLITTLE, and by unanimous consent, Mr. CAMPBELL was allowed to proceed for 2 additional minutes.)

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

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. DOOLITTLE. What I would say to the gentleman, Mr. Chairman, is that while I support the coordination language that we talked about, I want to make the point that this amendment does not deal with it. All this amendment deals with is basically allowing communication with regard to voting records to require terms of express advocacy.

Mr. CAMPBELL. The gentleman's amendment begins, and I am reading, ''Strike section 30.120(b)'', and what the gentleman strikes in that is exactly what I quoted, the prohibition on coordination. So I really did think the gentleman did not intend this. That is what I prefaced this by.

But if the gentleman looks at his amendment, it begins, ''Strike section 30.120(b)'', and section 30.120(b) says we cannot do this if, among other things, it is coordinated.

□ 1345

Mr. DOOLITTLE. Mr. Chairman, if the gentleman will continue to yield, I am trying to get a copy of the language to respond. I am looking at what our language strikes, and it does not say anything about coordination.

Mr. CAMPBELL. I direct the attention of the gentleman to 30.120(b) on page 12 of the draft bill, line 14 of the voting record and voting guide exception. I draw the attention of the gentleman to little 2, line 21, that is ''not made in coordination with the candidate.''

You are striking that provision. Your amendment says ''strike section 30.120(b).''

Mr. DOOLITTLE. I just got a copy of the bill. Give me the line again.

Mr. CAMPBELL. Page 12, line 21.

Mr. DOOLITTLE. I guess we are not going to be able to clear this up because I do not really have the same text that the gentleman does. This is going to continue and we will address the issue upon continuation.

Mr. CAMPBELL. In closing, anyone can make a mistake. I am not suggesting that the gentleman has. But if he has, I do not think he intended that result. It is, nevertheless, a devastating

result and it is reason to vote against the amendment.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the amendment by my colleague the gentleman from California (Mr. DOOLITTLE) and I oppose this amendment because it strikes me at the very heart of what is good about the Shays-Meehan campaign finance bill, a bill which, although it is not a perfect bill, but which addresses two of the major loopholes in current campaign finance law.

Current law, and under Shays-Meehan as well, free speech is not opposed, people have the right to address issues. But the topic that I want to speak about in a very personal and direct way, because it happened to me just a few months ago, has to do with so-called issue ads. These ads are not issue ads when they directly support or attack a candidate's point of view even though they do not expressly say ''vote for'' or ''vote against.'' They use the picture of the candidate. They mention the candidate's name.

I want to even become more personal with my own experience. In a hard-fought race in the 22nd District of California, my opponent and I both faced this new phenomenon in our current campaign situation. I am speaking now about $300,000 ads that were used to support me. And I opposed those ads because they were issue ads that did direct voters to vote for me but did not do so under current laws, which, in the right way, regulate the way campaigns should be run.

In other words, they did so under this giant loophole which we have allowed and these laws, these issues and the people behind them which are not disclosed, the amount of money that they can contribute is not limited, the source of their funds are not disclosed, and these ads are not accountable. They directly influence the way campaigns are handled.

It even became common knowledge in my race in the special election in California in March that eventually these issue people said, candidates themselves will be incidental in congressional races, that they are looking for these people who espouse particular issues, particular ideas about issues, who want to have a platform and they see the congressional campaign as a very good platform on which to run their issues.

They do not care about the people who live in the district. They do not particularly care about the candidate. They want a national platform and a national voice for their issue. And maybe it is a good issue. Maybe it is not.

But by not regulating this particular part of campaigns, we are allowing them access to the way candidates become elected officials and it is really doing an injustice I believe to the very core of what this House of Representatives is about.

If we are elected to represent constituents, then we owe it to those constituents to speak to the issues which they care about and which we feel legitimately qualified to speak about. And it is the responsibility of this House to do something about our races.

I am not talking about presidential races. I am not talking about state raises. I am talking about how we are elected to this House. We are elected every 2 years. These people, those folks who want their issues put before the public, they know they have got a great audience in our congressional races. And they told us in March, in California in the 22nd District, ''You watch out now, we are going to do this in your races,'' I am talking about people that supported me, ''and then we are going to go full bore in November across this country and we are going to change the way elections occur.''

We have the responsibility I believe. And that is why, when I came to Congress, the day after I was sworn in, I knew I owed it to my constituents to get busy on this and I asked, where is the bill that is bipartisan that will address this issue of these so-called sham ads?

I feel very deeply about this particular part. I am not talking about the voter cards. I am talking about the ads on television, very expensive ads. They crowded our airwaves in California to the degree that constituents came up to me and said, ''What is this? This does not sound like anything we have been talking about in your race.''

It is demeaning to the process by which we come to this place. It is turning off our constituents. It is making them feel like we and they are pawns to a national idea, a good idea or a bad idea. I am not debating the merits of the issue. I am talking about what we are doing here in this body.

The CHAIRMAN pro tempore (Mr. COLLINS). The time of the gentlewoman from California (Mrs. CAPPS) has expired.

(On request of Mr. DOOLITTLE, and by unanimous consent, Mrs. CAPPS was allowed to proceed for 3 additional minutes.)

Mr. DOOLITTLE. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, the gentlewoman and I think feel similarly about the trend of our elections. We draw different conclusions as to what is the cause of this. But in response to the question ''where is the bill that addresses this?'' I would submit my bill addresses this, H.R. 965. Because I would submit it is the severe limits on hard-money contributions, which are contributions by contributors directed to candidates, that are driving this problem.

The Constitution allows, under the various court rulings, which I think are generally correct, people to contribute and express their point of view. It limits contributions right now to candidates. But they can still, under the Constitution, comment on issues.

As my colleagues heard me quote from Buckley the line between issues and candidates, it is hard to distinguish. That is why the Court in order to preserve free speech, said that, in order to fall under the scope of regulation, they have to have words of express advocacy which are clearly related to the election or defeat of the candidate.

What I think this bill is going to do is actually go against the result my colleague seeks to achieve and I frankly seek to achieve, which is that more of our money in campaigns should be centered from the candidate, not from groups out on the periphery that are getting as close to the line as they can without crossing it and influencing the election.

Mr. FARR of California. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from California.

Mr. FARR of California. The campaign of the gentlewoman from California (Mrs. CAPPS) is very well-known in this country. And what she is saying is her campaign was taken over by outside influences, both her campaign and her opponent's, and these outside influences were not accountable to anybody in their district because they did not have to disclose who they were and where the money came from.

Basically, what is happening here is the American public knows there is a campaign season, there is a beginning and there is an end and they know what goes on in between. There ought to be something we know who is saying it.

They could call somebody a rotten SOB. They could call somebody good. They could call somebody evil. They could say all kinds of things about them. But as long as they do not have to say vote for or against them but they say everything but that, they can destroy them. And they as a consumer, as a voting person, they have no idea who has paid for all that. They do not even know who it is because they usually make up fake titles about what they are. They are always good citizens for something, but then all they do is talk about evil.

So the campaign of the gentlewoman showed to America something that we in Congress were not even aware was going to happen, and that is that it is totally out of control, that we are going to have messages all over this country by people that are totally unaccountable.

If we pass this amendment, it will make it worse. Because the amendment says they can have any commentary, any commentary, they can say anything about anybody they want to as long as they do not say vote yes or no. So they put out this message that is very evil and derogatory and they do not have to be accountable.

That is not the way the American public is. Everything we are doing in

this country is trying to make consumers have more information. We are labeling what they eat. We are labeling what we sell them. We are labeling what they borrow their money from. And we ought to label what their candidates have to deal with. It is a bad amendment.

Mr. WHITFIELD. Mr. Chairman, I move to strike the requisite number of words.

First of all, I know the gentleman from Massachusetts (Mr. MEEHAN) a while ago was talking about this ad that ran, and I am assuming it ran on television. I assume it ran on television.

Mr. MEEHAN. If the gentleman will yield, I did not see it on television, but I read the transcript of it and it was a television ad and about $300,000 worth.

Mr. WHITFIELD. Reclaiming my time, I think all of us are very much concerned about any ads that run without a disclaimer.

I talked to some FEC lawyers yesterday about that very point; and it is my understanding that if an ad like that runs anywhere without a disclaimer, they can go to the Federal Communications Commission because they have a law and regulations that prohibit those type of ads.

I agree with the gentleman that we do not need ads running on television or anywhere else that does not have a disclaimer on them. But the FEC does have some rules that disclaimers are required.

Mr. MEEHAN. If the gentleman would further yield, it is not so much the problem of the disclaimer on the bottom of the advertisement. The problem is that nobody knows where this money came from. The problem is we have an ad that is clearly meant to influence an election; and when we run ads that are clearly meant to influence an election, the public has a right to know where the money came from. That is what the issue is.

Mr. WHITFIELD. The only point I would raise there is that that brings up the whole issue of the right of privacy of individuals who contribute or organizations that contribute; and the Supreme Court, in certain cases, has indicated that they have a right to keep that private. But that is another issue that we could talk about another day.

Mr. MEEHAN. If the gentleman would continue to yield, people have a right to privacy. However, when people spend their money to influence elections in this country, the Supreme Court has clearly indicated that the public does have a right to know who is spending money and how much they are spending and where it is coming from to influence elections.

Under this amendment that is being offered by the gentleman from California (Mr. DOOLITTLE) basically, it says, any communication, any commentary on the voting record positions or anything else would be okay. That is a different right to privacy.

Mr. WHITFIELD. Well, all I would say is that, if the gentleman is talking about the hard money, of course, anybody can go down to the FEC and get a record and they will know who gave him money or anybody else in this Chamber and it is spelled out very explicitly.

I think soft money is a little bit of a different issue. If it is independent expenditures, they are required to file their report with the FEC anyway. In issue advocacy, if it is a political committee, it is required to file a report.

But my colleague is right, other groups do not have to file a report. And I think we can find some cases where the Court has said that is free speech and it is a little bit different than hard money and they do not have to go file all these reports, because they can make the argument that in filing all these reports it provides an obstacle for people engaging in the political process.

I want to just touch on for a moment, the reason that I object to what my colleagues all have done on this voting record guide is that in paragraph 3 they basically lay out the language as set out in Buckley vs. Valeo, the so-called bright line, and if they had stopped after the word ''reject,'' I mean, I would not have had any problem with it myself. But the Court has repeatedly said that they do have to use these express words.

□ 1400

As a matter of fact, the question I would ask, the FEC is a group of government employees and they are going to have to make the decision about what does this mean. Does this ad, or a campaign slogan or words in context have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates? I think different people looking at a particular ad can come up with different conclusions.

I would say to the gentleman that in the Maine case, almost the exact language was used in that case where it said could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates, and the Supreme Court ruled that as unconstitutional. I think the point we are trying to make is I think you are going to be inviting another overturn by the Supreme Court on that.

The gentleman mentioned the Furgatch case which is exactly right. Basically they said the simple holding of Furgatch was in those instances where political communications do include an explicit directive to voters to take some course of action, then they are going to say that that is express advocacy. In that case, they said, ''Don't let him do it.''

I would also say to the gentleman that that case was decided in the Ninth Circuit. The Ninth Circuit has been turned over 27 of 28 times it went to the Supreme Court. I think we have a legitimate concern about the stifling of speech that could go on by the way you are expanding this definition. That is simply the point that I would like to make.

Mr. SHAYS. Mr. Chairman, subject to the agreement I think of all sides, this debate will continue, and we will have further information provided from both sides, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COBLE) having assumed the chair, Mr. COLLINS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

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

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Florida (Mr. GOSS) so I may traditionally as I do at this time of the week inquire of the majority as to the schedule for the coming week.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California for yielding.

Mr. Speaker, I am pleased to announce that we have concluded legislative business for this week.

The House will next meet on Monday, June 22, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business.

On Monday, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we do not expect any recorded votes before 5 p.m. on Monday, June 22.

On Monday, we will also consider H.R. 4059, the Military Construction Appropriations Act, and H.R. 4060, the Energy and Water Development Appropriations Act.

On Tuesday, June 23, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business. We will again consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices.

On Tuesday, the House will also take up the Agricultural Appropriations Act. Mr. Speaker, on Tuesday evening, Republicans and Democrats will face off in the annual charity congressional baseball game. We hope to finish legislative business by 5 p.m. and head to the diamond for batting practice.

On Wednesday, June 24, the House will meet at 10 a.m. to consider the following legislation:

The Treasury and General Government Appropriations Act; and the Department of Defense Appropriations Act.

On Thursday, June 25, the House will meet at 10 a.m. to consider the Legislative Branch Appropriations Act.

Mr. Speaker, we hope to conclude legislative business for the week by 6 p.m. on Thursday, June 25.

Friday, June 26, as we know marks the beginning of the Independence Day District Work Period from which the House will return on Tuesday, July 14.

Mr. FAZIO of California. If I could reclaim my time, I would like to ask the gentleman if he could tell us when we would next begin debate on the campaign finance reform issue. It looks, as it appears to, that we will be on appropriations bills all week. Is there a date in the future, 2, 3 weeks out when we might get back to this subject we have just been debating today?

Mr. GOSS. If the gentleman will yield further, as the distinguished gentleman well knows, the debate is well underway on this and has certainly caught the interest of the Members, and I think the people who are interested in this subject and will continue on. Obviously next week we have a very heavy schedule of appropriations bills which are, I think, the highest priority for this body at this time, and so my guess is, unless we have some kind of a serious change in what I have outlined, that we will not get back to the question of campaign finance until shortly after the break. It is impossible to say exactly when, but there is a general understanding that it will happen at about that time, so far as we can foresee the schedule at this moment.

Mr. FAZIO of California. Reclaiming my time, I am constrained to note that we have taken up three amendments and we have 258 of them in order that are nongermane and a number more that obviously are germane and could be developed here on the floor. I am concerned obviously that, while the debate has begun, we have not made a lot of progress on this very important issue.

Could the gentleman tell me whether we would be in late on Monday evening as well as Wednesday evening, given the fact that the baseball game will intrude on Tuesday and we are obviously hoping to get away on schedule on Thursday. Is there any sense the Members could obtain as to how late we would be here on Monday and Wednesday?

Mr. GOSS. If the gentleman will yield further, I would estimate, although I would not want to guarantee, but the best guess at this point would appear to be 7 p.m. to 8 p.m. as a range for Monday night, and, depending on other matters, it looks like now 10-ish or about Wednesday.

Mr. FAZIO of California. Reclaiming my time, is it possible that we would take up a budget decision to go to conference at any time next week which would involve, as the gentleman from South Carolina has been intending to offer, an instruction of conferees on the budget resolution?

Mr. GOSS. If the gentleman will yield further, I am advised that that is a subject that is very timely and in fact is presently under discussion and that we will have to await further notice from the leadership on.

Mr. FAZIO of California. But that is, reclaiming my time, a possibility that we might have before the 14th of July, at least a conference on the budget resolution?

Mr. GOSS. If the gentleman will yield further, I think that there are many possibilities for continuing good legislation, and, as he knows, we will seize them all. With regard to the gentleman's observations on the number of amendments on campaign finance, surely we are going to have a full, deliberative debate on this subject which is, of course, what we all want.

Mr. FAZIO of California. Mr. Speaker, I appreciate the gentleman's comments.

ADJOURNMENT TO MONDAY, JUNE 22, 1998

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next 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. GOSS. 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 Texas?

There was no objection.

CARVILLE'S ENEMIES LIST

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

Mr. KINGSTON. Mr. Speaker, you know there are a lot of lists in the world. There is the top 40 list of hit music, there is the top 10 list that Letterman is so famous for. There is the list of the World Series winners, the most valuable players, the Oscar winners and so forth. But then of course the White House keeps a series of lists. We all remember the list Secretary of Energy Hazel O'Leary had of friendly and unfriendly reporters. There are the lists that the White House had of 900 private citizens who were deemed enemies of the State because they were Republicans, and of course there is the donors list which they have in the tax-paid-for computer at the White House.

But now there is a new list put out by James Carville, the Clinton right-hand man. This is the list of enemies of the administration. Who is on this list? Such hard-core right wingers as Lamar Alexander. Keep that in mind next time putting on a plaid shirt. Such guys as the gentleman from Illinois (Mr. HYDE); oh, is he not a fire storm kind of guy? I mean one of the fairest and most respected Members of the House from both sides is on the list as an enemy of the State.

And then there is Bill Bennett. Of course we know what he did. He wrote that book of virtues which is offensive to the administration.

So I am going to submit this for the RECORD, Mr. Speaker.

JUNE 18, 1998.

JUDICIAL WATCH UNCOVERS CARVILLE ''ENEMIES LIST''

CARVILLE DOCUMENTS AND FILES SHOW INFORMATION COMPILED ON PERCEIVED CLINTON ADVERSARIES

Documents produced by James Carville and his Education Information Project (EIP) in response to a Judicial Watch subpoena in its Filegate case show that Carville uses the organization as a means to compile information on perceived adversaries of President Clinton. In addition to Judicial Watch, the documents indicate that Carville targets and/or keeps files on the following persons and groups:

Independnt Counsel Kenneth Starr, Independent Counsel Donald Smaltz, House Speaker Newt Gingrich, Congressman Henry Hyde, Richard Mellon Scaife, Olin Foundation, Landmark Legal Foundation, Congressman Dan Burton, Congressman Bob Barr, David Bossie, Kathleen Willey, Jacob Stein, Judge David Sentelle, Jim Guy Tucker, Paula Jones, Citizens for Honest Government, Bradley Foundation, Senator Jesse Helms.

Senator Fred Thompson, Senator Lauch Faircloth, Pat Robinson, David Brock, Floyd Brown, Governor Mike Huckabee, Congressman Jack Kingston, Brent Bozell, Concord Coalition, Common Cause, Susan Carpenter McMillan, Gil Davis, David Hale, Dick Morris, Richard DeVos/Amway, Lamar Alexander, Bill Bennett, Joe DiGenova.

The documents also indicate that Carville likely works with Clinton lawyers David Kendall and Mickey Kantor in compiling some of his information on Kenneth Starr. Other evidence produced by Carville suggest that EIP considered, at least, using President Clinton's private investigator Terry Lenzner and his firm IGI to investigate Independent Counsel Kenneth Starr.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

AWARD OF DIRECTOR'S MEDAL TO RICHARD G. FECTEAU AND JOHN T. DOWNEY ON JUNE 25, 1998

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise today to recognize the extraordinary service and sacrifice for this Nation of two officers of the Central Intelligence Agency, Mr. Richard G. Fecteau and Mr. John T. Downey.

On June 25, 1998, George Tenet, the Director of the Central Intelligence Agency, will present the Director's Medal to Dick Fecteau and Jack Downey for reasons that, to some extent, I am able to describe in this forum today.

Except for their kind indulgence in allowing me to commemorate this event on the floor of the House, Dick Fecteau and Jack Downey will receive their awards as privately and as quietly as they served, and sacrificed for, our country.

In 1951, fresh from college, Dick Fecteau and Jack Downey joined the clandestine service of the Central Intelligence Agency. After a period of training, they were sent to east Asia to conduct agent re-supply and pick-up operations over China as part of our war effort in Korea.

In such operations, Mr. Fecteau and Mr. Downey were to drop supplies and to retrieve agents for debriefing by flying in low, among the trees, and literally snatching agents from the ground. These operations are extremely difficult and demanding in peacetime. Needless to say, in war zones, they are outright perilous.

In November 1952, Mr. Fecteau and Mr. Downey were part of a crew that was to fly into China, swoop to tree level, and snatch an agent from the ground. As their plane descended and approached the snatch site, it was hit by machine gun and small arms fire. The plane crashed and burned, killing the two pilots. Mr. Fecteau and Mr. Downey survived, but they were captured by the forces of the People's Republic of China.

In 1954, 2 years later, China sentenced Mr. Fecteau and Mr. Downey to life in prison. Their sentencing was, I understand, the first time that the families of the two learned that they were still alive. Over the next 20 years, Mr. Fecteau and Mr. Downey were subjected to extensive and aggressive interrogations and to long periods of solitary confinement. Year after year the two endured this suffering and deprivation and they did so with dignity and courage and an abiding faith in our country.

This Nation ultimately did not fail them. In December of 1971, nearly 20 years later, our government finally obtained the release of Dick Fecteau. And in March of 1973, we obtained the release of Jack Downey.

Dick Fecteau returned to the agency and continued his career. In 1976 he retired and joined the staff of Boston University, his alma mater, as assistant director of athletics. He retired from BU in 1989. Today Dick Fecteau lives with his wife, Peg, outside of Boston.

Jack Downey retired from the agency in 1973. Some of us feel that a baccalaureate from Yale is perfectly serviceable; but Jack, however, went on from there to Harvard Law School, and in 1976 he entered legal practice. In 1990 he was appointed to the bench in Connecticut and became a senior judge in the State system. Today Judge Downey lives with his wife, Audrey, in New Haven.

These, Mr. Speaker, are the extraordinary stories of two extraordinary people. Their awards, it seems to me, are most properly for the totality of their lives; for answering their country's call; for engaging in perilous operations under fire; for enduring unimaginable hardship in Chinese prisons; and, perhaps most of all, for returning to their families, to their communities and to their country and continuing to contribute and give and make a difference in their communities.

□ 1415

These awards, Mr. Speaker, are for the extraordinary lives of Dick Fecteau and Jack Downey. I am honored to commemorate their lives before this body.

Dick and Jack, thank you and Godspeed. May this Nation always have citizens such as you to count on.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

(Mr. ABERCROMBIE 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 gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

STOP CODDLING YELTSIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SOLOMON) is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, I would like to insert for the record an excellent article on Russia policy by our colleague BEN GILMAN, the Chairman of the International Relations Committee.

Unlike the Clinton administration, Chairman GILMAN cuts to the heart of the matter concerning Russia's economic problems. Instead of the simple-minded, knee-jerk reaction of giving the Russian government more money, as President Clinton has proposed, Chairman GILMAN correctly places the blame, and responsibility, for Russia's woes where it belongs: squarely on the shoulders of the Russian government.

This massively corrupt regime, composed almost entirely of former Communist party bureaucrats, has engaged in wholesale theft of money and wealth that properly belongs to Russian, American, and international taxpayers.

It is a scandal of worldwide proportions and it has been not just neglected, but in fact contributed to, by the Clinton administration's policy of maintaining a wide open spigot of taxpayer money to the Russian government, unlinked in any way to Russian government behavior or policy.

Chairman GILMAN has done us a favor by enlightening us with this article, Mr. Speaker. Let us hope that the Administration, and this Congress, heed his advice to at least temporarily stanch the money flow to the Russian regime and begin demanding real economic reform and better foreign policy behavior from Boris Yeltsin.

STOP CODDLING YELTSIN

President Clinton has announced his support for a possible new IMF loan to Russia, potentially totaling $10 billion. Instead of rushing to provide that assistance to President Boris Yeltsin's government, we ought to stop, ask some questions and seek changes in Russian policies.

Russian foreign policy today appears to have one unfortunate objective. With his oft-repeated mantra of seeking a ''multipolar world,'' Yeltsin's foreign minister and foreign director of Russia's intelligence service, Yevgeny Primakov, appears intent on creating challenges to America's global leadership, challenges we must assume the United States will overcome only after providing concessions to Russia.

Thus, just as the United States seeks to persuade Russia to participate in the larger effort by the community of nations to fight proliferation of weapons of mass destruction, enforce United Nations mandates in places such as Iraq and pursue solutions to other global problems, Primakov appears more interested in pursuing a price for Russia's cooperation.

Despite American concerns, the Yeltsin government has extensive relations with Iran, a supporter of international terrorism intent on becoming a regional military power in the Persian Gulf. Russia provides advanced weapons and military technology to China, likely to contribute to future challenges to the ability of American forces to defend our friends in the Pacific, as Chinese missile firings off Taiwan have portended, Communist Cuba, with Russian encouragement, continues to seek Soviet-design reactors, despite American concerns.

As America seeks to stabilize the former Soviet states, Russia has involved itself in ethnic conflicts on its periphery through covert arms supplies and other means, and has cut its neighbors' access to energy pipelines. Moscow has failed to ratify the START II arms reduction treaty and demands questionable revisions in other arms treaties. Oddly, despite its financial constraints, the Yeltsin government has found the means to help finance the Soviet-style dictatorship of President Alexander Lukashenko in Belarus.

Yeltsin's government is characterized as ''reform-minded'' but suffering from massive tax evasion. The reality is a bit different. Yeltsin's personal support for reforms has in fact been inconsistent. At key points since 1991, he has simply withdrawn to his dacha, leaving lower officials to fend for themselves. At other times he has reversed steps needed to move forward.

But this unwillingness to pursue reforms vigorously has now caught up with Yeltsin. Despite massive debt rescheduling, private loans, considerable foreign aid and large loans from the IMF and World Bank, Russia is now approaching a fiscal train wreck. The pain of planned budget cuts might indeed be alleviated by an additional IMF loan, but another worrisome reality in Russia—corruption and related flight of capital—underlines how temporary that relief would be.

Veniyamin Sokolov, a director of the Russian equivalent of the U.S. General Accounting Office, recently visited the United

States, speaking of the routine theft of money from Russian government and industry. Russian nuclear reactor operators, coal miners and other average workers have protested over unpaid wages in recent years. It would seem that that problem can now be traced to such theft.

A recent study brings home to us the consequences of this, estimating that while Russia's foreign borrowings in recent years have totaled $99 billion, a full $103 billion in capital has been spirited out of the country. Thus, much that Russia has borrowed has not gone into productive investment to create a bigger tax base but has instead filled the gaps left by the disappearance of billions of dollars worth of Russian capital. Meanwhile, Russian households and entrepreneurs starve for such capital, operating on a barter basis, which, again, cuts into Russia's tax base.

Now Russia's borrowing to pay its bills has created burgeoning short-term debt payments. Last year, a quarter of the government budget went to pay debt interest, and that figure will now rise.

Boris Yeltsin cannot simply make bellicose statements about tax cheats and resume business as usual. And American officials should not rationalize new loans by simplistically depicting a ''reform-minded'' government. It is also not an answer to say that without loans nuclear-armed Russia would fall apart, with subsequent instability placing America at risk. Given current trends in Russia, such instability is already likely, and soon, unless President Clinton insists on real change in Russian foreign and domestic policy now.

If President Yeltsin fails to attack corruption at the highest levels, Russian money will continue to disappear—and the Russian people's patience is not limitless. Unless Yeltsin engages in comprehensive economic reform—and stays engaged—foreign investment in Russia will not grow. Finally, if President Yeltsin doesn't begin to work sincerely with the United States to prevent proliferation of weapons of mass destruction to countries such as Iran and Iraq, and to resolve ethnic conflicts, particularly in the Balkans and the Caucasus, Russian domestic instability will be compounded by growing instability outside Russia's borders.

This is a pivotal moment in our relationship with Russia. Now is the time to insist on steps by President Yeltsin that will put the American-Russian relationship—and reforms in Russia—back on the right track.

INTERNATIONAL MONETARY FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. SAXTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. SAXTON. Mr. Speaker, I have taken this time today to talk about an issue which I think is of extreme importance to the American people and, I must say, one that does not get front-page newspaper attention very often. That issue involves a request by our administration for $18 billion to fund the International Monetary Fund.

As I said, this is not always a front-burner issue, and so I take this time today to reflect on it inasmuch as Vice President GORE yesterday made some rather disparaging remarks about those of us who do not share his position that it would be timely at this time to vote for an appropriation of $18 billion to add to the International Monetary Fund.

Mr. Speaker, yesterday Vice President GORE, I think, made some rather exaggerated and unfortunate political remarks on a variety of subjects including this one:

According to press reports today the Vice President labeled opponents of the IMF appropriation, or at least those of us who would like to reform the IMF operation along with some kind of an appropriation, the Vice President labeled us as under the influence of a dangerous and growing isolationism.

Mr. Speaker, this attempt to associate IMF reformers with isolationism is simply not credible.

In recent months I have talked to a number of economists who are opposed to the IMF operation as it stands today. Some of these economists have testified before us at the Joint Economic Committee as well as other committees here in the Congress both in this House and in the other body. If we have disagreements of policy, we ought to talk about it. But not one of the economists critical of the IMF was an isolationist or a protectionist, and neither am I. If we have these disagreements, they ought to be discussed openly, and that is why I am here today.

Let us talk about these issues: transparency, moral hazard, subsidized interest rates, taxpayer exposure and other conditions that are associated with IMF loans to other countries. Unfortunately the Vice President seems more inclined to score partisan points rather than to discuss the substance of IMF issues.

Mr. Speaker, let me discuss these issues one at a time.

First, the amount of money that the IMF has at its disposal and then what it has requested through our administration as an additional appropriation or quota. Second, the issue of moral hazard, which essentially means loaning money at subsidized interest rates. Three, conditions that are associated with IMF loans which have oftentimes proven to be less than helpful to the receiving economies that we are trying to boost up. Fourth, the issue of secrecy. The IMF does operate largely in a cloak of secrecy, and therefore a fourth point that I will discuss this afternoon is that of more transparency for the IMF. Fifth, exposure of taxpayer dollars. Yes, if we vote for an appropriation of $18 billion, there surely will be an exposure of taxpayers' dollars, and $18 billion even here in Washington, Mr. Speaker, as you know is still a lot of money. And six, the sixth point that I would like to speak on this afternoon is that the IMF, the International Monetary Fund, does have available assets at its disposal which it has as of this date left remained untapped, and depending on how you count that can be as much as very close to 80 or $90 billion.

So let me begin by saying what got my attention on this issue almost a year ago was the amount of money that the IMF today has in its coffers which have come from the United States Treasury and their current request for 18 or $17.9 billion, and I am going to say 18 billion because it is a round number. Actually the number for the record, Mr. Speaker, is 17.9 billion, pretty close to 18 billion.

Since 1945, when the IMF was put into business for the first time, our total appropriations, called a quota, total quota dollars to the IMF have been $36 billion. Last summer the IMF came to the Department of the Treasury and Treasury Secretary Rubin came to the Congress and said they needed an extra $18 billion.

Now you do not have to be an expert at arithmetic or math to understand that $18 billion is about 50 percent of what we have given them since 1945, and, Mr. Speaker, I would point out to all those who are listening that $18 billion is a tremendous amount of money particularly in light of the fact that we are fighting here every day to keep our budget balanced. $18 billion, a 50 percent increase, Mr. Speaker, in 1 year after 45 years of accumulating expenditures, which now have come to $36 billion; it seems like a lot to ask us to do, $18 billion in one single appropriation.

And I was surprised, therefore, to find out even after that request came to us that that is about half what they think they will need. In other words, if they have already gotten 36 billion, and they have now indicated that they are going to come back in a few years for another $18 billion, that means they want to increase our quota by a hundred percent or very close to it.

And so I begin to ask myself, I said this is very curious. For the past 53 years we have given or lent them $36 billion, and in 1 year they came back and wanted 18. There must be some reason for this. So we began to study almost a year ago what it is the IMF does with our money and why it is that they might need this kind of an increase. And we found, Mr. Speaker, that in countries recently like Korea, and Russia, and Indonesia, and Thailand large amounts of money have been left to institutions in those countries to help bolster their economic position, and what we found, Mr. Speaker, was that these loans on average over the last decade or so have averaged about 4.7 percent in terms of the interest rate that the IMF charges with moneys that we have provided and, I must say, that other countries have provided as well.

Now I would ask anyone who is listening today if they could get a loan in today's market at 4.7 percent, I dare say that there would be a lot of people who would be anxious to get those kinds of loans, and, as a matter of fact, that is exactly what happens with the countries around the world where these loans are offered at 4.7 percent. They like this program, and so, as their economies begin to falter for one reason or another, perhaps it is because of faults that are inherent in their banking systems; we had a banking system problem here a few years ago when we

had savings and loans fail; perhaps it is something like that or perhaps there are some other economic difficulties in some of their institutions in their countries, and they say, ''Well, where do we go for help? I mean how do we solve this problem? Well, we have got some very painful things that we could do on our own, or we could ask the International Monetary Fund to give us one of those subsidized loans at 4½ or 4.7 percent.''

And so what this does, Mr. Speaker, is to create a tremendous demand in the world markets for subsidized loans subsidized by American taxpayers' dollars for loans from the IMF, and that, we discovered, was the reason, after a great deal of study, that the IMF needs more money. Because of their policies they are expanding their role in the world economy to the point where they have requested this 50 percent increase in quota from the United States and, we believe, will be back, if they are successful in obtaining this and expanding their economic activities throughout the world, we believe that in just a few years they will be back with another request for a like amount.

Now we asked the question of ourselves: Is this what we want to believe is an appropriate use of these kinds or these numbers of dollars from United States taxpayers, and that is a question that I guess everyone can answer for themselves, but it seems to me that we have some domestic needs, we had some discussions this morning about our national security and how we are spending less today than we were in 1985 in real dollars, and so there are many things that we want to consider when we begin to look at whether or not we want to appropriate this kind of money to provide for an expansion of an international loan program being subsidized by American taxpayers dollars.

The third point that I would like to mention is the IMF practice of imposing what we think are sometimes appropriate but oftentimes inappropriate conditions that go along with the loans. And the way this happens is that the IMF officials, oftentimes represented also by, I might say, officials from the United States Treasury, in offering to make loans negotiate certain types of conditions that go along with the loans. For example, it may be thought that it would be a good idea to change the way a country has its banking system structured, or at some times the IMF officials might think it is a good idea to devalue currency, or they may think it is a good idea to get out of a deficit spending program that may be inherent in some country's practices by increasing taxes. And those of you who have heard me talk many times before know that those of us on the Joint Economic Committee, at least on the Republican side and I think it is fair to say on both sides of the aisle have questions about whether or not these conditions are appropriate.

As a matter of fact, a few weeks ago I had the opportunity to visit with some officials from the Korean government in Korea, and we talked about these matters and the reforms that are underway as part of the conditions of loans the International Monetary Funds have made in Korea, and there were questions raised about whether or not they were appropriate by me, and there was a great deal of talk about it, and then, as I went out and left the meetings and rode out through the commerce sections of Seoul there in South Korea, I noticed that there were some signs on the shop windows, and of course they were written in Korean and I could not tell what they said. But in the middle of the signs, the three American letters IMF. IMF were there in the middle of the signs.

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So I said to the gentleman who was with me, what do these signs say in Korea that have the letters ''IMF'' in the middle? He said, well, they say different things, but they are all very meaningful. They essentially say that the IMF is here and that things are very bad, and that the IMF is part of that because of the conditions that the IMF apparently has imposed, and therefore, we are having a big sale because nobody can afford to buy our goods at regular market prices, and so we have cut-rate sales going on because the IMF is here. That is because, Mr. Speaker, the conditions that are imposed by the IMF are often very harmful and hurtful to the economy of the countries that the IMF is proposing to try to help.

So what we might want to do if we are going to address the issues involved here with the IMF, and I hope the Vice President may take note of these things, is to have a thorough review of how the IMF arrives at its decisions, not only about interest rates, but also about this point focusing on conditions that accompany the loans.

Number 4, Mr. Speaker, we discovered during our studies of the International Monetary Fund that it is, in fact, very difficult to study the International Monetary Fund and how it works because they work in a cloak of secrecy. We began last summer making requests for information from the IMF, and it was not forthcoming. We asked again and again and again for information and it was not forthcoming. We soon learned that the IMF does, in fact, insist upon a level of secrecy that prevents those of us who are here in Congress, representatives of the American people, prevents us from doing an in-depth study of the IMF in answering such questions as: what are the criteria that are used to identify a country that needs help? What are the criteria that are used to identify conditions that are imposed? What are the criteria that are used for studying the effects of loans that are made by the IMF? And questions as those are things that we, as responsible individuals who are asked to vote for an $18 billion appropriations, ought to have access to before we, as representatives of the American people, are asked to vote on those issues.

So as to the issue of secrecy or transparency, we call upon them for a more transparent system so that we can see into the system and see what it is doing.

Now, I must say in fairness that partway through the process the officials from the IMF said to my staff, tell Congressman SAXTON to come over, and if he promises to look at the documents, and if he promises not to tell anybody what he sees, well, he is welcome to come.

Mr. Speaker, that is not the point. The point is that the American people who provide these dollars, and economists and experts in financial matters in this country, have as much right to see that information as Members of Congress or as people who administer the IMF itself. So this issue of transparency or secrecy is the fourth point that I believe needs to be strongly addressed.

The fifth point is what I call exposure of taxpayers' dollars. Now, there are those who advocate the $18 billion appropriation without reforms; there are those who say that this really does not cost the taxpayers a dime. I think that was the phrase that was used; it does not cost the taxpayers in this country a dime, because in exchange for the $18 billion, we get a promissory note. So the promissory note becomes an asset in our portfolio, and in exchange, there is simply a transfer of assets.

I have a hard time, I have a hard time with that because if we have the $18 billion, we can apply it against our national debt; or if we decide in this body that we need to spend it on national security, we can spend it on national security; or if we decide that we want to spend it on education or environmental protection, we can do that; or if we decide we want a tax cut, we can apply it to the cost of a tax cut. But I dare say that it would be somewhat difficult to take the IMF's IOU or the promissory note that they signed for us and make the same kinds of use of it so it may be considered an asset, but it is certainly not a liquid asset; it is certainly not the same kind of asset that we transfer to the IMF in exchange for the promissory note.

So I have a difficult time understanding the argument that it does not cost the taxpayers a dime for that reason, and I also have a difficult time understanding how it is that that great big bureaucracy that is downtown here in Washington, D.C. known as the IMF with thousands of square feet of office space and secretaries and administrators and computers and all of those things that have to be paid for that comes out of the IMF funds as well. So whether we accept the argument that trading dollars for an IOU does not cost, if we accept the fact that that does not cost the taxpayers a dollar,

which I do not, so there certainly is an expenditure and there certainly is an exposure of taxpayer dollars.

Now, so far here today I have tried to be as explicit as possible about the fact that the IMF already has $36 billion of our money and it has asked for a 50 percent increase, because they want to expand their activities, because they believe it is the right thing to do, and we ought to question that and have an opportunity to study it and talk about it.

Second, there is the issue that we call moral hazard; that is, continuing to bail people out with subsidized interest rates, which is not a very painful thing for them to do. As a matter of fact, I have said this before, and I do not mean to trivialize this issue, but if there were a bank across the street from the front of the Capitol that had a sign on the front of it that said, come on over and we will provide you with a 4.5 percent interest rate, I bet there would be a long line in front of that building. So this issue of moral hazard and subsidized interest rates encourages the wrong kind of behavior. It encourages the kind of behavior that we are trying to quell or to stop because of the incentive that is built into receiving low, cut-rate, subsidized loans.

Also, the conditions that are imposed on countries, whether or not they are helpful, perhaps sometimes they are hurtful. I believe that sometimes they are, and I have gone into that. The issue of transparency or secrecy is also I believe very important, and the issue of the exposure of taxpayers' dollars is also important.

Let me conclude with point number 6 which I think is very important. Secretary Rubin and other proponents, both in the United States Treasury as well as in the IMF, and some people here in the House have said, they need the money. Whether one agrees with everything the IMF does or not, they perform a valuable function and therefore, they really need the money.

I would just point out to my colleagues, Mr. Speaker, the IMF currently has assets that include $40 billion in cash, $25 billion in a program which gives them the authority to borrow $25 billion; they have $30 billion in gold. Now, if I add all of this up, that looks like it comes to $95 billion in assets already, and some are making the argument that they need the money because of the need to go around the world and expand programs.

So I guess I would just return to my initial point that the Vice President brought this issue up yesterday, and it was reported in today's newspapers that we who oppose flat out appropriating $18 billion without reforms are somehow isolationists, that is not true; nothing could be further from the truth. If we can get the transparency that we need, if we can study the process through which the officials at the IMF proceed, if we can understand the necessity for the conditions that we think are sometimes harmful; if we can do something about this moral hazard issue so it does not encourage people to come back to us time after time after time for bailout after bailout after bailout, then perhaps those of us who call ourselves IMF reformers will be willing to proceed with a new IMF appropriation of some kind.

So, Mr. Speaker, I have made the points here that are important to be made. I am sorry that the Vice President has an inaccurate assessment of our motivations. They are, in fact, honorable, and we, in fact, do want the IMF to work, and we think that with some changes, it will work, and this House ought to proceed to seriously consider those changes or those reforms in conjunction with any appropriation that is made for these purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. ARMEY) for today, on account of medical reasons.

Mr. MARTINEZ (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FAZIO of California) to revise and extend their remarks and include extraneous material:)

Mr. ABERCROMBIE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. SOLOMON, 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. FAZIO of California) and to include extraneous material:)

Mr. ADAM SMITH of Washington.
Mr. BONIOR.
Mr. KIND.
Ms. ESHOO.
Mr. KLECZKA.
Mr. SERRANO.
Mrs. CLAYTON.
Mr. TOWNS.
Mr. KENNEDY of Massachusetts.
Ms. NORTON.
Mr. CLYBURN.
Mr. GREEN.
Mr. HAMILTON.
Ms. JACKSON-LEE of Texas.
Mr. LIPINSKI.

(The following Members (at the request of Mr. GOSS) and to include extraneous material:)

Mr. PAPPAS.
Mr. BURTON of Indiana.
Mr. FRANKS of New Jersey.
Mr. GILMAN.
Mr. ROGAN.
Mr. GOODLING.
Mrs. MORELLA.
Mr. PACKARD.

(The following Members (at the request of Mr. SAXTON) and to include extraneous material:)

Mr. DELAY.
Mr. GEKAS.

ADJOURNMENT

Mr. SAXTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, June 22, 1998, at 12:30 p.m. for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarter of 1998 by Committees of the U.S. House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second quarter of 1998, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the calendar year 1998 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

PLEASE NOTE: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, May 20, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO COLOMBIA, CHILE, ARGENTINA, AND PERU, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dr. James Ford	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Committee total					1,977.00						1,977.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES FORD, May 4, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO TAIWAN, THAILAND, BURMA, MALAYSIA, AND THE PHILIPPINES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 4 AND APR. 17, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Albert Santoli	4/5	4/8	Taiwan		805.00						805.00
	4/8	4/14	Thailand		1,140.00						1,140.00
	4/13	4/13	Burma								
	4/14	4/15	Malaysia		177.00						177.00
	4/15	4/17	Philippines		198.00						198.00
Committee total					2,320.00						2,320.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALBERT M. SANTOLI, May 5, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO KENYA, AND SUDAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND MAY 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kimberly A. Miller	5/25	5/31	Kenya		412.00						412.00
	5/27	5/30	Sudan		560.00						560.00
Commercial Airfare							6,759.57				6,759.57
Committee total					972.00		6,759.57				7,731.57

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KIMBERLY A. MILLER, June 4, 1998.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9736. A letter from the Assistant Secretary, for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the annual Report to Congress for 1996 and 1997 on The Operation of the Enterprise for the Americas Facility; to the Committee on Agriculture.

9737. A letter from the the Acting Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1998, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—274); to the Committee on Appropriations and ordered to be printed.

9738. A letter from the Acting Director, Office of Management and Budget, transmitting the Mid-Session Review of the 1998—2003 budget, pursuant to 31 U.S.C. 1106(a); to the Committee on the Budget.

9739. A letter from the Clerk, United States Court of Appeals, transmitting two opinions of the United States Court of Appeals for the District of Columbia Circuit; to the Committee on Education and the Workforce.

9740. A letter from the Director, Defense Security Assistance Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); to the Committee on International Relations.

9741. A letter from the Director, Defense Security Assistance Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of March 31, 1998, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

9742. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1997, through March 31, 1998, and the semiannual Management Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9743. A letter from the Secretary of Agriculture, transmitting the 6-month report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

9744. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report entitled ''Compliance Simplification and Enforcement Reform

Under Sections 213 and 223 of the Small Business Regulatory Enforcement Fairness Act of 1996''; to the Committee on the Judiciary.

9745. A letter from the Director, Office of Government Relations, SMITHsonian Institution, transmitting a copy of the ''Annual Proceedings of the One-Hundred Sixth Continental Congress'' of the National Society of the Daughters of the American Revolution, pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

9746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Track Safety Standards; Miscellaneous Proposed Revisions [Docket No. RST–90–1, Notice No. 8] (RIN: 2130–AA75) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Waiver For Canadian Electric Utility Motor Carriers From Alcohol And Controlled Substances Testing [FHWA Docket No. FHWA–97–3202] received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Skull Creek, Hilton Head Island SC [COTP Savannah 98–034] (RIN: 2115–AA97) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Great Catskills Triathlon, Hudson River, Kingston, New York [CGD01–98–040] (RIN: 2115–AA97) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: EZ Challenge Speed Boat Race, Ohio River, Beech Bottom, West Virginia [CGD08–98–037] (RIN: 2115–AE46) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL [CGDO7–98–029] (RIN: 2115–AE47) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Merger of the Uniform States Waterway Marking System with the United States Aids to Navigation [USCG 97–3112] [CGD 97–018] (RIN: 2115–AF45) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9753. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL [CGD07–98–025] (RIN: 2115–AE47) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9754. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Passaic River, NJ [CGD01–97–020] (RIN: 2115–AE47) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 330F, G, and J Helicopters [Docket No. 97–SW–07–AD; Amendment 39–10572; AD 98–12–16] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9756. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Time of Designation for Restricted Areas; CA [Airspace Docket No. 98–AWP–13] (RIN: 2120–AA66) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9757. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models 35, A35, B35, and 35R Airplanes [Docket No. 98–CE–55–AD] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9758. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model H.P. 137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 Series Airplanes [Docket No. 97–CE–110–AD; Amendment 39–10577; AD 98–12–23] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9759. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of Colored Federal Airway; AK [Airspace Docket No. 98–AAL–3] (RIN: 2120–AA66) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9760. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of Restricted Areas; New Jersey and New York [Airspace Docket No. 98–AEA–3] (RIN: 2120–AA66) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9761. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Homer, AK [Airspace Docket No. 98–AAL–2] received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9762. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 97–NM–64–AD; Amendment 39–10589; AD 98–13–01] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9763. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 97–NM–194–AD; Amendment 39–10586; AD 98–12–33] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9764. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 98–NM–98–AD; Amendment 39–10588; AD 98–12–35] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9765. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 98–NM–85–AD; Amendment 39–10587; AD 98–12–34] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9766. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–12 Airplanes [Docket No. 97–CE–08–AD; Amendment 39–10596; AD 98–13–08] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9767. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model AS-K13 Sailplanes [Docket No. 98–CE–04–AD; Amendment 39–10593; AD 98–13–05] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9768. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Models DG–100 and DG–400 Gliders [Docket No. 97–CE–133–AD; Amendment 39–10592; AD 98–13–04] (RIN: 2120–AA64) received June 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9769. A letter from the U.S. Trade Representative, Office of the President, transmitting a report on recent developments regarding implementation of section 301 of the Trade Act of 1974, covering the period June 1996 through January 1998 and reflects the effectiveness of this trade remedy in eliminating or reducing foreign unfair trade practices, pursuant to 19 U.S.C. 2419; to the Committee on Ways and Means.

9770. A letter from the Executive Director, Civil Air Patrol, transmitting the 1997 Civil Air Patrol Report to Congress, pursuant to 36 U.S.C. 207; jointly to the Committees on National Security and Transportation and Infrastructure.

9771. A letter from the Assistant Secretary (Civil Rights), Office for Civil Rights, transmitting the Fiscal Year 1997 Annual Report to Congress, pursuant to 20 U.S.C. 3413(b)(1); jointly to the Committees on Education and the Workforce and the Judiciary.

9772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled ''Report to Congress on Iran-Related Multilateral Sanction Regime Efforts,'' pursuant to Public Law 104—172; jointly to the Committees on International Relations, Banking and Financial Services, and Ways and Means.

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 references to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 3849. A bill to amend the Communications Act of 1934 to establish a national policy against Federal and State regulation of Internet access and online services, and to exercise congressional jurisdiction over interstate and foreign commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce conducted over the Internet, and for other purposes; with amendments (Rept. 105–570, Pt. 2). Ordered to be printed.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3892. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes; with an amendment (Rept. 105–587). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKEEN. Committee on Appropriations. H.R. 4101. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs, for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–588). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than August 7. 1998.

H.R. 2281. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than June 26. 1998.

H.R. 3849. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than June 26. 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCCOLLUM (for himself, Mr. SCHUMER, Mr. HYDE, Mr. CONYERS, Mr. BUYER, Mr. GEKAS, Mr. BARR of Georgia, Mr. HUTCHINSON, Mr. CHABOT, Mr. COBLE, Ms. JACKSON-LEE, Mr. MEEHAN, Mr. GRAHAM, Mr. WEXLER, and Mr. CUNNINGHAM):

H.R. 4090. A bill to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 4091. A bill to dissolve the Minerals Management Service of the Department of the Interior; to the Committee on Resources.

By Mr. ABERCROMBIE (for himself, Mr. SANDERS, Mr. SANDLIN, Mrs. LOWEY, Ms. DELAURO, Mr. BOSWELL, Ms. MILLENDER-MCDONALD, Mr. FORD, Mr. BORSKI, Mrs. MINK of Hawaii, and Mr. CUMMINGS):

H.R. 4092. A bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare program for pap smear laboratory tests; 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 Ms. DELAURO (for herself, Mr. HILLIARD, Mr. HASTINGS of Florida, Mr. FROST, Mr. KLECZKA, Mr. SANDLIN, Mr. LAMPSON, Ms. PELOSI, Mr. MALONEY of Connecticut, Mr. WYNN, Mr. MENENDEZ, Mr. LEWIS of Georgia, and Mr. CUMMINGS):

H.R. 4093. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require group health plans and health insurance coverage to establish hospital lengths of stay based on a determination by an appropriate physician in consultation with the patient; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, 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. FRANKS of New Jersey (for himself and Mr. MEEHAN):

H.R. 4094. A bill to provide for comprehensive brownfields assessment, cleanup, and redevelopment; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Small Business, 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. GEJDENSON (for himself, Mr. GILMAN, Mr. HAMILTON, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Ms. PELOSI, Mr. MCDERMOTT, Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. CLEMENT, Mr. VENTO, Mrs. MORELLA, Mr. DELAHUNT, Mr. OLVER, Mr. LUTHER, Mr. MILLER of California, Ms. WATERS, Mr. HASTINGS of Florida, Mr. JACKSON, Mr. BARRETT of Wisconsin, Mr. MINGE, Mr. SHERMAN, Mr. ACKERMAN, Ms. RIVERS, Mr. GUTIERREZ, Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, Mr. BROWN of Ohio, Mr. NADLER, Ms. VELAZQUEZ, Mr. TOWNS, Mr. DIXON, Mr. KILDEE, Mr. ROTHman, Ms. HOOLEY of Oregon, and Mr. MORAN of Virginia):

H.R. 4095. A bill to provide that the President shall attempt to establish an international arms sales code of conduct with all Wassenaar Arrangement countries; to the Committee on International Relations.

By Mr. GEKAS (for himself, Mr. HAYWORTH, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mrs. BONO, Mr. BRYANt, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. CHABOT, Mrs. CHENOWETH, Mr. COBLE, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. EHRLICH, Mr. ENGLISH of Pennsylvania, Mr. EWING, Mr. GIBBONS, Mr. GILCHREST, Mr. HANSEN, Mr. HERGER, Mr. HILLEARY, Mr. HOSTETTLER, Mr. ISTOOK, Mr. JONES, Mrs. KELLY, Mr. KINGSTON, Mr. KOLBE, Mr. LARGENT, Mr. LAHOOD, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. MICA, Mr. NEUMANN, Mr. PAXON, Mr. PITTS, Mr. POMBO, Mr. RADANOVICH, Mr. REDMOND, Mr. SALMON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SNOWBARGER, Mr. STUMP, Mr. TALENT, Mr. THOMAS, Mr. TIAHRT, Mr. WATKINS, and Mr. WATTS of Oklahoma):

H.R. 4096. A bill to amend title 5, United States Code, to provide for Congressional review of rules establishing or increasing taxes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Rules, 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. NORTON:

H.R. 4097. A bill to provide transitional community employment for unemployed persons, and other individuals in poverty, who live in certain identified communities, and for other purposes; to the Committee on Education and the Workforce, 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. OBERSTAR:

H.R. 4098. A bill to authorize the Commandant of the Coast Guard to convey the real property comprising Coast Guard Light Station Two Harbors, located in Lake County, Minnesota, to the Lake County Historical Society; to the Committee on Transportation and Infrastructure.

By Mr. RIGGS:

H.R. 4099. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1999, 2000, 2001, 2002, and 2003, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCCOLLUM:

H.R. 4100. A bill to amend title 18, United States Code, with respect to the employment of Federal prisoners, and for other purposes; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 4101. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. FOX of Pennsylvania (for himself, Mr. NETHERCUTT, Ms. FURSE, Mr. MCNULTY, Mr. BALDACCI, Ms. LOFGREN, Ms. KILPATRICK, Mr. CUMMINGS, Mr. ROMERO-BARCELO, Mr. TOWNS, Mr. UNDERWOOD, Mr. FROST, Mr. FORBES, Mr. SANDERS, and Mr. PAPPAS):

H. Con. Res. 291. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to raise public awareness of diabetes and to promote public support for diabetes research; to the Committee on Government Reform and Oversight.

By Mr. CAMPBELL (for himself, Mr. PAYNE, and Mr. HASTINGS of Florida):

H. Con. Res. 292. Concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes; to the Committee on International Relations.

By Mr. DELAY:

H. Res. 480. A resolution expressing the sense of the House of Representatives concerning the assertion of protective function privilege; to the Committee on the Judiciary.

By Mr. WATTS of Oklahoma (for himself, Mr. BUNNING of Kentucky, and Mr. RYUN):

H. Res. 481. A resolution expressing the sense of the House of Representatives that professional sports leagues and the International Olympic Committee should help reinforce the unacceptability and harmfulness of illegal drug use by establishing clear guidelines and penalties, and that athletes using illegal drugs who do not identify the person who provided the illegal drugs and successfully complete a drug treatment program should be suspended from play for a minimum of one year without pay; to the Committee on Commerce, and in addition to the Committee on International Relations, 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.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. BARTLETT of Maryland.

H.R. 619: Mr. BORSKI, Mr. STOKES, Mr. EHLERS, Mr. DIAZ-BALART, and Mr. KIND of Wisconsin.

H.R. 1126: Mr. ENGEL, Mr. MORAN of Kansas, and Mr. ROHRABACHER.
H.R. 1146: Mrs. MYRICK.
H.R. 1231: Mr. PAPPAS.
H.R. 1234: Mr. BRADY of Pennsylvania and Ms. JACKSON-LEE.
H.R. 1334: Mr. SHAYS, Mr. SISISKY, Mr. KING of New York, and Mr. MCNULTY.
H.R. 1382: Mr. BROWN of California, Mr. LAFALCE, Mr. DOYLE, and Mr. SAWYER.
H.R. 1401: Ms. ROS-LEHTINEN.
H.R. 2023: Ms. MCCARTHY of Missouri.
H.R. 2110: Ms. WOOLSEY.
H.R. 2273: Mr. PASCRELL, Mr. OBERSTAR, Mr. LIVINGSTON, Mr. SCHUMER, Mr. GILMAN, Mr. SERRANO, and Mr. DOOLEY of California.
H.R. 2613: Mr. EHLERS and Mr. CLYBURN.
H.R. 2721: Mr. NEY.
H.R. 2819: Mr. WELLER and Mr. JEFFERSON.
H.R. 2826: Mr. ACKERMAN.
H.R. 3053: Mr. HILLIARD and Mr. HASTINGS of Florida.
H.R. 3101: Mr. KLECZKA.
H.R. 3248: Ms. CHRISTIAN-GREEN.
H.R. 3290: Mr. FOLEY, Mr. BERMAN, Mr. KUCINICH, Mr. FRELINGHUYSEN, Mr. QUINN, Mr. CAMP, and Mr. JEFFERSON.
H.R. 3342: Mr. KILDEE.
H.R. 3506: Mr. KENNEDY of Massachusetts, Mr. DIXON, Mr. WISE, Mr. BROWN of California, Mr. BENTSEN, and Mr. DAVIS of Florida.
H.R. 3572: Mrs. EMERSON, Mr. DOOLITTLE, Mr. KILDEE, Mr. WATTS of Oklahoma, Mr. BARCIA of Michigan, Mr. KLUG, Mr. LEWIS of Georgia, Mr. SKELTON, and Mr. CHRISTENSEN.
H.R. 3584: Mr. LUCAS of Oklahoma.
H.R. 3605: Mr. JEFFERSON and Ms. HOOLEY of Oregon.
H.R. 3637: Mr. ENGEL, Ms. KILPATRICK, Ms. NORTON, Mr. VENTO, Mr. SAWYER, Ms. MCKINNEY, and Mr. DAVIS of Illinois.
H.R. 3660: Mrs. THURMAN.
H.R. 3672: Mr. MANTON and Mr. KLECZKA.
H.R. 3720: Mr. SENSENBRENNER and Mr. PETERSON of Minnesota.
H.R. 3764: Mr. KENNEDY of Rhode Island, Ms. SLAUGHTER, Mr. BEREUTER, and Mr. LAMPSON.
H.R. 3810: Mr. PALLONE, Mr. SMITH of New Jersey, Mr. PAPPAS, Mr. ROTHMAN, Mr. FRELINGHUYSEN, Mr. MENENDEZ, and Mr. LOBIONDO.
H.R. 3865: Mr. HOBSON, Mr. PARKER, Mr. WOLF, Mr. DICKEY, Ms. DUNN of Washington, Mr. HULSHOF, Mr. MCCOLLUM, Mr. MICA, Mr. OXLEY, Mr. SHIMKUS, Mr. JONES, and Mr. COBLE.
H.R. 3870: Mr. REDMOND, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. PAPPAS, and Mr. SNOWBARGER.
H.R. 3879: Mr. LAHOOD and Mr. ROYCE.
H.R. 3888: Mr. BISHOP and Mr. CASTLE.
H.R. 3892: Mr. HILLEARY.
H.R. 3911: Mr. STARK and Ms. ESHOO.
H.R. 3925: Ms. WOOLSEY.
H.R. 3980: Mr. WATTS of Oklahoma.
H.R. 3995: Ms. LEE, Mr. COYNE, Mr. KENNEDY of Massachusetts, Mr. GEJDENSON, Mr. FROST, and Mrs. THURMAN.
H.R. 4005: Mr. MCCOLLUM.
H.R. 4018: Mr. MINGE, Mr. MORAN of Virginia, Mr. TIERNEY, Mr. KENNEDY of Massachusetts, Mr. MCDERMOTT, and Mr. GUTIERREZ.
H.R. 4019: Mr. BLUNT and Mr. HYDE.
H.R. 4032: Mr. HAYWORTH, Mr. LATOURETTE, and Mr. WAMP.
H.R. 4065: Mr. CANNON and Mr. MANZULLO.
H.R. 4066: Mr. PAYNE, Mr. PAPPAS, and Mr. HALL of Ohio.
H.R. 4075: Mr. GOODE.
H.J. Res. 123: Mr. SKEEN, Mr. MORAN of Kansas, Mr. HILL, Mr. SESSIONS, Ms. STABENOW, and Mr. SHIMKUS.
H. Con. Res. 27: Mr. BRADY of Pennsylvania and Mr. KLECZKA.
H. Con. Res. 210: Mr. FORD.
H. Con. Res. 224: Mr. SHAYS.
H. Con. Res. 254: Mr. WATTS of Oklahoma and Mr. SNYDER.
H. Con. Res. 268: Mr. ACKERMAN.
H. Con. Res. 288: Mr. ENGLISH of Pennsylvania, Mr. MICA, and Mr. ADERHOLT.
H. Con. Res. 290: Mrs. EMERSON, Mr. SMITH of Michigan, and Mr. KLUG.
H. Res. 37: Mr. ENGLISH of Pennsylvania.
H. Res. 171: Ms. JACKSON-LEE.
H. Res. 218: Mr. OWENS, Mr. ROMERO-BARCELÓ, Ms. DELAURO, Mr. COOK, Mr. KIND of Wisconsin, and Mr. LAMPSON.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. YATES on H. Res. 141: Glenn Poshard and David E. Bonior

Petition 4 by Ms. SLAUGHTER on H.R. 306: Pat Danner, Peter A. DeFazio, Thomas M. Barrett, Leonard L. Boswell, Eddie Bernice Johnson, Cynthia A. McKinney, Rod R. Blagojevich, Dennis J. Kucinich, Anna G. Eshoo, Zoe Lofgren, George Miller, Sam Farr, W.G. Bill Hefner, Sam Gejdenson, Barbara Lee, Vic Fazio, Carolyn B. Maloney, Marcy Kaptur, Carolyn C. Kilpatrick, Bruce F. Vento, Bob Clement, Elizabeth Furse, Maxine Waters, Dale E. Kildee, Jim McDermott, Bernard Sanders, Sheila Jackson-Lee, John Lewis, Sherrod Brown, James P. McGovern, Lloyd Doggett, Nick Lampson, Ted Strickland, Chet Edwards, Frank Pallone, Jr., Maurice D. Hinchey, Carrie P. Meek, Charles E. Schumer, Steny H. Hoyer, Eliot L. Engel, Patrick J. Kennedy, David E. Bonior, Ciro D. Rodriguez, Sander M. Levin, Lynn N. Rivers, and Lynn C. Woolsey.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

AG. APPROPS., FY 99

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 1: At the end of the title relating to ''GENERAL PROVISIONS'', insert the following new section:

SEC. . Section 538(f) of the Housing Act of 1949 (42 U.S.C. 1490p–2(f)) is amended by adding after and below paragraph (5) the following:

''The Secretary may not deny a guarantee under this section on the basis that the interest on the loan, or on an obligation supporting the loan, for which the guarantee is sought is exempt from inclusion in gross income for purposes of chapter 1 of the Internal Revenue Code of 1986.''.

H.R. 4060

OFFERED BY: MR. FOLEY

AMENDMENT NO. 1: Page 15, line 23, after the first dollar amount, insert the following: ''(reduced by $5,000,000)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, FRIDAY, JUNE 19, 1998 No. 81

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, as we approach this Father's Day weekend, we praise You that You are our Heavenly Father from whom we learn what true fatherhood really means. You exemplify the perfect blend of admonition and affirmation, discipline and nurture, encouragement and inspiration.

May this Father's Day be more than a celebration honoring fathers, but a day of calling fathers to their responsibility for the spiritual and character formation of their children. In this time of dropout dads and absentee fathers, when 21 million children in America live without a father in their homes, we ask You to instigate a father movement.

Bless the families of our land. Stir fathers who have abdicated their leadership. When fathers are silent about their faith, children miss the strength and courage of learning how to trust You with the ups and downs of life. We need a great spiritual awakening. Thank You for waking up the fathers of the land and for a Father's Day dedicated to the recovery of the role of strong fathers to love their wives and their children. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Tennessee, is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the Department of Defense authorization bill.

It is hoped that Members who wish to offer amendments to the defense bill will come to the floor during today's session to offer and debate their amendments under short time agreements.

The majority leader has announced that there will be no votes during today's session. Therefore, any votes ordered with respect to the DOD bill, or any other legislative or executive items, will be postponed to occur at a later date.

The leader would like to remind Members that the Independence Day recess is fast approaching and therefore the cooperation of all Members will be necessary to make progress on a number of important items, including appropriations bills, any available conference reports, the Higher Education Act, the DOD authorization bill, and any other legislative or executive items that may be cleared for action.

I thank my colleagues for their attention.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The PRESIDENT pro tempore. The clerk will report the unfinished business.

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 personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Feinstein amendment No. 2405, to express the sense of the Senate regarding the Indian nuclear tests.

Brownback amendment No. 2407 (to amendment No. 2405), to repeal a restriction on the provision of certain assistance and other transfers to Pakistan.

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

The PRESIDENT pro tempore. 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 (Mr. FRIST). Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I ask unanimous consent that the cost estimate for S. 2057 prepared by the Congressional Budget Office be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 9, 1998.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2057, the National Defense Authorization Act for Fiscal Year 1999.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JUNE 9, 1998

S. 2057: NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999, AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES ON MAY 11, 1998

SUMMARY

S. 2057 would authorize appropriations for 1999 for the military functions of the Department of Defense (DoD) and the Department of Energy (DOE). It also would prescribe personnel strengths for each active duty and selected reserve component of the U.S. armed forces. Assuming appropriation of the

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amounts authorized for 1999, CBO estimates that enacting S. 2057 would result in additional discretionary spending from 1999 appropriations of $269 billion over the 1999–2003 period, including $1.9 billion that would be designated as emergency funding. In addition, the bill contains provisions that would lower the cost of discretionary defense programs over the 2000–2003 period by about $4.8 billion.

The bill would affect direct spending through land conveyances, the sale of naval vessels, loss of receipts from the auction of the electromagnetic spectrum, changes to military retirement and survivor benefit programs, and other provisions. CBO estimates that the bill would raise direct spending by $71 million in 1999 and by $1.1 billion over the 1999–2003 period. It also would generate receipts from assets sales totaling $251 million in 1999. The combined effect would be to lower spending by $180 million in 1999 but raise it by $826 million over the 1999–2003 period. Because the bill would affect direct spending, pay-as-you-go procedures would apply.

S. 2057 would require some airlines to extend federal government rates to reservists traveling to and from their inactive duty stations. This requirement may be a private-sector mandate as defined by the Unfunded Mandates Reform Act (UMRA). However, the cost of this provision would be small, and well below the threshold established by UMRA. UMRA excludes from application of that act legislative provisions that are necessary for the national security. CBO has determined that all other provisions in S. 2057 either fit within this exclusion or do not contain intergovernmental mandates as defined by UMRA.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2057 is shown in Table 1, assuming that the bill will be enacted by October 1, 1998.

Authorizations of Appropriations

The bill would authorize specific appropriations totaling $273.5 billion in 1999 for military programs in DoD and DOE. The bill would authorize $271.6 billion for ongoing programs and $1.9 billion on an emergency basis to cover the incremental costs of operations in and around Bosnia and Herzegovina (see Table 2). These costs would fall within budget function 050 (national defense). The estimate assumes that the amounts authorized will be appropriated for 1999. Outlays are estimated based on historical spending patterns. In addition, S. 2057 would authorize specific appropriations for other budget functions: $117 million for the Naval Petroleum Reserve (function 270); $71 million for the Armed Forces Retirement Home (function 700).

The bill also contains provisions that would affect various costs, mostly for personnel, that would be covered by the fiscal year 1999 authorization and by authorizations in future years. Table 3 contains estimates of these amounts. In addition to the costs covered by the 1999 authorizations in the bill, these provisions would lower estimated costs by $4.8 billion over the 2000–2003 period. The following sections describe the estimated authorizations shown in Table 3 and provide information about CBO's cost estimates.

Endstrength

The bill would specifically authorize appropriations of $70.4 billion for military pay and allowances in 1999. Under the bill, the authorized endstrengths in 1999 for active-duty personnel and personnel in the Selected Reserve would total 1,395,780 and 877,094, respectively. Compared to the minimum endstrength level set in current law—1,431,379 active-duty personnel—the endstrength specified in S. 2057 would lower personnel costs by $1.5 billion to $1.7 billion annually.

Also the bill would authorize an endstrength of 8,000 in 1999 for the Coast Guard Reserve. This authorization would cost about $69 million and would fall under budget function 400, transportation.

Grade Structure. Section 415 would change the grade structure of active-duty personnel in support of the reserves. This change would not increase the overall endstrength, but would result in more promotions. The provision would cost about $3 million a year.

TABLE 1.—BUDGETARY IMPACT OF S. 2057 AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION ACTION						
Spending Under Current Law for Defense Programs:						
Budget Authority [1]	270,786	0	0	0	0	0
Estimated Outlays	269,058	91,071	33,952	15,117	6,586	3,047
Proposed Changes:						
Regular Authorizations:						
Authorization Level	0	271,867	0	0	0	0
Estimated Outlays	0	179,519	54,255	20,578	9,103	3,590
Emergency Authorizations:						
Authorization Level	0	1,859	0	0	0	0
Estimated Outlays	0	1,533	283	32	8	0
Spending Under S. 2057 for Defense Programs:						
Authorization Level [1]	270,786	273,726	0	0	0	0
Estimated Outlays	269,058	272,123	88,490	35,727	15,697	6,637
DIRECT SPENDING						
Estimated Budget Authority	0	71	74	264	508	160
Estimated Outlays	0	71	74	264	508	160
ASSET SALES [2]						
Estimated Budget Authority	0	−251	([3])	([3])	([3])	([3])
Estimated Outlays	0	−251	([3])	([3])	([3])	([3])

[1] The 1998 level is the amount appropriated for programs authorized by the bill.

[2] Under the Balanced Budget Act of 1997, proceeds from a nonroutine asset sale may be counted for purposes of pay-as-you-go scoring only if the sale would entail no net financial cost to the government. CBO estimates that the nonroutine asset sales that would result from enacting S. 2057 would generate a net savings to the government, and therefore that the proceeds would be counted for pay-as-you-go purposes.

[3] CBO does not have enough information to estimate the budgetary impact of land conveyances that would be authorized under S. 2057.

Note: Costs of the bill would fall under budget function 505 (national defense), except for certain other items as noted in the text.

TABLE 2.—SPECIFIC AUTHORIZATIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT, 1999, AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[By fiscal year, in millions of dollars]

Category	1999	2000	2001	2002	2003
Military Personnel:					
Authorization Level	70,434	0	0	0	0
Estimated Outlays	66,472	3,451	211	70	0
Operation and Maintenance:					
Authorization Level	94,314	0	0	0	0
Estimated Outlays	71,370	17,474	3,062	1,073	439
Procurement:					
Authorization Level	49,782	0	0	0	0
Estimated Outlays	11,601	14,107	12,469	6,446	2,586
Research, Development, Test, and Evaluation:					
Authorization Level	36,271	0	0	0	0
Estimated Outlays	18,882	13,306	2,730	689	241
Military Construction and Family Housing:					
Authorization Level	8,277	0	0	0	0
Estimated Outlays	2,630	2,536	1,497	795	255
Atomic Energy Defense Activities:					
Authorization Level	11,918	0	0	0	0
Estimated Outlays	7,893	3,266	615	48	48
Other Accounts:					
Authorization Level	802	0	0	0	0
Estimated Outlays	330	168	113	41	40
General Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	280	−60	−120	−60	−20
Subtotal—Regular Authorizations:					
Authorization Level	271,798	0	0	0	0
Estimated Outlays	179,457	54,248	20,578	9,103	3,590

TABLE 2.—SPECIFIC AUTHORIZATIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT, 1999, AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES—Continued

[By fiscal year, in millions of dollars]

Category	1999	2000	2001	2002	2003
Emergency Authorizations:					
Authorization Level	1,859	0	0	0	0
Estimated Outlays	1,533	283	32	8	0
Total:					
Authorization Level	273,657	0	0	0	0
Estimated Outlays	180,990	54,531	20,610	9,111	3,590

TABLE 3.—ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 2057 AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[By fiscal year, in millions of dollars]

Category	1999	2000	2001	2002	2003
Endstrengths:					
Department of Defense:					
Estimated Authorization Level	−1,485	−1,537	−1,595	−1,647	−1,700
Estimated Outlays	−1,402	−1,524	−1,585	−1,639	−1,690
Coast Guard Reserve:					
Estimated Authorization Level	69	0	0	0	0
Estimated Outlays	62	7	0	0	0
Grade Structure:					
Estimated Authorization Level	3	3	3	3	3
Estimated Outlays	3	3	3	3	3
Compensation and Benefits (DoD):					
Military Pay Raise in 1999:					
Estimated Authorization Level	6	6	6	6	6
Estimated Outlays	6	6	6	6	6
Expiring Bonuses and Allowances:					
Enlistment/reenlistment Bonuses (Active):					
Estimated Authorization Level	0	43	13	12	9
Estimated Outlays	0	41	15	12	9
Aviation and Nuclear Special Pay:					
Estimated Authorization Level	0	23	8	8	7
Estimated Outlays	0	21	9	8	7
Various Bonuses (Reserve):					
Estimated Authorization Level	0	14	11	8	4
Estimated Outlays	0	13	12	9	4
Special Pay for Nurses:					
Estimated Authorization Level	0	3	0	0	0
Estimated Outlays	0	3	0	0	0
Voluntary Separation/Early Retirement:					
Estimated Authorization Level	0	160	160	160	160
Estimated Outlays	0	155	160	160	160
Benefits for Involuntary Separations:					
Estimated Authorization Level	0	40	40	40	40
Estimated Outlays	0	38	40	40	40
Recruiting Incentives:					
Estimated Authorization Level	32	28	22	20	20
Estimated Outlays	32	28	22	20	20
Termination of Survivor Premiums:					
Estimated Authorization Level	21	22	22	23	23
Estimated Outlays	21	22	22	23	23
Changes in Reenlistment Bonuses:					
Estimated Authorization Level	10	6	4	4	2
Estimated Outlays	10	6	4	4	2
Education Loan Repayment:					
Estimated Authorization Level	10	10	5	0	0
Estimated Outlays	10	10	5	0	0
Incentive Payments to Civilian Employees:					
Estimated Authorization Level	0	42	41	154	125
Estimated Outlays	0	42	41	154	125
Health Care Provisions:					
Estimated Authorization Level	14	25	26	27	5
Estimated Outlays	14	25	26	27	5
Long-Term Charter of a Naval Vessel:					
Estimated Authorization Level	77	24	0	0	0
Estimated Outlays	4	10	11	10	11
Limitation of Price Preference for SDBs:					
Estimated Authorization Level	−8	−8	−8	−9	−9
Estimated Outlays	−8	−8	−8	−9	−9
Other Provisions:					
Estimated Authorization Level	5	5	9	6	5
Estimated Outlays	5	5	9	6	5
Total Authorization of Appropriations:					
Estimated Authorization Level	−1,246	−1,091	−1,233	−1,185	−1,300
Estimated Outlays	−1,243	−1,097	−1,208	−1,116	−1,279

Note: For every item in this table except one, the 1999 impacts are included in the amounts specifically authorized to be appropriated in the bill. Those amounts are shown in Table 2. Only the authorization of endstrength for the Coast Guard Reserve is additive to the amounts in Table 2.

Compensation and Benefits

S. 2057 contains several provisions that would affect military compensation and benefits.

Pay Raises. Section 601 would raise basic pay by 3.1 percent or $1.2 billion in 1999. Because the pay raise would be the same as under current law, section 601 would have no incremental costs. Section 602 would increase the pay rates for cadets and midshipmen at the service academies. The incremental cost of this provision would be $6 million annually.

Expiring Bonuses and Allowances. Several sections would extend for three months DoD's authority to pay certain bonuses and allowances to current personnel. The authority is scheduled to expire at the end of fiscal year 1999, but in some cases renewing authorities for even brief periods results in costs over several years because payments are made in installments. CBO estimates that payment of enlistment and reenlistment bonuses for active duty personnel would cost $43 million in fiscal year 2000. The cost of extending special payments for aviators and nuclear-qualified personnel would be $23 million in 2000. Payment authorities for various bonuses for the Selected and Ready Reserve would total $14 million in 2000. We estimate that authorities to make special payments to nurse officer candidates, registered nurses, and nurse anesthetists would cost $3 million in 2000. The estimated cost of all these bonuses and allowances is $163 million over the 2000–2003 period.

Voluntary Separation Benefits and Early Retirement. Section 522 would extend for four years DoD's authority to separate personnel by paying voluntary separation benefits and offering early retirement. Because DoD has made relatively little use of the voluntary separation benefit in recent years, CBO estimates the cost of extending that authority would be less than $10 million a year. However, recent experience indicates that early retirement incentives may be used more often. CBO estimates that DoD would spend about $150 million annually to cover the costs of extending an option to retire early.

Benefits for Involuntary Separations. Section 522 would also extend for four years transitional benefits for former military personnel who have left service involuntarily. These benefits include travel and transportation allowances, payments for storing household goods, and access to health care, commissaries, and family housing. CBO estimates that costs for extending these benefits would total $40 million a year starting in 2000.

Recruiting Incentives. The bill would change restrictions governing two recruiting incentives that would be extended through January 1, 2000. Section 616 would increase the maximum enlistment bonus in the Army from $4,000 to $6,000 for individuals who enlist for three years and score 50 or above on the Armed Forces Qualification Test. Based on current recruitment goals, CBO estimates that costs for enlistment bonuses would increase by $4 million in 1999 and about $2 million in 2000. Under current law, enlistees cannot receive both the college fund benefits and an enlistment bonus. Section 619 would also allow certain enlistees to receive both recruitment incentives, which CBO estimates would cost $8 million in 1999, $6 million in 2000, and $2 million in 2001.

In addition, the maximum benefit from the military college funds under section 618 would increase in 1999 from $40,000 to $50,000, at an estimated cost to the military pay accounts of $20 million a year.

Termination of Premiums for Survivor Benefits. Under section 631 a military retiree participating in the Survivor Benefit Plan (SBP) would stop paying premiums after paying them for 30 years and reaching 70 years of age. This provision would increase the payment that DoD makes to the Military Retirement Trust Fund for accruing retirement benefits. CBO estimates that those costs would average about $22 million a year over the first several years. The provision would also lead to increases in direct spending as discussed below.

Changes in Reenlistment Bonus Eligibility. The services extend reenlistment bonuses to personnel in specialities characterized by inadequate manning, low retention, and high replacement costs. The maximum bonus payment under current law is $45,000, but no more than ten percent of the bonuses can exceed $20,000. Section 615 would remove the ten percent restriction and allow the services to extend reenlistment bonuses to reserve members performing active guard and reserve duty. CBO estimates that these changes would cost about $10 million in 1999 and $26 million over the 1999–2003 period.

Caps on Education Loan Repayment. The bill would increase the authorized caps on loans that DoD may repay for health professionals serving in the Selected Reserve and who have critical skills. The repayment caps would increase from $3,000 per year and $20,000 in total to $20,000 and $50,000, respectively. The provision would cost an estimated $10 million in 1999 and $25 million over the 1999–2003 period.

Incentive Payments to Civilian Employees

CBO estimates that together sections 1103 and 1104 would raise discretionary costs by $362 million and direct spending by $343 million over the 1999–2003 period. Section 1103 would extend DoD's authority to offer incentive payments to civilian employees who voluntarily retire or resign. This authority, currently scheduled to expire at the end of fiscal year 2001, would be extended through fiscal year 2003. Section 1104 would authorize DoD to target offers of early retirement to specific groups of employees. DoD frequently offers incentive payments and early retirement to the same employees, and has found that the two methods are more effective when used together.

As a result, the net impact of enacting both sections 1103 and 1104, on both DoD workforce reductions and the budget, is greater than the individual impact of each provision.

Based on information provided by DoD and the Office of Personnel Management (OPM), CBO estimates that section 1103 would increase discretionary spending by $244 million in 2002 and 2003. Section 1104 would increase discretionary costs by $76 million between 2000 and 2003. If both provisions were enacted, discretionary spending would increase by an additional $42 million in 2002 and 2003. These costs reflect additional incentive payments and deposits to the Civil Service Trust Fund that DoD would be required to make for each employee who accepts an incentive payment. These figures also incorporate savings that DoD would realize due to lower spending on severance payments associated with involuntary separations. Additional information about the budgetary impact of these provisions is provided below in the discussion of impacts on direct spending.

Military Health Care Programs and Benefits

Title VII contains several provisions that would affect health care programs and benefits although only a few would have a budgetary impact.

Demonstration Projects. Section 707 would require DoD to establish three demonstration projects involving health benefits for certain beneficiaries who are eligible for Medicare and who live 40 miles or more from a military treatment facility (MTF), a so-called catchment area. Specifically, one project would offer mail-order pharmacy benefits; another would offer Tricare as supplemental coverage to Medicare; and a third would offer supplemental coverage under the Federal Employee Health Benefits Program (FEHBP). The bill would cap DoD's costs at $60 million a year for the term of the demonstrations. The budgetary impact of section 707 would include both an increase in spending subject to appropriation and direct spending.

CBO estimates that DoD would spend $14 million in 1999 and $104 million over the 1999–2003 period for the demonstrations of providing mail-order pharmacy benefits and Tricare coverage as a supplement to Medicare. Those costs would be subject to appropriation. (The direct spending costs of the third demonstration are discussed below with other provisions affecting direct spending.) The estimate assumes that 11,000 beneficiaries eligible for Medicare reside in each of six demonstration sites, based on the average number of such individuals living outside catchment areas. This estimate assumes DoD would offer benefits under each project to roughly the same number of beneficiaries. (Thus, DoD's spending on each project would depend on the per capita cost of the benefits offered.) Alternatively, DoD could design the demonstration to spend roughly the same amount on each project. If this were the case, DoD would spend roughly $40 million annually on these two projects.

Dependents' Dental Premiums. Under current law, participating dependents of active-duty personnel must pay part of the premium for dental care coverage, but the amount is capped at $20 per month per family. Section 701 would allow DoD to adjust the participants' premiums by the military pay raise. CBO estimates that this provision would reduce DoD's costs by a negligible amount in 1999 but that savings would increase by about $500,000 annually thereafter, totaling $6 million over the 1999–2002 period.

Automatic Enrollment and Reenrollment in Tricare Prime. Under current law, if dependents of active-duty personnel want to join Tricare Prime, they must enroll each year. Enrollees can choose either military or civilian primary care providers or they may be assigned to civilian providers if an MTF reaches its enrollment capacity. Section 703 would provide that dependents of members in grades E–4 or below who live outside a catchment area be automatically enrolled in Tricare Prime at the MTF. They would remain enrolled at the MTF until they elect to disenroll or become ineligible for coverage.

Although automatic enrollment could encourage some dependents who do not currently rely on military health care to join Tricare, CBO believes that the costs to DoD would be negligible because nearly all dependents of members in grades E–4 and below already use the military health system. But, if automatic enrollment encourages current participants in Tricare Extra and Tricare Standard to get care from the MTFs instead, then DoD would incur more costs in its direct care system. However, only a small part of this population would be likely to change providers based solely on automatic enrollment, and because Tricare contractors would experience lower health care costs from shifts to the MTFs, at least some of DoD's extra costs would be offset by adjustments to the price of the managed care contracts.

Authority to Provide Tricare Coverage. Under current law beneficiaries lose eligibility for Tircare once they are eligible for Medicare. Section 704 would allow DoD to extend Tricare eligibility through June 30, 1999, for certain beneficiaries who have become eligible for Medicare because of a disability but who have not enrolled in Medicare Part B. CBO estimates that DoD would spend about $3 million in health care costs for these individuals, based on information from DoD on the number of affected beneficiaries. Information from DoD suggests that its has been willing to pay these expenses even though current law does not require it. Thus, assuming that DoD would continue to pay these costs under current law, this provision would have no net budgetary impact.

Long-Term Charter of Naval Vessels

Section 1012 would authorize the Secretary of the Navy to charter three vessels in support of submarine rescue, escort, and towing. Two of the vessels would be leased through 2005 and a third vessel would be leased through 2012. The charter would be a capital lease that would cost about $101 million through 2003. Because two charters would begin in 1999 and the third would begin in 2000, the estimated authorizations is counted in those two years. The estimate is based on information provided by the Navy and the owner of the vessels.

Limitation of the Price Preference for SDBs

Under current law, DoD may enter into contracts with small disadvantaged businesses (SDBs) to pay prices that exceed the fair market price in order to facilitate awarding at least five percent of its contracts to SDBs. Section 803 would deny that authority except when DoD failed to reach that goal in the preceding fiscal year. Information from DoD suggests that contracts awarded to SDBs in recent years have exceeded the goal and have resulted in annual price premiums totaling between $7.5 million and $10 million. On this basis, CBO estimates that section 803 would save $8 million a year.

Other Provisions.

The bill contains several other provisions that would have a budgetary impact totaling about $5 million annually.

DARPA Personnel Management. Section 1105 would authorize the Secretary of defense to appoint not more than 20 eminent experts in science and engineering to work in research and development projects administered by the Defense Advanced Research Projects Agency (DARPA). The authorization would extend over the five-year period beginning on the date of the enactment S. 2057. CBO estimates that implementing section 1105 would cost $3 million a year over the 1999–2003 period.

Pay Increase for Safety Personnel at Defense Nuclear Facilities. Under current law, the salary of safety personnel at defense nuclear facilities may not exceed the rate of pay or Level IV of the Executive Schedule. Section 3142 would change that limit to Level III, an

increase of about $7,500 per person per year. CBO estimates that this provision would raise DOE's personnel costs by less than $2 million a year for about 200 individuals.

National Defense Panel. Section 905 would authorize the Secretary of Defense to establish a National Defense Panel in 2001 and every four years there after to recommend a 10– and 20-year defense plan. The panel would consist of a chairman and eight other individuals from the private sector who are recognized experts in national security matters. The chairman would have the authority to hire an executive director and staff. CBO estimates that implementing section 905 would cost $4 million in 2001 and $1 million in 2002.

Reductions in Headquarters Staff. Section 904 would require the Secretary of Defense to reduce staffing in headquarters and various DoD agencies by the end of fiscal year 2003. Because total military personnel are determined by end strength requirements, CBO assumes that the provision would mainly affect civilian employees. Starting from the employment level of October 1, 1996, section 904 would require the elimination of approximately 33,000 civilian positions at estimated annual savings of about $2.1 billion once the reduction is fully accomplished. Because such reductions are occurring under current law, CBO does not estimate additional savings under section 904.

Director Spending and Asset Sales

S. 2057 contains several provisions that would affect direct spending and asset sales. As shown in Table 4, the bill would raise direct spending by $71 million in 1999 and $1,077 million over the 1999–2003 period. CBO estimates that it would raise receipts from asset sales by about $251 million in 1999.

Forgone Spectrum Receipts.

CBO estimates that the provisions in section 1062 regarding licenses for the use of the electromagnetic spectrum would result in a loss of offsetting receipts that could range from a few hundred million to several billion dollars over the 1999–2003 period. Existing law requires the transfer of certain frequencies from federal to nonfederal jurisdiction, and the subsequent assignment of licenses to use those frequencies to private entities through auctions conducted by the Federal Communications Commission (FCC). Under current law, the costs of relocating federal users are a federal responsibility and would be financed during appropriated funds. Under this bill, nonfederal entities would be obligated to compensate federal agencies in advance for costs incurred to relocate out of the portion of the spectrum being licensed for commercial use. Agency spending of the receipts collected from the licensees would be subject to appropriation.

The provisions in section 1062 could apply to spectrum auctions that are projected to generate about $9 billion in receipts over the 1999–2003 period under current law. Obligating prospective bidders to pay the relocation costs associated with specific licenses would significantly depress interest in many, if not most, of those auctions. For example, recent reports have suggested that relocating certain DoD functions could cost an average of about 20 cents per megahertz per person, which is more than half the average price received in 1997 for wireless telecommunications licenses (the D, E, and F block auctions). Consequently, CBO estimates that offsetting receipts from spectrum licenses would be 5 percent to 10 percent lower than under current law because of the uncertainty associated with the added liability to the prospective licenses. In addition, CBO expects that the FCC would not receive bids for some portions of the spectrum because the projected cost of relocating federal users out of certain spectrum would likely exceed the market value of some licenses. As a result, we estimate that enacting section 1062 would reduce offsetting receipts by a total of $800 million over the next five years. The loss of receipts could be significantly higher, depending on the extent to which bidders lack confidence in the estimates of their liability for relocation costs. Finally, CBO anticipates that some auctions would be postponed to allow time for federal agencies to finalize cost estimates and develop procedures for releasing information to bidders. Such delays would reduce auction receipts in 1999 but would have no significant net effect over time.

TABLE 4.—DIRECT SPENDING AND ASSET SALES IN S. 2057

[By fiscal year, budget authority and outlays in millions of dollars]

Category	1999	2000	2001	2002	2003
DIRECT SPENDING					
Forgone Spectrum Receipts	100	75	200	400	25
Incentive Payments to Civilian Employees:					
Section 1103 incentives	0	0	0	−9	24
Section 1104 incentives	0	10	64	99	75
Interactive effects	0	0	0	15	65
Subtotal	0	10	64	105	164
Premiums for Survivor Benefits	−5	−5	−5	−5	−5
FEHB Demonstration Project	3	30	41	44	12
Spending of Travel Rebates	2	2	2	2	2
Leases of Naval Vessels	−29	−38	−38	−38	−38
Land Conveyance Spending	(1)	(1)	(1)	(1)	(1)
Total Direct Spending	71	74	264	508	160
ASSET SALES [2]					
Sale of Naval Vessels	−151	0	0	0	0
Stockpile Sales	−100	0	0	0	0
Land Conveyances	(3)	(3)	(3)	(3)	(3)
Total Asset Sales	−251	(3)	(3)	(3)	(3)
DIRECT SPENDING AND ASSET SALES					
Total	−180	74	264	508	160

[1] CBO does not have enough information to estimate the direct spending from land conveyances in S. 2057. Some provisions would authorize spending from the proceeds of certain asset sales, and although proceeds and spending would cancel each other over time they would not do so on a yearly basis. Another provision would authorize a sale with payment delayed for 10 years; that provision would have a subsidy cost under credit reform.

[2] Under the Balanced Budget Act of 1997, proceeds from a nonroutine asset sale may be counted for purposes of pay-as-you-go scoring only if the sale would entail no net financial cost to the government. CBO estimates that the nonroutine asset sales that would result from enacting S. 2057 would generate a net savings to the government, and therefore that the proceeds would be counted for pay-as-you-go purposes.

[3] CBO does not have enough information to estimate the budgetary impact of land conveyances that would be authorized under S. 2057.

Incentive Payments to Civilian Employees

In addition to their impact on discretionary spending (discussed above), sections 1103 and 1104 of the bill would affect direct spending. Enacting both sections 1103 and 1104 would increase the number of employees taking incentive payments and retiring early in 2002 and 2003, and the budgetary impact of the two provisions taken together is greater than their separate impacts. CBO estimates that sections 1103 and 1104 would raise direct spending by about $343 million (in budget functions 600 and 950) over the 1999–2003 period.

Section 1103. This provision would allow DoD to offer incentive payments to employees who voluntarily retire or resign in fiscal years 2002 and 2003. These payments would induce some employees to retire—and begin receiving federal retirement benefits—earlier than they would otherwise. These additional benefit payments represent direct spending. In later years, annual federal retirement outlays would be lower than under current law because employees who retire earlier would receive a smaller annuity. By itself, section 1103 would increase net direct spending by a total of $15 million in 2002 and 2003.

Based on information from DoD, CBO estimates that about 7,900 employees would accept incentive payments in 2002 and 2003 (see Table 5). CBO assumes that about 60 percent of these employees would retire at the same time under current law; the rest would be induced to retire one to two years early. As a result, CBO estimates that spending on federal retirement benefits would increase by $76 million during the 2002–2003 period. In later years, annual spending on retirement benefits would decrease by about $15 million relative to current law.

DoD would be required to make a deposit to the Civil Service Trust Fund equal to 15 percent of final pay for each employee who accepts an incentive payment. CBO estimates that these deposits would be about $7,700 per employee and would increase deposits received by the trust fund by $61 million in 2002–2003.

Section 1104. Federal agencies that are undergoing a major reorganization or reduction in force may, with the approval of the OPM, offer their employees retirement benefits earlier than would normally be allowed. OPM and agencies have traditionally used a number of criteria to target offers of early retirement to particular groups of employees and thus address agencies' specific personnel needs. In September 1997, the Court of Appeals for the District of Columbia in Torres v. OPM struck down many of these criteria, ruling that OPM lacked the necessary statutory authority. The recent supplemental appropriations bill (Public Law 105–174) granted OPM the necessary authority, but only through fiscal year 1999. Section 1104 would permanently codify the previous practice for

DoD and, in the absence of section 1103, would increase direct spending by $248 million over the 2000–2003 period.

TABLE 5.—ESTIMATED NUMBER OF CIVILIAN EMPLOYEES OF DOD WHO WOULD RECEIVE INCENTIVE PAYMENTS AND TAKE EARLY RETIREMENT UNDER SECTIONS 1103 AND 1104

[Number of employees receiving each benefit]

	1999	2000	2001	2002	2003
CHANGES UNDER SECTION 1103					
Incentive Payments	0	0	0	4,300	3,600
Early Retirement	0	0	0	200	200
CHANGES UNDER SECTION 1104					
Incentive Payments	0	2,300	2,300	0	0
Early Retirement	0	2,500	2,500	200	200
CHANGES BASED ON INTERACTIONS					
Incentive Payments	0	0	0	1,700	1,400
Early Retirement	0	0	0	1,300	1,200
TOTAL UNDER S. 2057					
Incentive Payments	0	2,300	2,300	6,000	5,000
Early Retirement	0	2,500	2,500	1,700	1,600

Note: According to information from DoD, it plans to reduce its civilian workforce by 23,000 in 1999; 28,000 in 2000; 32,000 in 2001; 13,000 in 2002; and 12,000 in 2003. The CBO estimate of the number of employees receiving incentive payments and early retirements is also based on information from DoD. Because some individuals would receive both benefits, the figures are not additive.

Based on information from DoD and OPM, CBO believes that the *Torres* decision will lead agencies to sharply curtail their use of early retirement. Applications since the *Torres* decision indicate that the number of DoD employees projected to take early retirement are about 30 percent of pre-*Torres* levels. Without a change in law, DoD will have to rely more heavily on involuntary separations in order to reach its workforce reduction goals from 2000 to 2003. However, some employees who would have taken early retirement before the *Torres* decision will avoid the involuntary separations and continue working until taking regular retirement in later years. Because these employees will receive a higher annuity than they would have by retiring early, long-term spending on federal retirement benefits should increase in the wake of the *Torres* decision.

CBO estimates that section 1104 would increase the number of DoD employees taking early retirement in 2000 and 2001 by 5,000, and in 2002 and 2003 by about 400. The increase projected for 2002 and 2003 is much smaller because DoD does not currently have authority to offer incentive payments in those years. Moreover, DoD's workforce reduction targets for 2002 and 2003 are smaller than those for 2000 and 2001. The increase in early retirements would raise spending on federal retirement benefits by $289 million between 2000 and 2003. But by 2008, spending on benefits would be $40 million lower than under current law.

CBO also estimates that many of the 5,000 additional early retirees in 2000 and 2001 would accept incentive payments. For these employees, DoD would make $41 million in additional deposits to the Civil Service Trust Fund.

Interaction Between Sections. DoD frequently offers incentive payments and early retirement to the same employees, and has found that the two methods are more effective when used together. As a result, the net impact of enacting both sections 1103 and 1104, on DoD workforce reductions and the budget, is greater than the individual impact of each provision. CBO estimates that enactment of both sections would result in an additional 3,100 employees taking incentive payments and an extra 2,500 employees taking early retirement in 2002 and 2003. CBO estimates that taken together the provisions would raise direct spending by about $343 million over the 2000–2003 period or about $80 million more than if they had no interaction.

Termination of Premiums for Survivor Benefits

Under section 631, a military retiree participating in the Survivor Benefit Plan (SBP) would stop paying premiums after paying them for 30 years and reaching 70 years of age. Because the bill would specify October 1, 2003, as the effective date, no costs would be incurred until that time. However, CBO estimates that some individuals who would stop participating in SBP under current law would continue to pay premiums under section 631. Thus, CBO estimates that the government would collect additional premiums of about $5 million a year until 2004 when costs would more than offset the additional receipts. Direct spending costs (in budget function 600) would be about $59 million in 2004 and would reach about $120 million in 2008. Net costs would continue to increase after 2008 before leveling off.

Demonstration Projects for Medicare-Eligible Military Retirees

Section 707 would require DoD to establish three demonstration projects to offer certain health benefits to military beneficiaries who are also eligible for Medicare. Two of the projects would raise direct spending by a total of $3 million in 1999 and $130 million over the 1999–2003 period.

CBO estimates that the project that would allow coverage under the FEHB program would raise direct spending by $103 million from 2000 through 2003. This estimate assumes that DoD offers enrollment to 22,000 individuals residing in two catchment areas and that 70 percent of them would join the program. Most of the increase in direct spending would be DoD's payment of the government contribution toward the FEHB premium. A small portion of the direct spending increase would be higher expenditures in the Medicare program because beneficiaries who acquire supplemental health coverage tend to use more Medicare services overall. CBO estimates that Medicare expenditures (in budget function 570) would rise by $22 million over the 1999–2003 period. There would be no budgetary impact in 1999 from this project because the FEHB project would begin on January 1, 2000, and end on December 31, 2003.

CBO believes that the demonstration project offering Tricare supplemental coverage would also increase Medicare spending. To the extent that this benefit covers most or all of the Medicare deductibles and copayments, spending in the Medicare program would rise for the participants who acquire supplemental coverage through this project. Assuming that if the Tricare supplemental is like the most commonly purchased commercial Medigap plan, which covers the Medicare inpatient deductible and outpatient copayments, then Medicare spending would rise by about $3 million in 1999 and $26 million over the 1999–2003 period.

Spending From Rebates

Section 802 would give DoD the authority to spend rebates it receives from travel agencies under contracts with the department. Under current law, DoD is prevented from spending receipts that stem from certain contracts or that are credited to an appropriation that has lapsed. By allowing such funds to be spent, CBO estimates that section 802 would increase outlays by about $2 million a year.

Leases and Sales of Naval Vessels

Section 1013 would authorize the transfer of 22 naval vessels to foreign countries: six by grant, eleven by sale, and five by lease or sale. CBO estimates the transfer would increase offsetting receipts by $332 million over the 1999–2003 period—$151 million from the sale of ships and $181 million in lease payments. The estimate assumes the five ships authorized for transfer by sale or lease will be leased for five years, with quarterly payments beginning in the second quarter of fiscal year 1999.

Stockpile Sales

The bill would authorize DoD to sell several materials contained in the National Defense Stockpile to achieve receipts totaling $100 million in 1999. CBO estimates that DoD would be able to sell the materials authorized for disposal and raise the receipts required by the bill.

Land Conveyances

The bill contains several provisions that would convey land to nonfederal entities. CBO cannot estimate the aggregate budgetary impact because DoD has not assessed the market value of all the affected properties.

Section 2821 would authorize the sale of about 5,000 acres to the Indiana Reuse Authority and section 2823 would convey about 1,000 acres to Hamilton County, Tennessee. In each case, payment would occur 10 years after the land was transferred. The delayed payment would represent loans by the United States under procedures established by the Federal Credit Reform Act of 1990. The budgetary impact would be the difference between the sale price and the subsidy cost. However, because DoD does not know the market value of the land, CBO cannot estimate the budgetary effects.

Sections 2821 and 2823 also would grant the Secretary of the Army authority to accept and spend reimbursements from local authorities for administrative expenses incurred during the conveyances. Because receipts and spending would offset each other, this authority would have no net budgetary impact.

Other sections would either authorize DoD to give or sell parcels of property that GSA might sell under this disposal procedures. CBO estimates that these sections would not have a significant budgetary impact.

Other Provisions

The following provisions would have an insignificant budgetary impact:

Section 313 would allow DoD to collect landing fees for the use of military airfields by civil aircraft and to use the fees to fund the operation and maintenance of the airfields during fiscal years 1999 and 2000.

Section 511 would allow National Guard officers to compute their time-in-grade for retirement purposes from the date they are confirmed by the Senate.

Section 512 would allow reserve generals and flag officers who are involuntarily transferred from active status to retire at a higher grade if they have served two years, instead of three years, at that grade.

Section 522 would allow a limited number of reserve commissioned officers who retire voluntarily to retire at a higher grade if they have served two years, instead of three years, at that grade.

Section 632 would require certain retirees to begin paying premiums under the Survivor Benefit Plan the month following a court order.

Title XXXV would authorize the Panama Canal Commission (PCC) to solicit and accept donations of funds, property, and services from nonfederal sources for the purpose of carrying out promotion activities. This provision would have no net effect on direct spending because any new offsetting collections would be deposited into the FCC's revolving fund, from which they would be spent without further appropriation.

Section 1052 would allow the superintendents of the military academies to receive and spend funds awarded from research grants.

Section 1054 would allow DoD to spend reimbursements from companies that damage personal property during shipping if DoD has reimbursed the owners of the property.

Section 1056 would allow military historical centers to spend the amounts they collect as fees for providing information to the public.

Section 1061 would increase the amount of funding that would be derived from fees and spent for a program to commemorate the 50th anniversary of the Korean War.

Title XXIX, the Juniper Butte Range Land Withdrawal Act, would reserve approximately 12,000 acres of public land in Owyhee County, Idaho, for use by the Secretary of the Air Force for training and other defense-related purposes. Implementing title XXIX could lead to a decreased in offsetting receipts from grazing on federal lands, but because implementation would depend on appropriation action, CBO estimates that enactment of title XXIX would not, by itself, affect direct spending or receipts.

PAY-AS-YOU-GO CONSIDERATIONS

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending on receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Changes in outlays	0	−180	74	264	508	160	253	174	119	90	45
Changes in receipts	Not applicable										

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

The Unfunded Mandates Reform Act of 1995 (UMRA) excludes from application of that act legislative provisions that are necessary for the national security. CBO has determined that the provisions in S. 2057 either fit within this exclusion or do not contain intergovernmental mandates as defined by UMRA.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

One provision of S. 2057 could impose a new private-sector mandate. Section 623 of title VI would require airlines and other common carriers under contract with the General Services Administration to provide transportation at the contracted federal government rate to reservists traveling to and from their inactive duty training station. To the extent that the contracted government rate is lower than available commercial rates, this provision would reduce carriers' revenues and income. About 700,000 reservists are required to participate in monthly drills and annual training. The annual cost of this provision would be well below the $100 million threshold set by UMRA, since most reservists travel to their training bases by private automobile rather than by common carrier. Furthermore, once the General Services Administration renegotiates its service agreements with the carriers, this provision would become a standard condition of the contract that the carriers accept, and would therefore no longer constitute a private-sector mandate.

PREVIOUS CBO ESTIMATE

On May 12, 1998, CBO prepared a cost estimate for H.R. 3616, the National Defense Authorization Act for Fiscal year 1999, as ordered reported by the House Committee on National Security.

Estimate prepared by:

Federal Cost: The estimates for defense programs were prepared by Valerie Barton (military retirement), Shawn Bishop (health programs), Kent Christensen (military construction and other defense), Jeannette Deshong (military and civilian personnel), Raymond Hall (procurement, RDT&E, stockpile sales, and atomic energy defense activities), Dawn Sauter (operation and maintenance), and Joseph C. Whitehill (sale of naval vessels). They can be reached at 226–2840.

Eric Rollins prepared the estimates for incentive payments to civilian employees (sections 1103 and 1104). He can be reached at 226–2820.

Kathy Gramp prepared the estimates of forgone receipts from auctioning the electromagnetic spectrum. Victoria. V. Heid prepared the estimate for the withdrawal of the Juniper Butte Range Lands, and Deborah Reis prepared the estimate for the Panama Canal Commission. They can be reached at 226–2860.

Impact on State, Local, and Tribal Governments: Leo Lex (225–3220).

Impact on the Private Sector: R. William Thomas (226–2900).

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. THURMOND. Mr. President, I ask unanimous consent that Senate floor privileges be granted to staff members of the Armed Services Committee during the pendency of S. 2057, the National Defense Authorization Act for Fiscal Year 1999, for today and each day the measure is pending before the Senate and for the rollcall votes thereon:

Les Brownlee, Staff Director; George Lauffer, Deputy Staff Director; Scott Stucky, General Counsel; David Lyles, Minority Staff Director; and Peter Levine, Minority Counsel.

Charlies Abell, John R. Barnes, Stuart H. Cain, Lucia Monica Chavez, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn D. DeBobes, John DeCrosta, and Marie F. Dickinson.

Keaverny Donovan, Shawn H. Edwards, Jonathan L. Etherton, Pamela L. Farrell, Richard W. Fieldhouse, Maria A. Finley, Jan Gordon, Greighton Greene, Gary M. Hall, and 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, and John H. Miller.

Ann M. Mittermeyer, Bert K. Mizusawa, Cindy Pearson, Sharen E. Reaves, Moultrie D. Roberts, Cord A. Sterling, Eric H. Thoemmes, Roslyne D. Turner, and D. Banks Willis.

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

Mr. THURMOND. Mr. President, today the Senate is back to consider S. 2057, the National Defense Authorization Act for Fiscal Year 1999. I am hopeful that we will be able to finish the floor action on this bill quickly, and I am looking forward to the floor debate.

Mr. President, this bill is an important piece of legislation that enhances our national security. The Armed Services Committee has reported a sound bill which provides a 3.1 percent pay raise for the uniformed services, restores appropriate funding levels for the construction and maintenance of both bachelor and family housing, and increases investment in future modernization to ensure that the Department of Defense can leverage advances in technology and maintain our future force readiness.

This bill recommends a number of policy initiatives and spending increases which improve the readiness of the reserve forces and permit greater use of the expertise and capabilities of the reserve components.

Under the budget agreement, we have not added funds to the defense budget this year. However, as I stated when the Budget Resolution was on the floor, I believe that we are not providing adequate funds for defense and that we must reverse this negative spending trend.

Mr. President, as a result of the budget agreement reached last year, non defense discretionary spending received significant increases while defense continued its downward spending

trends—not even keeping pace with inflation. During the fiscal year 1998 appropriations process, the national security appropriations bill had the lowest percentage increase from fiscal year 1997 funding level than any of the other appropriations bills. In fact, military construction appropriations had a negative 6.2 percent change over the fiscal year 1997 funding levels, making funding for national defense grow at one-fifth the rate of domestic spending increases.

Since the end of the Cold War, the active military end strength has been reduced from 2.2 million men and women to a little over 1.4 million. Annual defense spending continues to decline from a level of $400 billion in fiscal year 1986 to about $260 billion, in equivalent, inflation-adjusted dollars.

Mr. President, I have been pleased to hear that many of my colleagues including, the Chairman of the Appropriations Committee and the Chairman of the Budget Committee believe, as I do, and have been recently quoted in the press that defense spending must be increased, and the negative spending trend for defense must be reversed. The gap between our military capability and our commitments around the world continues to widen. We can no longer carry out the ambitious foreign policy of this Administration with the level of resources allocated for defense and still maintain our current readiness posture. We will not require less of our servicemen and women in the future. We must meet our obligation to provide adequate resources for our national security.

In this bill, the Committee has achieved a better balance among near-term readiness, long-term readiness, quality of life and adequate, safe and reliable nuclear weapons capabilities.

Mr. President, I would like to take a moment to thank the Chairman of the Appropriations Committee and his staff for their close cooperation with our Committee this year. I cannot recall a time when we have worked together as closely as we have this year. I believe that cooperation is reflected in both of our bills, and I commend the Chairman and the Members of the Appropriations Committee and their fine staff for their work this year.

I urge my colleagues to come to the floor and offer their amendments, but I would also like to remind my colleagues that any amendments to the defense authorization bill that would increase spending should be accompanied by offsetting reductions.

My hope is that colleagues will support this bill and join the Members of the Armed Services Committee in passing this bill with a strong bipartisan vote.

I wish to thank the Chair, and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me again commend Senator THURMOND for his leadership on the committee. His chairmanship has been a distinguished one. He has worked hard to keep us together as a bipartisan committee. We have adopted this bill on a bipartisan basis. He and his staff have worked with me and our staff to work out the problems that we have had, and where there have been disagreements we have resolved them and moved on to other areas of importance. We are ready to get back to work on our bill. As the chairman mentioned, the Appropriations Committee has already reported the DOD appropriations bill, and we worked cooperatively with them, so it is important that we complete action on this authorization bill so we can get to conference.

We have been working with Senators for the past several weeks on a number of amendments which we have been able to clear, and I hope that we can act on those cleared amendments here this morning.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I just take this opportunity to thank Senator LEVIN and the Members of the minority for their fine cooperation and working with us on this defense bill. Senator LEVIN is always ready to cooperate, and he renders this country a great service.

Mr. LEVIN. I thank the Senator.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I offer an amendment to the underlying National Defense Authorization Act, amendment 2387, which I filed on May 20.

The PRESIDING OFFICER. It would take unanimous consent at this point to call up an amendment.

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

The PRESIDING OFFICER. The pending business is an amendment by Senator BROWNBACK, a second-degree amendment.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that we lay aside the pending business for the purpose of offering amendments.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Objection.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. HUTCHINSON. Mr. President, I would like to speak on several amendments which I would have offered today had objection not been raised. These amendments, to which objection has been raised on the basis that they are controversial, are, word for word, provisions that passed the U.S. House of Representatives many months ago by overwhelming margins.

The first amendment I will be speaking on passed the House of Representatives by a margin of 415 to 1. It is that amendment dealing with coerced and forced abortions in the Nation of China to which objection has been raised and to which I will speak this morning.

I further point out, these amendments were filed May 20, a month ago, to the defense authorization bill, and I announced my intent, even prior to that, to offer these amendments and to ensure that those provisions which passed the House with such overwhelming support, reflecting overwhelming public support for these provisions, would have an opportunity to be voted on in the U.S. Senate.

I think those votes would have occurred much sooner had they not been tied up in committee. I think that they have overwhelming support, not only by the country, not only by the U.S. House of Representatives, but by the U.S. Senate, and when we have a chance to vote on them—and we will—that we will see them pass this body just as assuredly, and by the same kind of margin, as they passed the House.

So, while there may be objection raised on the basis that they are controversial amendments, I think when the vote happens we will find they are really not controversial at all. I think we are going to find very few Senators willing to cast nay votes on amendments which are so commonsensical and so reflect the moral values of the American people. We will have an opportunity to find out later, but objection has been raised.

The intent in offering these amendments somehow has been construed as being an effort to embarrass the President. I have no desire to embarrass the President on the eve of his trip. I do think it is important we send a certain message, and a clear, resounding message, to the Chinese Communist Government as to how important human rights abuses in that Nation—how important they are to our country, to our people, and to our Government.

I would have been delighted to have had this debate and this vote a month ago. Had it not been for prolonged, extended debate on the tobacco bill, that would have happened. So the timing for the offering of these amendments is not such to have some design to embarrass the President on the eve of his trip to Beijing. The timing was unavoidable because of the prolonged, extended debate on the tobacco bill that I think ran into 4 weeks. But I remind my colleagues on the floor this morning, these amendments were offered a month ago, there was public attention paid to these amendments a month ago, and it was clearly announced that I intended to offer them a month ago. I think it is unfortunate we cannot go ahead and offer those amendments to the defense authorization bill today.

The amendment, as I say, mirrors the language that passed overwhelmingly on the floor of the House. It would do two things. First, it condemns those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other Chinese nationals involved in forced abortions and sterilization. I hardly think that is controversial. I do not think there are many people in this country who would say we should not condemn the practice of forced abortions and forced sterilizations. So the amendment does that.

Second, the amendment would prevent such persons from entering or remaining in the United States. That is, it would deny visas to those Communist Government officials who are involved in the practice of forced sterilizations and forced abortions in the Nation of China. It would be based upon credible evidence, and that credible evidence would be ascertained by the Secretary of State. So, to the extent that that information is available, to the extent that we have factual evidence that a person is involved in this horrendous practice, as determined by our Secretary of State, then visas would be denied to those individuals.

I just find it very difficult to see anything controversial about those two provisions in this amendment, but objection has been raised, although it passed by 415 to 1 in the House of Representatives. The objection has been raised on the basis of it being controversial because it condemns those Chinese Communist Party officials involved in abortions and sterilizations and would prevent them from receiving visas to travel to this country if the Secretary of State so determined that credible evidence indicated they were involved in that. That is the controversial amendment we are not allowed to offer today to the defense authorization bill.

In an attempt to reach a 1 percent annual population growth rate, Chinese authorities, in 1979, instituted a policy of allowing one child per couple, providing monetary bonuses and other benefits as incentives. In subsequent years, it has been widely reported that women with one living child, who become pregnant a second time, are often subjected to rigorous pressure to end the pregnancy and undergo sterilization.

Forced abortion and sterilization have not only been used in Communist China to regulate the number of children but to eliminate those regarded as defective under China's eugenics policy, the so-called natal and health care law. This law requires couples at risk of transmitting disabling congenital defects to their children to use birth control or undergo sterilization.

China's leadership has admitted that coerced abortions and involuntary sterilizations occur but insists that officials involved in such incidents are acting outside the law and are punished. The extent to which this policy is carried out is not known, and while its enforcement is not uniform throughout China, the very fact that such a policy exists is abhorrent to people around the world who believe in basic human rights.

China's population control officials, working with employers and work unit officials, routinely monitor women's menstrual cycles. They subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment and, in some instances, physical force.

The aborting of unauthorized pregnancies, regardless of the stage of pregnancy—first trimester, second trimester, or even third trimester—is apparently, in China, a routine occurrence. Some have argued that China commits about half a million third-trimester abortions annually. Most of these babies are fully viable when they are killed, and virtually all of these abortions are performed against the mother's will.

I have also been told by those who have studied this issue that women are often imprisoned, brainwashed, and refused food until they finally break down and agree to the performing of an abortion. The actual methods by which doctors carry out these procedures are often unnerving and horrific. It has been reported that doctors commonly inject women with a shot of Rivalor, commonly known as ''the poison shot,'' which directly causes congestive heart failure in the baby. The baby slowly dies over the course of 2 or 3 days, at which time the baby will be delivered dead.

I have also been made aware of reports that Chinese doctors also inject pure formaldehyde into the baby's soft spot of their head or the skull is crushed by the doctor's forceps.

Steven Mosher, the Director of Asian Studies at California's Claremont Institute, can personally account for seeing doctors carrying ''chokers.'' These chokers are similar to our white twisty garbage ties. They are placed around the baby's neck during delivery. The baby then dies of painful strangulation over a period of about 5 minutes.

A government that would force women to undergo these kinds of grisly procedures obviously has no respect for basic human rights.

China currently has legislation that requires women to be sterilized after conceiving two children, and they even go so far as to demand sterilization of either the man or the woman if traces of a ''serious hereditary disease'' are found in an effort to eliminate the presence of children with handicaps, illnesses or other characteristics they might consider to be ''abnormal.''

Numerous international organizations have found that the Chinese Government utilizes in the sterilization method to control population horrendous practices. Mr. President, the practice of forced abortions by the Communist Chinese Government was truly exposed to America when my good friend and my former colleague in the House, Congressman CHRIS SMITH, chairman of the International Operations and Human Rights Subcommittee of the House International Relations Committee held a hearing just less than 2 weeks ago, June 10. This hearing featured compelling testimony from a former administrator of China's Planned Birth Control Office on the use of coercive population control in order to achieve the Communist Government's one-child-per-couple limit.

Ms. Gao Xiao Dunn, the former head of China's Planned Birth Control Office from 1984 to 1988, admitted—and we have heard testimony of what she said before the House subcommittee less than 2 weeks ago, the former head of the birth control office of Communist China, this is what she testified. She said:

> Once I found a woman who was 9 months pregnant, but did not have a birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, I saw how the aborted child's lips were sucking, how its limbs were stretching. A physician injected poison into its skull and the child died, and it was thrown into the trash can. To help a tyrant do evils was not what I wanted. I could not bear seeing all those mothers grief-stricken by induced delivery and sterilization. I could not live with this on my conscience. I, too, after all, am a mother.

That was her very vivid, very powerful testimony before the House subcommittee, this former head of China's Planned Birth Control Office from 1984 to 1988. I think that her testimony, so very compelling, demands this body and this Government and this administration to take a stand in every way possible against these kinds of practices.

In addition, Mrs. Gao Xiao Dunn admitted:

> When I was in my hometown in China, I saw how a large number of pregnant women were hiding anywhere they could. Some of them were 9 months pregnant, but were forced to undergo abortion procedures just the same—simply because they had no ''birth-allowed certificates.'' The government dismantled the houses of some of them and made them homeless. The government's planned birth policy is extremely stern. In my native village, I saw how many women were looking for places to hide at night, because the government usually catches people at night. All this made me terrified.

There are those who apologize for the Chinese Government. They say, ''Oh, things are better, but these are not things going on today.'' Here is someone who knows. Here is someone who was involved in it. Here is someone who became so guilt-stricken by her own involvement in this practice that she couldn't stand it any longer and has come forward to tell that story.

In her testimony, she discussed the abortions that occurred in jails where women were placed in jail who were fighting the physician's attempts to abort her child. She spoke of not only the jails where they were incarcerated,

but she spoke of the abortion bed where women were tied in by leather straps and where those terrible procedures were performed. Their homes were destroyed if they fought the Government strictures on the one-child policy.

What does our own State Department say? If we are not willing to accept the testimony of someone who put their own future in jeopardy by coming forward before a House subcommittee and telling their very vivid, compelling story, perhaps we will listen to our own State Department, because in the most recent human rights report on China issued only a few months ago, our own State Department said:

> The Government does not authorize the use of force to compel persons to submit to abortion or sterilization, but officials acknowledge that there are instances of forced abortions and sterilizations. . . . Poor supervision of local officials under intense pressure to meet family planning targets results in instances of abuse, including forced abortion and sterilization. . . . There are credible reports that several women were forced to undergo abortions of unauthorized pregnancies in Fujian. . . . Newspapers in Shenyang reported that family planning agents convinced a woman 7 months pregnant to take ''appropriate measures.''

That is an abortion, although she was in the seventh month.

> A well-documented incident of a 1994 forced 8-month abortion has been reported in the coastal province of Guangdong. A 1995 incident involving a forced sterilization was also reported in Guangdong.

That is from the State Department. That is the end of the quote from our own State Department report.

The Chinese Communist Government will deny that it is the official policy to encourage coerced abortions. They acknowledge that. Even the Chinese Communist Government acknowledges that these terrible practices occur.

What do other human rights organizations say? We have heard from a former director of the birth control agency in China. We have heard from our own State Department, but independent groups that monitor human rights abuses in China have weighed in as well.

Amnesty International has expressed its strong opposition to these coerced abortions, forced sterilization practices. In a 1996 report, ''Women in China: Detained, Victimized, but Mobilized,'' it iterated its profound concerns about these practices:

> Testimonies have indicated that officials have resorted to physical coercion resulting in torture or cruel, inhuman and degrading treatment when faced with this pressure. Family planning cadres continue to be disciplined and fired for failing to keep birth quotas.

This is from Amnesty International. While Amnesty International takes no position on the official birth control policy in China, they are concerned about the human rights violations which result from its coercive application. Like many of the human rights organizations that monitor China, I am concerned by reports that forced abortion and sterilization have been carried out by or at the instigation of people acting in an official capacity—such as family planning officials—against women who are detained, restricted or forcibly taken from their homes to have the operation.

Previous reports by Amnesty International and other organizations have cited a wide range of evidence regarding the use of forcible measures taken from official family planning reports and regulations. Articles in the official Chinese press, testimonies from former family-planning officials, and testimonies from victims of forced abortion all attest that this is all too common still in 1997 in China.

Reports have also detailed cases of hostages being taken and ill-treatment by officials of the relatives of couples who failed to pay birth control fines or who had fled their villages attempting to avoid abortion or sterilization.

The Chinese authorities have never responded to such reports in detail. In recent years, they have simply asserted that ''coercion is not permitted,'' but they admit that it is going on. Mr. President, I am concerned that there is no evidence the Chinese authorities have yet set in place effective measures to ensure that such coercion is not only forbidden on paper, but punished and prevented in practice.

I have been unable to find any instance of sanctions taken against officials who perpetuate such violations. In other words, the Chinese Communist Government today in the enforcement of their one-child policy turns a blind eye to local officials who use coercion, who use force, to compel women to have abortions against their will.

Mr. President, the absence of laws and regulations in China concerning coercive family planning has become even more cause for concern since 1995. Since that time, China has made numerous commitments at the international level to combating violence against women. However, the absence of any substantive laws regulating forced abortions and sterilization appear to widen the potential for coercion.

Mr. President, I am aware that some have concerns about how we can assure compliance with this amendment's requirement that visas be denied to individuals involved with these nefarious practices of forced abortions, of forced abortions and sterilizations. While I would expect a determined effort would be made to identify persons involved in such actions prior to the issuance of such visas, I recognize that enforcement will not be easy in every instance. And I would state that what is most important is that we provide both a strong condemnation of these practices, which the amendment does, and that we provide a mechanism for taking action against those responsible for them when credible information about their activities comes to light.

Let me reiterate, there is absolutely nothing controversial about this amendment. We are talking about the kinds of family planning practices condemned across the political spectrum, by all who are concerned about moral values and basic human rights, that we take the modest action of saying we ought to condemn it as a government and we ought to deny visas to those who are perpetuating the practice in China, that to the extent we can identify them, to the extent that credible information comes forward, they should not be given visas to travel to this country. I do not believe—I really in my heart—do not believe there is anybody on the other side of the aisle who thinks this is a bad thing to do. So I am perplexed and I am befuddled that anybody would object to this amendment as being controversial.

Not only is China an increasing threat internationally, but within their own borders they continue to oppress their own people. And we should not simply turn a blind eye and say we do not want to talk about it or that it might cause embarrassment to either our President or to the Chinese Government. What a pitiful excuse for not addressing the issue.

Involuntary abortion or sterilization should be condemned, and it should be condemned in the strongest terms as a violation of human rights, a violation of the first order.

I want to read a brief excerpt from Nicholas Kristof and his wife Sheryl Wudunn from their book, the 1994 book, ''China Wakes, The Struggle for the Soul of a Rising Power.'' Mr. Kristof was the New York Times' Beijing bureau chief, and his wife Ms. Wudunn was a New York Times Beijing correspondent in the late 1980s. They are the only married couple to have ever won the Pulitzer Prize award.

In 1989, Mr. Kristof and Ms. Wudunn were awarded with the Pulitzer Prize for their reporting during the Tiananmen Square massacre. They saw firsthand the Chinese Government's reprehensible practices. In particular, apart from the Tiananmen Square massacre, they saw firsthand the practices of forced abortions and sterilizations.

This is what they wrote, these two prize-winning authors. They wrote:

> The family planning authorities routinely forced young women to undergo abortions and sterilization. The township authorities send teams into the villages once or twice a year to collect all the women who are due to be fitted with an IUD or to be sterilized. Some run away, in hopes they can remain fertile and have another baby, and the authorities then send goons to the women's relatives in other villages, even in other provinces, to find and sterilize them. Usually, they do not have to drag a woman to the operating table; when half a dozen men surround her home and order her to come out, she may not see much sense in fighting back.

Mr. President, the bottom line is that the practice of forced abortion and sterilization is inhumane. The practice is repugnant, and it is morally reprehensible.

This amendment, which I hope to be able to offer in the near future—this

amendment is not about a peculiarly American view of rights. It is not even about whether you are pro-life or pro-choice. It does not have a thing to do with this amendment. The use of force coercion, intimidation to commit such crimes against humanity is something that we all as a freedom-loving people—Democrat, Republican, pro-life, pro-choice—that all of us can join together in vigorously denouncing.

I remind you again, what this amendment does is to condemn the practice and say, to the extent that we can identify these individuals, with credible information—the Secretary of State can do that—we will deny them visas. This amendment, this ''very controversial'' amendment, passed by a vote of 415–1 in the House of Representatives, this amendment to which objection has been made today on the basis of it being controversial.

Mr. President, were I able to offer additional amendments today—and I had four prepared to be offered—I would move to amendment No. 2423, which I will not offer, but I intend to debate and make a statement on.

This is another ''controversial'' amendment. It passed the House of Representatives by a vote of 366–54. I filed this amendment back on May 20, almost a month ago. I announced my intent at that time that I would offer this amendment to the defense authorization bill. It mirrors the language that passed the House of Representatives. It would do three things.

It states, as congressional policy, that religious freedom should be a major facet of the President's policy towards China. Secondly, the amendment would prohibit the use of American funds appropriated for the Department of State, USIA or AID to pay for the travel of Communist Chinese officials involved in the monitoring of government-approved churches in China, or the formulation of implementation of policies to repress worship.

So it would deny our Government paying the travel expenses for those who are involved in the Chinese Communist Government in monitoring and supervising churches, places of worship, and those who were involved in the repression and the persecution of religious minorities.

Thirdly, it would deny visas to officials engaged in religious persecution—not the head of Government, not Cabinet members; we would exempt them; and not those who are the official heads of the Patriotic churches, but to Government officials involved in the persecution and repression of religious minorities—they would be denied visas. The conditions and the criteria would be the same—credible information, credible evidence as determined by the Secretary of State.

Mr. President, since the founding of the People's Republic of China almost 50 years ago, the Chinese Government has too often been involved in the persecution of religious believers. And they have subjected all religious groups in China to comprehensive control by the state and the Chinese Communist Party.

The five officially recognized religious denominations have been reorganized into state-controlled associations, as the Chinese Buddhist, the Daoist, the Islamic, the Patriotic Catholic associations, and the Protestant Three-Self Patriotic Movement. Even within the pale of these authorized religions, Tibetan Buddhists and Uigher Moslems in Xinjiang have been subjected to wholesale persecution because of the enduring links between their religion and their national aspirations. For similar reasons, the Chinese Government has forcibly severed all links between Chinese Catholics and Protestants and their foreign coreligionists.

In fact, while I was in China in January, I met with a group of American nationalists, American expatriates, who are doing business in China. They attend church in China and have an American church. It has to be an American church by law. They cannot allow Chinese people to attend. They have almost 1,000 Americans who attend this church. But in meeting with them, they said, were they to allow any of the Chinese nationals to attend and to worship with them, they would be shut down because of the Chinese Government's fear of any influence from outside its own borders.

Millions of other religious believers, according to some estimates, the large majority of Chinese, have been deemed to fall outside these five recognized faiths and are simply denied any status as believers and are subjected to criminal penalties for practicing what the Government calls ''superstition'' or ''folk beliefs.''

Even congregations of authorized denominations are kept under rigid state control through mandatory registration, a requirement enforced with unprecedented severity through the last several years, what they called an anticrime crackdown. The anticrime crackdown became the rationale for cracking down on religious minorities in China. It has been very severe in recent years. Registration entails full state control over religious doctrines.

I met with seminary officials while I was in China in Shanghai. We had a very interesting discussion. They are recognized, authorized, registered with the Government. But they made it very clear, as well, that there are certain things they are not allowed to do. I asked, could you go down the street, rent a building, and open that building for church services? There was a Government official sitting in the room, and they cast a weary glance at the Government officials, and they said no, that would not be tolerated; worship has to be done in approved places. I said, could you go out on the street, upstairs—we were meeting in a basement—could you go upstairs and pass out religious literature? Once again, a kind of weary glance at the Government officials in the room and they said no, that would not be permitted; religion must be constrained to certain geographical locations—a far different idea of what religious freedom is—in China today.

The content of preaching in sermons is controlled by the Government. It is not permitted to preach on the ''second coming of Christ.'' That would be a taboo subject. They would not allow that to be taught or proclaimed in a Protestant or Catholic church in China.

The selection of clergy—controlled by the Government. Financial affairs, religious materials, building programs—you can't go build a church without getting a zoning requirement. It is a means of controlling the growth, as well as restriction on educational and social welfare projects. There is a complete bar on proselytizing persons under 18 and an official veto over baptism at any age. Registered congregations must reveal the names and addresses of all congregants.

The head of the state's Religious Affairs Bureau said in 1996, ''Our aim is not registration for its own sake but control over places for religious activities, as well as over all religious activities themselves.'' I don't know how you could be much more upfront, much more candid, than this official was, an individual who is the head of the entire China state Religious Affairs Bureau and very recently, in 1996, said, ''Our aim is not registration . . .'' just to register, our goal is ''control over places for religious activities, as well as over all religious activities themselves.'' The key word is the word ''control.'' That is the reason they require churches, synagogues, Buddhist temples, that is why they require all religious activities to be approved and sanctioned by the Government. Religious organizations are required to promote socialism and patriotism, while the massive state and party propaganda apparatus vigorously promotes atheism and combat superstition. While the Government officially promotes atheism, they demand that the churches support and promote patriotism.

Why is there this intense effort to control religion in China? I suggest if you look back to the ancient Roman empire, you can find an example of why that is so important to the Communist Chinese Government. It was the policy of the Roman empire that they practice what they called ''religious tolerance.'' You could have any religion you wanted, so long as whatever religious faith you were, you were willing to acknowledge Caesar as the ultimate sovereign. It would demand that, regardless of your faith, you say Caesar is Lord. That is where Christianity ran into problems in the Roman empire—it was the persecuted religion—because Christians wouldn't say Caesar is Lord, the ultimate sovereign. They saw there was a sovereign, a control beyond the Government, beyond Caesar.

May I suggest that is exactly the fear of the Chinese Communist Government. While they repressed all political dissent, our own State Department says that all of the political dissidents, all in the democracy movement have been incarcerated, exiled, or executed. So they have eliminated that threat. They see now that which is beyond their control as being the rapid growth of religion. And religion is growing. It is in a tremendous revival. People of faith are multiplying in China. Thus, we find the Chinese Government cracking down on religion because they see that as, in the long term, a threat to their power and their control because here is a body of people who see a loyalty beyond the Government in Beijing. So they crack down.

The Chinese Government and the Communist Party have in recent years intensified these efforts to expel religious believers from the Government, the military, and the party, ordering a nationwide purging of believers in January 1995. In spite of this, there is a phenomenal growth occurring among people of faith in China.

But I am deeply concerned about the mounting campaign against people of faith in China. The Roman Catholic Church has been made—at least the part of the Roman Catholic Church that recognizes the Vatican and the papal authority in Rome—has been made effectively illegal in China today. Priests, bishops, people of faith have been imprisoned and harassed. Zheng Yunsu, the leader of a Jesus family, a Protestant community in Shandong Province, is one of many behind bars today simply for practicing their faith. He was arrested during a police raid in the community in 1992. Then he was sentenced to 12 years imprisonment for disrupting—listen to this—for ''disrupting public order and swindling.'' His four sons and other members of the group were also imprisoned. I believe those individuals are prisoners of conscience and prisoners of faith.

Such persecution of religious groups has followed a substantial religious revival of China in the past 15 years. The Christian community—much of the expansion has been in religious groups that conduct their activities outside the Protestant and Catholic churches recognized by the Government.

When I visited China in January, I attended a church that worshipped openly, but in order to worship openly, they had to be approved, they had to be sanctioned, they had to be registered by the Government. But the explosive growth among believers in China today of all faiths is occurring primarily among the unregistered, the underground church, the house church movement.

Here we have a picture that was smuggled out of one of those house churches. You can see, I think, not only the enthusiasm and the faith and the devotion. The picture is worth a thousand words. There are more than a thousand words articulated by that picture. The response of the Chinese Government to this growth of faith has been to crack down, to incarcerate, to persecute, to economically penalize those who would dare to worship according to the dictates of their conscience. That is why we believe we should take a stand. That is what this amendment is all about—condemn the practice, deny visas to those involved in it. I am sorry, but I have a hard time discerning how that could be controversial.

Mr. President, these peaceful but unregistered religious gatherings have been raided by police. Gatherings like this have been raided by police. Those attending have been beaten, threatened, and detained. Many of those detained are required to pay heavy fines as a condition for release. Those regarded as ''leaders'' are usually kept in custody and either sentenced to prison terms or administratively detained without charge or trial.

I was talking just last night with a lobbyist, a lobbyist for a very major American corporation. If I could mention the name of the corporation, everyone would immediately recognize it as being one of the leading companies in this country. This lobbyist engaged me in a discussion on China. I didn't bring it up, he did. He said, ''I want to talk to you about your convictions on China.'' Then he said, ''Senator, our people in Beijing say that there is religious freedom in China today.'' Then I began to tell about some of the things that are actually going on, some of what I learned even while I was there. I think that there is a tremendous disinformation to say that things are OK.

These aren't American views of freedom, these are basic human values. People of faith ought to be able to worship according to the dictates of their conscience and their own hearts, without fear of intimidation, without fear of incarceration, without fear of economic penalty.

In January 1994, two national regulations on religious activities came into force. Notably, Mr. President, they banned religious activities which ''undermine national unity and social stability.'' Let me say that again. They banned religious activities which ''undermine national unity and social stability.'' Whatever in the world does that mean?

That it the whole point. It is subject to the whims of any local official who wants to interpret it. Under the broad rubric of these two regulations, any activity could be construed as undermining the Chinese Government and, therefore, constitute a threat punishable by prosecution, imprisonment, arrest, and bodily harm.

These regulations also require that all ''places of religious activities'' be registered with the authorities, according to the rules formulated by China's Religious Affairs Bureau.

This means, in effect, Mr. President, that religious groups that do not have official approval may not obtain registration, and that those involved in religious activities in unregistered places may be detained and punished. In other words, if you started a worship service in your home, you could not get official sanction, be registered, and you would be subject to detainment or punishment. Provided in these new regulations are detention and criminal penalties for any violation.

During this past year, police raids on religious gatherings organized by independent groups have continued, with hundreds of Protestants and Catholics reportedly detained as a result. More than 300 Christians were reported to have been detained in what appears to have been a crackdown by local police on unregistered Protestant houses and churches.

The evidence is clear that there is an intensified Chinese effort to repress religious liberty. This repression ranges from ransacking homes in Tibet in search of banned pictures of the Dalai Lama to destroying or closing 18,000 Buddhist shrines last spring alone. Ministers, priests, and monks are routinely arrested and imprisoned, tortured, and sometimes killed for the mere expression of their faith.

Mr. President, I believe not only should we adopt this amendment, which passed with over 350 votes in the House of Representatives, I believe that the President, on his trip to China, should raise this issue to the highest level. I hope he will do that. He said he is not intending to meet with dissidents. I hope he will change his mind. I hope that he will say what the Chinese people can't say, and that while the Chinese people are gagged, our President won't be gagged. He will have the opportunity and I hope he will talk about these issues.

Mr. President, in Paul Marshall's critically acclaimed book ''Their Blood Cries Out,'' an authoritative book on religious persecution around the globe, the case of Bishop Su is documented. During Bishop Su's 15 years in China's prison system, he was subjected to various forms of torture. They go through very graphic detail in recounting the kinds of suffering that this bishop endured. Unfortunately, that is not the exception.

The State Department's most recent report on religious freedom states:

> . . . the government of China has sought to restrict all actual religious practice to government-authorized religious organizations and registered places of worship.

That is what they have sought to do. Then our State Department goes into a great deal of detail, enunciating exactly the kinds of abuses that are too common in China today.

There are only a handful of churches that are open in all of Beijing, not because there are not worshipers or believers, but because of the practice of the Government. The legal provisions requiring registration of all religious groups have been used against various

groups, including members of Protestant house churches who organize religious meetings in their private homes without having registered with the authorities. Many of these groups and the members of these groups don't register out of a personal conviction. They don't believe it would be proper. They feel they would be restricting their own faith and what they could say and do; so they don't register. Then they face detainment and fines and harassment by the police. Some house churches have voluntarily suspended their meetings because many members were being harassed, and others have regularly changed premises and meeting times for worship, moving from place to place to avoid detection by the authorities. Some congregations have even stopped singing during the worship time in order to avoid detection.

Pressure to register is reported to have increased in the past year. Reports from various areas show that official control over religious activities has been stepped up. Unregistered Protestant churches in Shanghai have been under increased Government pressure since December of 1994 when authorities announced that ''it was illegal to hold religious activities in unregistered places of worship.'' The authorities reportedly threatened to fine any person found attending or leading an unregistered house church meeting. Religious books, religious tapes, and even collection boxes and offering plates have been confiscated by Government officials.

Mr. President, I say to my colleagues that the human costs are higher for unregistered or unauthorized clergy and believers. It is too high. We should and we must denounce it, condemn it, and speak out against it. Today, hundreds of people are serving long prison sentences in China—Buddhists, Taoists, Moslems, Catholics, and Protestants—for simply practicing their religious faith.

The Beijing government sentenced a 76-year-old Protestant leader to 15 years in prison for the ''high crime'' of distributing Bibles. Where do you get a Bible in China? There is a lot of talk about how, today, the Chinese Government permits the printing of Bibles. That is true. They set a quota every year. They allow a certain number to be printed, but they can only be distributed in churches, in places of worship which are officially recognized, sanctioned and registered by the Communist government. That is how you get a Bible in China. So this man, 76 years old, was arrested for distributing Bibles illegally. He was sentenced to 15 years.

But it is controversial for us to condemn that with an amendment to the Department of Defense authorization. Somehow, it is controversial to deny visas to those who are perpetrating these kinds of atrocities against religious believers. I am sorry.

The Government then sentenced a 65-year-old evangelical elder to an 11-year prison term for belonging to an unauthorized evangelical group. They sentenced a 60-year-old Roman Catholic priest to 2 years of ''reeducation through labor'' for unknown charges. He had previously spent 13 years in prison because of his refusal to renounce the Vatican. The 6-year-old Panchen Lama—the second highest dignitary in Tibetan Buddhism—has been detained for a year and a half, and his whereabouts are unknown. Scores of Tibetan Buddhists who refused to participate in the Communist Chinese sham enthronement of Beijing's ''Panchen Lama'' have been sent to prison. One leading Buddhist spiritual teacher committed suicide rather than to take part in the charade.

I have another chart I want to show you. These are simple news accounts that have occurred—all of them within the last 2 weeks. They are reports in the mainstream media during the last 2 weeks.

June 14, The Portland Oregonian reported that:

> Chinese police interrogated and threatened three dissidents who urged President Clinton to press Chinese leaders on human rights during the summit. . . . Police ransacked the homes of Leng and Tang, confiscated the computers, and took the two to a local precinct.

This is occurring within weeks of the President's visit. Instead of things getting better, they are rounding up dissidents in preparation for the President's visit. That is how little they comprehend the value of human rights. That is how little they understand what our concerns are in this country. Instead of releasing dissidents, instead of encouraging free expression, they round them up.

I think we have all read about the unflattering book published in China about our President. What do they do? They round up the books and don't let the books be in the bookstores when our President visits. That is China today.

On June 18, the Far Eastern Economic Review reported that, ''Beijing warned the Vatican not to use the Internet or other media channels to interfere with China's religious affairs policies.'' This is June 18. So it is very current in what the Chinese Government is saying, warning the Vatican not to use the Internet to interfere with their internal, domestic, religious affairs policies.

On June 16, the New York Times reported on ''an hour-long documentary on President Jiang Zemin's state visit to the United States last year.'' And it continues. On June 16, the New York Times reported that the Japan Economic News Wire reported that, ''In the run-up of President Bill Clinton's visit to China, a veteran Chinese dissident has been indicted for helping another activist escape to Hong Kong.''

Once again, do you know what gets the publicity? The four, or five, or six high-profile prisoners—I will not use the word ''release'' because they are not released, they are exiled. They are allowed out of prison and sent to the United States. They said, ''Don't return.'' This administration would like to say that is a victory for human rights? We used to say that was a travesty of human rights, if you were released from prison, exiled from your country, and not allowed to go back to your homes and families. This is hailed as a victory for human rights. Think about the five or six released. Just remember. Right now, in preparation for the President's visit, they are rounding up the dissidents so there won't be anything that might be embarrassing to the Chinese Government or to the President. Freedom is embarrassing, you know.

June 15, the Asian Pulse reported:

> U.S. Ambassador to China, James Sasser, said today that many of the sanctions imposed on China by the United States after the 1989 Tiananmen Square massacre could be lifted in the ''not too distant future.''

The only reason I put this quote in from the Asia Pulse is that we would be giving these signals out, that our Ambassador would be giving these signals out, in view of—this is what they are doing. They are cracking down, they are rounding up the dissidents, they are persecuting believers, and we say we are going to lift the sanctions that were imposed after the massacre.

On June 15, the South China Morning Post reported that, ''Dissidents in several areas, including Shanghai and Weifang In Shangdong Province and Xian, the first stop for President Clinton, have complained of harassment. Incidents include home raids, detention, telephone tapping, and confiscation of computers.''

I suppose the appropriate thing when you have a visit of the major heads of states, you clean up the streets, paint the buildings, you put your best foot forward, and put your best face on. But the way the Chinese Government views it is, round up anybody that might say something that could be contrary to the party line.

I am going to go back. This is back to June 6. The New York Times reported that ''a bishop in the underground Catholic church has been arrested.'' This received about 2 inches of print in the New York Times. When Wei was released, it was banner headlines. But when the underground bishop was arrested, it got about 2 inches on page A4 of the New York times. But at least it was there.

If you will take note, the American people can see that this is what is ongoing.

When I have the opportunity to offer this amendment—and I will—when the Senate has an opportunity to work its will on this amendment, I will urge my colleagues to vote in favor of this amendment, controversial though it has been deemed, that passed the House of Representatives with over 350 votes, and, in so doing, to send a clear and unmistakable message to the Chinese Government that religious persecution is repugnant, reprehensible, and

that such practices will have consequences.

I remind you once again that this amendment simply says: We condemn such practices. Not only do we condemn them, to the extent that we are able to identify those who are involved in those practices, we are not going to sanction your travel to this country by granting you a visa.

I don't know how well it can be enforced. I know there are human rights groups out there that monitor what is going on in China. I believe that for government officials, which have an egregious record of religious persecution, that we can identify them when credible information can be brought forward. The Secretary of State can make that determination. And it will send a good and solid signal that this is an important issue to the American people, which would deny them the right to travel to this country.

Were I permitted to offer an additional amendment that I filed originally back on May 20—a month ago—I would offer it were I able to today.

It is, once again, one of those amendments that mirrors the language passed by the House of Representatives several months ago by overwhelming bipartisan margins. This particular language passed 354 to 59. I can't offer it today because it has been regarded as controversial. This is what it would do. It would direct the President to instruct the United States representatives to vote against taxpayers' subsidized loans to the People's Republic of China.

The second thing it would do is, it would require United States directors at United States financial institutions, like the IMF and the World Bank, to vote against concessional loans to the People's Republic of China, and it defines concessional loans this way: as those with highly subsidized interest rates, a grace period for repayment of 5 years or more, and maturities of 20 years or more.

This is just not something that I offer lightly. I think the facts indicate that the People's Republic of China today has a tremendous infusion of capital, the private sector primarily. In the international sector, they have great infusions of capital. They have an economy that is growing two or three times as fast as the U.S. economy. Given the human rights record of China, it is unconscionable for us to require United States taxpayers to subsidize loans to the People's Republic of China. They have enjoyed ready access to international capital through commercial loans, direct investments, sales of securities, bond sales, and through foreign aid.

International commercial lending to the People's Republic of China had $49 billion in loans outstanding from private creditors in 1995. Capital is certainly available without the taxpayer subsidizing it.

Regarding international direct investment to the People's Republic of China, from 1993 through 1995 it totaled $97 billion. In 1996 alone, there was $47 billion directly invested in China securities. The Chinese securities—the aggregate value of outstanding Chinese securities currently held by Chinese nationals and foreign persons is $175 billion. From 1993 to 1995, foreign persons invested over $10 billion in Chinese stocks.

My point is that there is ample, there is ready, capital available for Chinese economic development.

International assistance and foreign aid: The People's Republic of China received almost $1 billion in foreign aid grants, and an additional $1.5 billion in technical assistance grants from 1993 through 1995, and in 1995 received $5.5 billion in bilateral assistance loans, including concessional aid and export credits.

Mr. President, despite China's access to international capital and world financial markets, international financial institutions, which have annually provided it with more than $4 billion in loans in recent years amounting to almost a third of the loan commitments of the Asian Development Bank and 17 percent of the loan approvals by the International Bank for Reconstruction and Development in 1995, we are asked to continue to subsidize these loans to Chinese corporations.

I think it is time that we cease doing this. China borrows more from the International Bank for Reconstruction and Development and the Asian Development Bank than any other country in the world, and loan commitments from those institutions to China quadrupled, from $1.1 billion in 1985 to $4.3 billion by 1995. In spite of the fact that you have all of this ready capital available for economic development in China, they are utilizing these subsidized loans at an ever greater rate.

Mr. President, I believe strongly that America's taxpayer dollars should not be used to create unfair advantages for industry's control by foreign governments. However, when the World Bank lends money to Communist Chinese industries out of its Poverty Fund, that is exactly result that we have.

I say to my colleagues that these loans are not only contrary to American interests and the purposes of the Poverty Fund, but they are also unnecessary, given Chinese industry's ready access to foreign investment, including $48 billion in loans from private creditors in 1995 and $97 billion in international direct investments from 1993 to 1995, and $10.5 billion in investment in Chinese stocks by foreigners from 1993 to 1995, and billions more in various types of foreign investments. I find it inappropriate that the World Bank and the Asian Development Bank loaned China $4.3 billion in both 1995 and 1996, and of the 1995 loan amount, $480 million of it, almost $1/2 billion of it came from the World Bank's poverty fund, its concessional loan affiliate, the International Development Association. As concessional loans, these funds are by definition below market and therefore subsidized by those who fund it—the American taxpayer.

This amendment will address what I call the ''Chinese wall,'' the wall that was erected between economic and political considerations. Inherent in the bylaws of international financial institutions are provisions that direct the officers of these institutions to neither interfere in the political affairs of any member nor shall they—and I am quoting from their bylaws, shall not interfere in the ''political affairs of any member, nor shall they be influenced in their decisions by the political character of the members or members concerned. Only economic considerations shall be relevant to their decisions.''

So in the bylaws of these lending institutions, international lending institutions, there is a prohibition from considering the political practices of the applicant. I believe that it is these bylaws that provide a shield behind which numerous international financial institutions continue to provide financing to countries, specifically Communist China, that engage in the most egregious abuses of human rights; so long as they carry out the economic recommendations agreed upon, they can receive the loans. They can continue to receive these subsidized loans. I think that is wrong. I think that should be a consideration, these human rights abuses that are ongoing.

This amendment clearly states that ''repressive and oppressive'' regimes should not get a loan. In addition, this amendment clearly sets out substantive principles that should be adhered to by any U.S. national conducting an industrial cooperation project in China.

In other words, while it is a sense of Congress and is nonbinding, the amendment would lay out certain principles by which American corporations conducting business, industrial cooperation in China should adhere.

During my time in China and since, and visiting with large American corporations doing business in China, I was continually told that an American presence in China would have the effect of transmitting American values. If we just allow these companies to set up shop, sell their products, or put the components together and export them back to our country, because we have a $50 billion trade imbalance with China, if we will do that, if we will increase trade and allow companies to operate there, the result will be a quicker liberalization and a more rapid democratization of China.

That is what I have heard for the last 5 years since I came to Congress. I haven't seen it happen. In fact, what I saw was corporate officials who said we have a cozy relationship with Beijing and we have to maintain that cozy relationship in order to do business in China. And so instead of reflecting American values and human rights values and concern about repression and oppression, instead of concern about

religious persecution, instead of concern about coerced abortions and American officials standing up and denouncing the Beijing government for these ongoing practices, they say in order to do business over here, we can't say those kinds of things; we can't take those kinds of stands, but let us operate and somehow these values, which we hold deep in our heart—but, unfortunately, they are too often hidden—are going to be transmitted.

And so we would just simply, with a sense of the Congress, lay out some principles that I think are important for American companies to utilize if we are, in fact, to help spark the kind of change that we all want to see in China.

So we suggest suspending the use of any goods, wares, articles, or merchandise that the U.S. national has reason to believe were mined, produced, or manufactured by convict labor or forced labor, and refuse to use forced labor in the industrial cooperation project.

Pretty good principle to start with, don't you think, for our companies operating in China to try to monitor better—some of them are doing a good job, some of them are not doing a good job at all, but to try to monitor those products that are coming from slave labor camps and to pledge they will not use those products.

Secondly, to seek to ensure that political or religious views, sex, ethnic or national background involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project.

The second principle of the sense of the Congress would simply say that because somebody spoke out and expressed themselves on a political issue which might be contrary to the party line, they should not be fired or be penalized because of that, not be not allowed to work or have employment.

Then we suggest that these projects should discourage any Chinese military presence on the premises of any industrial cooperation project which involves dual-use technologies.

The news accounts this morning which said that China has refused to agree to an agreement to retarget their missiles, 13 of which are currently aimed at American cities, I think underscores the importance of that principle for American companies doing business in China, that we are not going to have a military presence on those premises that involve dual-use technologies.

And then we suggest that they provide the Department of State with information relevant to the Department's efforts to collect information on prisoners for the purpose of the Prisoner Information Registry. If American companies want to make a difference in operating in China, that is something they can do, help our State Department monitor the human rights abuses that are ongoing.

And then finally we suggest they should promote freedom of expression, including the freedom to seek, receive, and impart information on ideas of all kinds. Nonbinding for the private sector but principles, I think, that lay out what our companies should be utilizing in their efforts to work in China.

Mr. President, this Chinese wall that has prohibited consideration of political practices and human rights abuses must come tumbling down. This amendment would help do that.

And then if we accept this amendment when it is offered, and I hope we will and I think we will—we should—it will spark a rethinking inside international financial institutions and our own Treasury Department. This rethinking should be based on the United States not wanting to reward repressive regimes, countries like China that commit the most egregious of human rights abuses with taxpayer-subsidized loans.

Our watchwords on this floor have been and should be ''freedom and liberty.'' Part of those watchwords is that we not reward regimes with concessional loans, subsidized by the American taxpayer, when these kinds of practices continue. So I am going to urge, when I have the opportunity to offer this amendment and have a vote on that amendment, my colleagues to take that stand, not because the President is going to China but because it is the right thing to do, because it was the right thing to do last year when the House of Representatives voted on it. It is the right thing for the Senate to do.

I wish we could have voted on it on May 20 when I filed the amendment. It in no way is meant to embarrass the President. It is an effort to reflect the values of the American people and, as he takes this trip, to buttress his ability to stand in Tiananmen Square and say, ''Congress thinks this is important; the American people believe this is important.''

Mr. President, if I were able to, I would offer a fourth amendment—I had intended to offer a fourth amendment, and when I have the opportunity, I will. It is an amendment I filed June 16. It also is an amendment that mirrors language that passed overwhelmingly on the floor of the House of Representatives. The vote was 401 to 21—401 to 21. It would authorize an appropriation of $22 million for Radio Free Asia and Voice of America for fiscal year 1999. This amendment was deemed controversial, but it passed 401 to 121. It would authorize $22 million for Radio Free Asia and Voice of America.

The President's fiscal year 1999 budget request for Radio Free Asia was $19.4 million. This amendment would surpass the President's request by almost $3 million. Radio Free Asia funding comes out of the United States Information Agency, which is a related agency of the State Department. It is funded through the Commerce-State-Justice appropriations bill.

The second thing the amendment would do would be to facilitate a 24-hour-a-day broadcast to China in the Mandarin, Cantonese, and Tibetan dialects as well as other major dialects, including those spoken in Xinjiang.

Let's put that chart up.

Additional funding for RFA, Radio Free Asia, would also facilitate construction of transmitters in the Mariana Islands and accelerate the improvements to the Tinian Island transmitters so they will be completed by June 30, 1998, instead of January 1, 1999.

This map of China is pockmarked with little orange labels. Each one of those orange labels represents a location in China in which the citizens of China have managed to get correspondence out to Radio Free Asia, expressing their appreciation for the work that Radio Free Asia does. The greatest tool that we have in bringing about change in China is to get the truth, to get the message of democracy and freedom, in to the Chinese people. This amendment will be a step toward doing that.

If passed, it will assist with the creation of a Cantonese language service with 16 journalists, including 3 based in Hong Kong and 2 roving between the United States and east Asia. The amendment would require the President to report on a plan to achieve continuous broadcasting in Asia within 90 days.

I believe this is a simple amendment to understand. It encourages freedom in China, which we all want—freedom in China. We disagree sometimes on methods and strategies, we see different ways to achieve it, but I do believe all my colleagues in the U.S. Senate want to see a free China.

I want to say to my colleagues, we should all agree also that reaching Chinese listeners in all dialects, encouraging the free flow of information, can and will serve as the greatest means by which we can get the truth into China. It will be the surrogate media; it will be the substitute for the absent free media in Communist China today.

A fundamental prerequisite to political and economic freedom is an informed citizen. However, the Communist Chinese Government has accordingly made censorship and control of information available to its citizens its top priority. The Communist Chinese Government maintains control by simply not letting the people know. It is getting harder and harder to do, because of the Internet and other means of international communications, but they go to great lengths to keep the Chinese people from knowing the truth. Radio Free Asia plays a fundamental role, a vital role, in getting the truth in to the citizens of China. This amendment will help to make that a priority.

In addition to China's traditional methods—controlling the media, suffocating secrecy, and misinformation,

massive use of wiretapping, informants, and other forms of surveillance to restrict private sources of accurate information—the regime is building an infrastructure for Internet use that will permit the state to filter and monitor information on this freest communication media. It is a perfect example of the priority Communist China places on the political control over economic development. The New China News Agency even censors commercial news from Dow Jones and Reuters.

The United States still supports the free flow of information around the globe. This is one means by which we can underscore that. That is what this amendment does. In fact, people now free of communism's grip on the now-defunct Soviet Union and Warsaw Pact attest to the role that Radio Free Europe and Radio Liberty played as surrogate news services in these countries. These relatively inexpensive, independently run news services served as the best substitute for the free media that was absent in the old Soviet Union. Similarly, Radio Free Asia provides cost-effective surrogate services to permit the free flow of information to the Chinese people.

I have come down to this floor time and time again to explain why I believe this administration's policy toward China is misguided. I do not favor a policy of isolation; I favor a policy of true engagement; I fear this administration's policy has not been one of engagement; it has been one of appeasement. We have not engaged them on human rights, we have not engaged them on national security, we really haven't engaged them on trade, because we have a $50 billion trade deficit with this Government. But while I have many disagreements with the President, I applaud his recent remarks concerning Radio Free Asia at the National Geographic Society in a speech last week, I believe it was. In the President's own words, the President said this:

> I have told President Jiang that when it comes to human rights and religious freedom, China remains on the wrong side of history. . . . In support of that message, we are strengthening Radio Free Asia.

It needs to be strengthened. I appreciate the President saying that, and I believe, because of that, he would be glad to support this amendment. I applaud his words, because Radio Free Asia is broadcasting under the banner of truthful information to the lingering Communist lands—specifically, China—and it has been too often underfinanced by this Congress, they have been undermanned, and they have been overworked.

I believe that Radio Free Asia's mission is to do for Asia what Radio Free Europe did for Eastern Europe. That mission is to broadcast the truthful information to countries where the Communist governments ban all free expression by their so-called domestic news services. The mission of Radio Free Asia is simply to replicate the kind of radio services, in the Communist countries it targets, that those Communist countries would have, were they really free countries, were the government to allow it, were there not government censorship.

I live in northwest Arkansas. The population in Benton and in Washington Counties in northwest Arkansas is probably 250,000 people. In those two counties we have over 20 independently-owned radio stations; population 250,000. I was in the radio business. I got out because that is too competitive—20 radio stations with 250,000 people—but that is the free market. That is the right of every American, every entrepreneur—to go out and scrape and take a loan out, if need be, apply with the FCC, get a license, get a building permit, build that tower, and start a radio station. That is what we did, from ground up. We have 20 radio stations now in that two-county area.

When I was in Beijing in January—Beijing, China, one of the largest cities population-wise in the world—there was not one independent, free, operating radio station. That says about all that needs to be said about whether China is really making progress, whether China is on the right side of history. The President was right, they are on the wrong side of history. In all of Beijing, not one independent newspaper. I get mad at the newspapers sometimes in Arkansas. They say things I don't like, or they take a position I don't agree with. Boy, when I look at the alternative, when I look at China today and I think about a city in which all of the newspapers are controlled by the Government, I thank God for that free press. Radio Free Asia, increasing the funds, providing them the resources, ensuring that they are going to be broadcasting in all of the dialects in China and broadcasting around the clock, is the best single step that we can take to bring about the wanted change in China.

Mr. President, current U.S.-China policies have been debated, are being debated, and will continue to be debated by this Congress. Members on both sides of the aisle differ on the best paths and avenues to promote and secure freedom and liberty for the Chinese people, but this amendment, although it has been called controversial this morning, although I have not been allowed to offer it this morning, even though the vote would occur next week, this amendment is not controversial. This amendment simply says the greatest means we have of changing China is to get information in.

The amendment is not pro-China or anti-China. The amendment is pro-freedom. I am perplexed that we cannot offer it today. The Senate, the Congress, the President, the American people need to send a clear message to China and other Communist countries that the U.S. Congress will take all necessary steps to ensure that freedom has a chance to blossom.

I am bothered, frankly, that as we have seen the preparations for the President's trip, it has become a microcosm of the broader China policy. Originally, the President wanted to go to China in November. China said, ''We want you to come in June.'' That is the anniversary, the ninth anniversary, of the Tiananmen massacre, when hundreds of unarmed, innocent democracy protesters were gunned down by the Chinese Government. And the Chinese Government says, ''We want you, Mr. President, to come in June.'' The President agreed.

The President originally was going to stop in Japan on this trip, but the Chinese Communist Government objected: ''We don't want you to stop in Japan, we don't want you to stop anywhere, because President Jiang, when he went to the United States, went directly to the United States; that is exactly what we want you to do because we are equals.'' The President said, ''OK, we won't stop in Japan, we'll make a direct trip.''

The President originally was going to have a shorter trip. The Chinese Government said, ''President Jiang stayed 9 days in the United States, and we want a 9-day visit to China.'' We don't want to embarrass, we don't want a loss of face, so we conceded, we acquiesced.

The U.S. House of Representatives voted overwhelmingly, over 400, to say, ''Mr. President, please don't be received at Tiananmen Square.'' That is what the elected representatives of the people of this country said, but the Chinese Government said, ''This is where we give official receptions.'' We acquiesced. We didn't want to violate protocol. You know what I thought about protocol, I thought about that student, that portrait, that picture of that lone student standing in the way of oncoming tanks. Boy, did he violate protocol. Thank goodness he did. But we acquiesced once again, and the fact is, I can't find where we didn't acquiesce. It is not a policy of give and take. It is a policy of give and give.

These modest amendments, which I will some day be able to offer and on which we will have a vote—such as increasing the funding for Radio Free Asia—is a useful instrument for demonstrating, along with diplomatic and economic ties, concern for the well-being, concern for human rights. Basic human rights in China will always be an integral part of the foreign policy of this country. That is the debate that is ongoing: Are we going to have a foreign policy devoid of values that says trade at any price, or will we, as we always have done, say human rights matters and that values will be reflected in our basic policies of this country toward the nations of the world?

I look forward to the continuing debate, and I look forward to the opportunity that we will have to offer these amendments. I reiterate before I yield the floor, Mr. President, the timing of the offering of these amendments is

not to embarrass the President. These amendments were announced over a month ago. Most of them were filed a month ago and would have been offered a month ago had we had the DOD authorization on the floor a month ago. Timing is not to embarrass the President on the eve of his trip.

I might add that since they are being debated and will be voted on, either before or during the President's trip to China, I hope they will strengthen the President's hand, that they will give him a stronger argument to make on behalf of human rights as he visits with Chinese Government leaders. I hope the President will be able to point to these votes in the House and the Senate as he stands on Tiananmen Square, or as he makes his speech in the People's Congress and he says, ''These are values that are important. Look at the votes in the U.S. Senate, look at what we are doing on Radio Free Asia, on human rights, on coerced abortions, on religious persecution. For the representatives elected by the people of my country, these are important issues, and I am going to speak about them.'' I hope the President will say this to the Chinese Communist Government leaders: ''You may gag your people, but you cannot gag me, and I will speak for them.''

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have listened with great interest to our distinguished colleague. The fervor of his beliefs and his goals is quite clear through the excellent delivery of his remarks.

We spoke yesterday, I in the capacity of assisting the distinguished chairman in trying to manage this bill. I think the Senator is aware of the fact that there are bipartisan objections to bringing up his amendments. The Senator has seen this letter, I presume?

Mr. HUTCHINSON. If the Senator will yield, I will respond to the Senator from Virginia. I only became aware only as you speak that there were bipartisan objections. Earlier today, on the other side of the aisle there were objections to bringing these amendments up today. I might add, these amendments were filed a month ago. As I spoke to the majority leader earlier this week, he was aware and it has been publicly reported these amendments were going to be offered to the DOD authorization.

The majority leader encouraged me to stay on Friday so I would be able to offer these amendments earlier as opposed to later. He encouraged me not to wait until Monday or Tuesday in the debate, but offer them today, Friday. It was my plan not to return to my home State so I would be able to offer these amendments today.

I am now aware there are objections, perplexing to me, obviously, because they passed by such margins in the House. Yes, I am aware there are objections. I am certainly no less committed to ensuring that these amendments will be debated and will be voted on. I think they are greatly important, and I think they are germane, and I think they are appropriate. I intend, when given the opportunity, to press for debate and for a vote.

Mr. WARNER. Mr. President, I thank our distinguished colleague. Certainly, I defer to the understandings that he has reached with our distinguished majority leader. Momentarily, I hope to be in consultation with him—Mr. THURMOND and I—on the phone, and I wonder if time permits the Senator to wait just for a brief period until we can clarify this.

In the meantime, Mr. President, I ask unanimous consent to have printed in the RECORD the ''Dear colleague'' letter which both Republicans and Democrats have indicated a desire not to have these amendments brought up, just for purposes of the Record.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 15, 1998.

DEAR COLLEAGUE: When the Senate returns to consideration of the DOD Authorization bill, S. 2057, we expect a series of amendments to be offered concerning the People's Republic of China. These amendments, if accepted, would do serious damage to our bilateral relationship and halt a decade of U.S. efforts to encourage greater Chinese adherence to international norms in such areas of nonproliferation, human rights, and trade.

In relative terms, in the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized, several prominent dissidents have been released from prison, enforcement of our agreements on intellectual property rights has been stepped up, the reversion of Hong Kong has gone smoothly, and China's agreement not to devalue its currency helped to stabilize Asia's economic crisis.

Has this been enough change? Clearly not. But the question is: how do we best encourage more change in China? Do we do so by isolating one fourth of the world's population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these amendments would do?

Or, rather, is the better course to engage China, to expand dialogue, to invite China to live up to its aspirations as a world power, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations?

We are all for human rights; there's no dispute about that. But the question is, how do we best achieve human rights? We think it's through engagement.

We urge you to look beyond the artfully-crafted titles of these amendments to their actual content and effect. One would require the United States to oppose the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed ''business principles'' mandated in the amendment. On the eve of President Clinton's trip to China, the raft of radical China-related amendments threatens to undermine our relationship just when it is most crucial to advance vital U.S. interests.

Several of the amendments contain provisions which are sufficiently vague so as to effectively bar the grant of any entrance visa to the United States to every member of the Chinese government. Those provisions not only countervene many of our international treaty commitments, but are completely at odds with one of the amendments which would prohibit the United States from funding the participation of a great proportion of Chinese officials in any State Department, USIA, or USAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase exchange programs between our two countries.

Finally, many of the amendments are drawn from bills which have yet to be considered by the committee of jurisdiction, the Foreign Relations Committee. That committee will review the bills at a June 18 hearing, and they are scheduled to be marked-up in committee on June 23. Legislation such as this that would have such a profound effect on U.S.-China relations warrants careful committee consideration. They should not be the subject of an attempt to circumvent the committee process.

In the short twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grass-roots movement towards increased democratization, agreed to be bound by major international nonproliferation and human rights agreements, and is on the verge of dismantling its state-run enterprises. We can continue to nurture that transformation through further engagement, or we can capitulate to the voices of isolation and containment that these amendments represent and negate all the advances made so far.

We hope that you will agree with us and choose engagement. We strongly urge you to vote against these amendments.

Sincerely,

Craig Thomas, Chairman, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations;

Frank H. Murkowski, Chairman, Committee on Energy and Natural Resources;

Chuck Hagel, Chairman, Subcomm. on International Economic Policy, Committee on Foreign Relations;

Joseph R. Biden, Jr., Ranking Member, Committee on Foreign Relations;

John F. Kerry, Ranking Member, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations;

Gordon Smith, Chairman, Subcommittee on European Affairs, Committee on Foreign Relations;

Rod Grams, Chairman, Subcommittee on International Operations, Committee on Foreign Relations;

Charles S. Robb, Ranking Member, Subcommittee on Near East/South Asian Affairs, Committee on Foreign Relations;

Dianne Feinstein, Ranking Member, Subcommittee on International Operations, Committee on Foreign Relations;

Joseph I. Lieberman, Ranking Member, Subcommittee on Acquisition and Technology, Committee on Armed Services.

Mr. WARNER. I will have an opportunity to visit with my distinguished

friend momentarily. I thank you very much for the opportunity to do so.

Mr. President, I see the presence of the former distinguished majority leader, a member of the Armed Services Committee. I think he desires to seek recognition.

So I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia, Mr. WARNER. I have some remarks, but they are not on the bill, and I will be happy to wait until others have had a chance to speak on the bill, if it is so desired. I wanted to address some remarks to West Virginia's birthday which is on the morrow and also to Father's Day, which is on Sunday. But I will be very happy to delay my remarks until a later hour, if I can just get some indication of when I might be able to have the floor. I yield to the distinguished Senator from Michigan, if he can enlighten me on this point.

Mr. LEVIN. Mr. President, I wonder if I might just have the floor for a few moments to comment on the remarks of our friend from Arkansas. It won't take me more than 2 or 3 minutes, if he can yield the floor for that purpose. I ask unanimous consent that I be yielded 5 minutes at this time and then the floor return to the Senator from West Virginia.

Mr. THURMOND. Mr. President, I so ask.

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

Mr. LEVIN. Mr. President, I will address our friend from Arkansas first. Let me add my comments to the Senator from Virginia. We were just informed last night that this bill was going to be brought back to the floor. We expected there would be the resolution of two appropriations bills before this bill came to the floor. We didn't know when the bill would come back until late last night.

As the Senator from Virginia has indicated, there was a ''Dear Colleague'' letter circulated indicating objections to any consideration of amendments relative to China, specifically those that might involve visas and other things in that letter, of which I am sure the Senator has a copy.

In addition, there is a specific objection which the chairman of the Subcommittee on East Asian and Pacific Affairs, as indicated in his letter to the majority leader, to any setting aside, or to quote him: ''I object to any unanimous consent request designed to come to a time agreement on or to bring up such an amendment.'' And the amendment that he is referring to is any amendment in this dealing with the People's Republic of China.

So as one of the managers of the bill here, the minority manager, I have the responsibility, as does the manager on the majority side, to protect Members when there are unanimous consent requests, knowing of objections to those requests.

I, too, join our good friend from Virginia in expressing regret to the Senator from Arkansas for his inconvenience, but we were just informed last night. We were never asked whether or not there would be agreement to setting aside amendments and so forth so that the amendment or amendments of the Senator from Arkansas can be brought up.

Having said all that, there is at least one of these amendments which I am hoping, perhaps, we might be able to get agreement on before this day is over; that is the fourth amendment, which has been dealt with by the Foreign Relations Committee. Unlike the first three amendments, which have not been, the fourth amendment, I understand, has been dealt with by the Foreign Relations Committee. Perhaps we could get that amendment cleared before the debate is over today. We would have to go back to the signers of these letters with these objections in order to accomplish that. But I surely would like to accommodate our friend from Arkansas, if we can, at least to that extent.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my distinguished colleague. Momentarily, a telephone message or conversation will take place with the distinguished majority leader, and quite likely, the writers of that letter. So we may have further developments here shortly, I wish to advise my colleague, and the distinguished Senator from Arkansas. I know you have a pressing need to return home, and we are going to try and accommodate everybody as much as we can.

Mr. President, I see the presence of a distinguished member of the committee here.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia, Mr. WARNER, for his kindness. And I also thank the distinguished Senator from Michigan, Mr. LEVIN, for his consideration and courtesy and kindness as well.

HAPPY BIRTHDAY, WEST VIRGINIA

Mr. BYRD. Mr. President, on June 20, 1863, in the midst of the great Civil War, in which father fought against son and brother fought against brother, a new star in the constellation that we see on that flag was born. It was the 35th star. The great State of West Virginia became a separate government. Its motto, quite appropriate, considering the history of its birth, is ''Montani semper liberi''—''Mountaineers are always free.'' And so I salute my State on its birthday, which will be on tomorrow, as I said; 1863–1998, 135 years, its 135th birthday. Happy Birthday, West Virginia!

Mr. President, I invite my friends in the Senate to visit West Virginia. When I was in the State legislature, 52 years ago, we had only 4 miles of divided four-lane highways. Think of it—4 miles of divided four-lane highways in all of West Virginia, 52 years ago.

Then commenting on that fact was Raul Tunley, writing in the Saturday Evening Post of February 6, 1960, when he said, with reference to West Virginia's highway system, that it was not to be compared with the highway systems of its neighboring States. His exact words were ''Its [highway system] is decades behind that of its neighbors.'' That was 1960. I was in the Senate at that time, and those words were seared on my memory. ''Its highway system is decades behind that of its neighbors.''

Well, Mr. President, come to West Virginia now. Many times I have stopped in hotels and motels in West Virginia. I have met travelers from other States, tourists who have come to West Virginia to see its majestic mountains, its viridescent hills and its iridescent sunsets, and they have commented to me, glowingly, upon our highways, the highways that we now have in West Virginia, the State which Raul Tunley disparagingly wrote about in 1960, saying that ''Its highway system is decades''—not years —''decades behind that of its neighbors.''

Well, Mr. President, we in West Virginia welcome visitors from other States. I trust that Senators at one time or another will have traveled in West Virginia, and that they will have met its fine citizens and tested their hospitality and seen the beauties of nature, all of God's creation, in those mountains.

I have visited over 800 of the 1,000 post offices in West Virginia. So I have had an opportunity to get up the hollows and visit up the creeks and over the hills and in the mountains. I have had an opportunity to see much of West Virginia by virtue of my travels.

And interestingly, Mr. President, West Virginia's post offices, the names of communities and places in West Virginia, tell many stories. If you travel through West Virginia, you can go from Acme to Zenith, from Pax to War. You can sample Justice, Independence and Liberty without leaving your car, and you can drive in Harmony or Confidence, or, if traffic is bad, in Shock. You may even choose to settle in New Era or perhaps in Paradise. Maybe Friendly or Hometown is where you want to sink your roots.

On the other hand, Odd may suit your fancy, if Looneyville, Pickle Street, Pinch, Droop, or Left Hand fail to meet your requirements. These are all place names in West Virginia—towns, cities, and small communities whose names still reflect the hopes and humors of those who settled my quirky but wonderful home state.

Some of these new inhabitants clearly had been elsewhere, or perhaps had missed the homes they left behind, for the map of West Virginia reads like a world atlas. You can tour the sights of

Athens, Belgium, Cairo, Turkey, Ireland, London, Rangoon, Shanghai, Waterloo, Medina, Vienna, Congo, Glasgow, Ghent, and Genoa without a passport—without crossing more than a county line! You could even Tango in Montecarlo. You can see much of the United States as well, including Auburn, Augusta, Bismark, Cleveland, Miami, Dallas, Newark, Denver, Washington, and Wyoming. And if these big cities overwhelm you, the lower key attractions of Minnie, Little, or Peewee might be soothing, but if your dreams and fantasies are truly wondrous, then Cinderella—Cinderella, Cinderella—is the place for you.

Some names are more evocative of the settlers' beautiful and wild new surroundings, such as Grassy Meadows, Green Valley, Clear Creek, Deepwater, Lake, Limestone, Shady Spring, Cold Stream, Coldwater, Three Forks, Falling Waters, and even Falling Rock. And speaking of Three Forks, West Virginia's schoolchildren are good in math. When I was a boy, we had the old spelling matches and the arithemetic matches on Friday afternoons. So we are good in math. So there is Onego, there is Two Run, there is Three Forks, there is Three Mile, Three Churches, there is Four Mile, Four States, Five Forks, and Six and even Hundred.

Speaking of falling rock, in fact, rocks figure rather prominently in my state of old mountains. West Virginia communities include, simply, Rock, as well as Rock Camp, Rock Castle, Rock Cave, Rock Creek, Rock Oak, Rockport, Rockcliff, Rockford, Rock Gap, Rock Lick, Rock Valley, and Rock View, in addition to the more flavorful Salt Rock. And of course the trees and animals are not to be overlooked, trees and animals discovered by the settlers are also recorded on the maps—Apple Grove, Birch River, Oak Hill, Paw Paw, Piney View, Willow Island, Beaver, Bob White, Pidgeon, Buffalo, Panther, Wildcat, Deerwalk, Trout, Pike, Wolfcreek—Wolfcreek Hollow is where I spent my boyhood years—Elk Garden, Crow, Duck, and of course, as was already mentioned, Turkey, West Virginia. I am proud to say that in West Virginia, sites as pristine and beautiful as those discovered over two centuries ago can still be savored by today's generations. I proudly offer the spectacular chasm of the New River Gorge, the monumental beauty of Seneca Rocks, the ecological rarity of Dolly Sods, the unique variety and interest of Canaan Valley, where, when I was minority leader, I took all of the democratic Senators there on a weekend for meetings. Sometimes these meetings are called retreats. I think I was the first Senate leader to take Members of the Senate to retreats and especially to the choice, unique retreat, *sui generis*, in Canaan Valley, WV.

There are the scenic and historic virtues of Harpers Ferry at the confluence of two famous rivers—the gentle Shenandoah and the mighty Potomac. The Potomac River rises where? In the highlands of West Virginia. This is just a short list of West Virginia's many natural treasures.

Of course, West Virginia and King Coal were once nearly synonymous, and the importance that mining played in the life and economy of early West Virginia is also evident in her place names. Alloy, Coalburg, Coal City, Coalfield, Coal Fork, Coal Mountain, Coalton, Coalwood, Coketon, Colliers, Lead Mine, Montcoal, Nitro, Petroleum, and Vulcan, West Virginia, all clearly pay homage to the valuable natural treasure that underlies West Virginia's beauty.

Romance—Shakespeare—had he lived in a later time—may have been thinking of Romance, WV, when he wrote ''Romeo and Juliet.'' Romance has its place as well, both as a community and in the affection of the early settlers for their lady loves, enshrined in countless communities named after them, from Alice and Rachel and Sarah to Minnie and Dollie and Naoma, West Virginia. But some of the most interesting place names relate to the concern that our forebears had to pay to the weather and atmospheric conditions in those days before electricity, central heating, and air conditioning. Ah, what a world it was! West Virginia has towns named Cyclone, Hurricane, Mt. Storm, Skygusty, Tornado, Sun, Twilight, Snowflake, Frost, Mud, and Windy. Clearly, El Nino is not the only weather phenomenon to etch a name for itself in people's memories.

If West Virginia had much to offer those who ventured into her steep mountains, followed her coursing streams in those early days, she has so, so much more to offer the world today. Instead of 4 miles of four-lane, divided highways, as in 1947, she today has 900 miles of four-lane, divided highways. In addition to her stunning good looks, this lady State of the mountains offers the brawn, the brain, and the talents of her hard-working and thoroughly modern populace.

In towns and cities dotted with institutions of higher learning, West Virginia produces the intellectual firepower to combine with the fabled brute strength of her coal miners, her ''John Henrys'' of old. The transportation system, including the interstate highways and connectors, rail, air, and even river routes, is increasingly interconnected and modern. For those who do not wish to transport goods or to commute in traffic, West Virginia offers an extensive fiberoptic telecommunications network that allows today's cyber workers to combine high-technology jobs with an uncrowded pastoral setting—imagine that, an uncrowded pastoral setting; how majestic, how beautiful West Virginia seems—a low crime rate, and great family life.

By this fall, West Virginia will even boast eight distance learning nodes, allowing her citizens to maintain and expand their high-technology edge. In West Virginia, you can surf a standing river wave in a brightly colored kayak or surf the net through a computer modem.

Well, Mr. President, may I say to my good friend from Nebraska, Senator KERREY, I have spent my career in public service, and the underlying theme of that half-century of labor is one of nurturing the infrastructure that will allow the natural talents of West Virginia's people to flourish, providing the support and encouragement for West Virginians of all ages to come, come to West Virginia, come to seek a good education, and the necessary transportation links and other services to attract businesses to the State so that these skilled and devoted sons and daughters of the mountains might remain close to home.

While my work has required that I spend much of my time away from the hills and hollows of my youth, I cherish every report of new businesses choosing to establish themselves in West Virginia and West Virginia companies adding jobs and products to their operations in the State. These reports mean that my dreams for West Virginia are coming true, that the dream of so many West Virginians to remain in West Virginia and to raise new generations of mountaineers is becoming a reality. I see that energy and optimism throughout the State as new opportunities, new roads, and new buildings rise alongside the gentle reminders of the great and historic legacy of West Virginia's earlier settlers. It is, after all, proof that Confidence and Paradise can still be found in West Virginia, not far from Prosperity in Raleigh County, WV.

So, Saturday, June 20, is the 135th birthday of West Virginia's establishment as the 35th star in the constellation on our national flag. I know that God's blessings have shone down on her people, on her mountains, on her green hills, and on her green valleys, and that I have been blessed to be a part of securing for her a bright future.

Happy birthday, West Virginia, and best wishes to you always! Montani semper liberi—mountaineers are always free! Mr. President, take that message to China: Mountaineers are always free.

FATHER'S DAY

Mr. BYRD. Mr. President, on Sunday, June 21, Americans will take time to honor the Nation's fathers. The Bible tells us to ''honor thy father and thy mother.'' But at times, fathers have received less public attention and appreciation than mothers. Mother's Day, after all, has been recognized on a continuing basis since 1914, while Father's Day has only been an official holiday for a little over 25 years.

Mr. President, my State has a proud, though little noted, role in the history of Father's Day. According to the American Book of Days, Fairmont, WV, held a church service honoring fathers in July 1908. The idea did not begin to catch on, however, until a

woman by the name of Sonora Smart Dodd launched a campaign the following year to establish a day celebrating fatherhood. A resident of Spokane, WA—one of Washington's diligent, able, and respected Senators presently presides over the U.S. Senate—Mrs. Dodd reportedly wanted to honor her own father, a widower who raised her and her five brothers by himself on a farm in eastern Washington State. As I mentioned, a Senator from Washington State is presiding over the Senate, Senator SLADE GORTON. He is the chairman of the Interior Appropriations Subcommittee in the Senate and is one of the most knowledgeable Members on the subject matter of that subcommittee. He is an excellent chairman. But we are talking today about a lady from his State, the State which he so honorably represents, the State of Washington.

Thanks to Mrs. Dodd's efforts, the first official Father's Day was held in Spokane on June 19, on the third Sunday in June 1910. President Woodrow Wilson, who fathered three daughters, and President Calvin Coolidge, who had two sons, endorsed the concept of Father's Day, and various Congresses considered different resolutions making Father's Day an official holiday.

Finally, in 1972, Congress passed and President Nixon signed into law a bill making Fathers' Day a national holiday.

I remember as a child watching my stepfather, my uncle, who was the only dad I ever knew, Titus Dalton Byrd. I remember watching him set forth to toil in the mines, a hard way to make a living, no future, sometimes $2 a day, working in the black bowels of the Earth, in water holes, under mountains of rocks overhead, loading coal. I saw him set forth to work. I suspect that much of what I have achieved in life can be traced to the example of patience, tireless diligence, that he set for me.

He was a poor man, a humble man, a quiet man. I never heard him use God's name in vain in all my days with him. And when he left this world, he left owing no man a penny. He was an honest, hard-working man, one who accepted his lot in life without complaint. I never in my life saw him sit down at the table—no matter how meager, how humble, the fare—and utter the slightest complaint, never a complaint about mom's cooking, although she was an excellent cook, never a complaint. He never complained about anything.

Like so many children with their fathers, I continue to be indebted to that man, one of the greatest men that I have ever known in life. And I have known a lot of so-called great men, statesmen, leaders, Senators, Governors, shahs, kings, princes. My dad was a truly great man, great because he symbolized the great things in life: honesty, integrity, respect for his neighbor, love for his God, faith in his country. He loved his family. He loved me.

I shall always be indebted to him for teaching me by his conduct the virtuous and proper path to take in life, not that I have always followed that path. But if a parent will ingrain these principles in his children, the child may from time to time wander from the righteous path, but in time he will return because the old lessons, the old verities, the eternal values, taught and inculcated into the minds of the children, will always, always remain and will become a part of that life and a part of the next generation.

The Bible tells us in Ecclesiastes, chapter 9, 10th verse, ''Whatsoever thy hand findeth to do, do it with thy might.'' That old dad taught me that. And I took the maxim seriously because he took it seriously. He worked hard, very hard.

Senators can't know it unless they lived in the mining towns. They can't know the hard drudgery, the discouraging life of the coal miner and his family.

And my old dad always strove to do his very best, no matter how simple or unexciting the job in the mines. Many men's lives—my neighbors, my friends, fathers—depended in a very literal sense upon the quality of each other's work and upon the carefulness of each other's work. A careless lighting of a match might snuff out the lives of the fathers of hundreds of children. Think of Monongah, WV, where more than 300 lives were taken in one day by an explosion, an explosion in a mine.

I recall now how late in the afternoon I would go out on the porch and look up the railroad tracks and wait for my uncle, my dad. I never lived with my natural father. My mother died with the influenza epidemic in 1918. I lacked just a few days being 1 year old. I never lived with my father after the day she died. And I never saw him during the next 15 years, and then I was able only to visit with him 1 week. That was my natural father. I had three brothers and a sister, but only recently did I learn that I had a fourth brother, who died at childbirth. I grew up in the hands of these wonderful, wonderful people, this old couple who had had one child before I was born. He died of scarlet fever. This old couple took me on my mother's leaving this earthly life. And they brought me from North Carolina to West Virginia. So this was my dad. This was my mom. I have no recollections of my natural mother.

But these were the people who raised me. They didn't have much, but they had love for me. I never heard them quarrel at any time in their 53 years of marriage. Not a quarrel did I ever hear. My wife and I have been married 61 years. I can't say we haven't had a few spats. But my old mom used to say, ''One thing you must remember, both of you, don't you both get mad at the same time.'' When one gets mad, the other shouldn't get mad. The other shouldn't say anything. Just sit down, be quiet. So that was her recipe, and it worked.

I used to look up the railroad tracks and wait for my dad to return from his day in the mines, swinging his dinner bucket beside him. I treasured my time with him. He encouraged me to read, to draw, and to learn music. Like so many fathers, he wanted me to have a better life than he had had. He set about encouraging my interests and in building my confidence.

I suspect that many of my colleagues learned to throw a ball or to fly a kite under the tutelage of their fathers. Fathers played such an integral role in many of the memories that many of us have of our childhood. We picture those fathers tending the weekend barbecue, fork in one hand and a plate of hot dogs or hamburgers in the other, sitting patiently in the stands of the Little League ball game cheering our successes, consoling us afterwards about our less than successful efforts; or teaching us with a mixture of stern caution and warm affection how to drive the family car. That is not an experience or memory of mine. But I know that it is with many others. Such moments are as precious as pearls, and we string them together in our minds to make a beautiful necklace of memories.

Fathers can be stern, of course, but what father is more worthy than the one who selflessly serves as a garden stake for his young child?

I grow a few tomato plants, and I always have a stake to hold those tomato plants until they are strong enough that they can climb and make it with the help of still larger stakes.

So, what father is more worthy than the father who serves as a garden stake for his child, using his own example to encourage the tender young sapling to grow up straight and to grow tall? Good fathers are like good gardeners. They prepare the soil carefully and they coddle the seedlings before handing them off and planting them in the soil of life. And, even then, they weed out the bad influences, prune the bad habits, support and train the tender shoots with discipline and order and fertilize with affection.

Let me close, Mr. President, with a short poem by Grace V. Watkins entitled, ''I Heard My Father Pray.''

Once in the night I heard my father pray.
The house was sleeping, and the dark above
The hill was wide. I listened to him say
Such phrases of devotion and of love,
So far beyond his customary fashion,
I held my breath for wonder. Then he spoke
My name with tenderness and such compassion.
Forgotten fountains in my heart awoke.
That night I learned that love is not a thing
Measured by eloquence of hand or tongue,
That sometimes those who voice no whispering
Of their affection harbor love as strong,
As powerful and deathless as the sod,
But mentioned only when they talk with God.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to commend the able Senator from West Virginia for the remarks he just made. He has told us about that great State that has so many places named for other places in this country, so many places. He has told us about his history and the hardships he underwent and he has overcome. We are very proud of him. I consider him a man of integrity, ability and dedication. All that he has done in this body is a credit to him.

I have never heard unfavorable remarks about Senator BYRD. Everything I have heard and learned about him has been good. And after hearing his talk this morning, I am convinced that all the experience he has in his life has influenced him throughout his entire career, which is quite remarkable. He has brought out so many instances of how other States are connected with his State; his State is intertwined with so many different places.

Incidentally, in West Virginia there is a town or community named Thurmond. I don't know whether the Senator is familiar with it or not. He did not mention that, but I mention it to show that South Carolina has a connection with West Virginia, and we are very proud of the connection that we have with the Senator and his State. Again, I wish the Senator long life and much happiness and continued success in all of his undertakings.

Mr. BYRD. Mr. President, if I may again claim the floor just for 2 or 3 minutes, I thank the senior Member of this body for his preeminently gracious and charitable remarks.

There is a place named Thurmond in West Virginia. It is down on the New River, and it is a very historic place, an old railroad town. There was a poker game there that continued for several years. I have heard various stories about this poker game that lasted 7 years. Some said it lasted 10, 11 or 12 years. It was evidently a long, long time in its existence.

Thurmond is just a small town now—not to be called even a town. But I am very proud that Senator THURMOND of South Carolina has reminded me of Thurmond, WV. I hope Senators will travel through Thurmond at some point. It is on one side of the river, and on one side of the railroad tracks. One can see the beautiful mountain peaks on each side.

I thank the Senator, too, for his services to his State and to his country. If one reads his biography, one will find that he is truly a remarkable Senator who has led an extraordinary and remarkable political career, a career in public service. He honors me with his kind words, and I am thankful to the divine hand that guides us all for having let me live and serve in this body with STROM THURMOND now for 40 years. I am grateful for my friendship with him and most appreciative of his kind words this morning.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me just join Senator THURMOND in thanking Senator BYRD for his eloquent remarks on his home State on its birthday. We all join the Senator in wishing West Virginia happy birthday and on his tribute to fathers. What the Senator said about his family, his stepfather, his uncle, and other men who had such an impact on his life, brave men, modest men, men of modest means who had such an impact on his life, all live through him in us and those memories are shared with us. They become part of all of us. And so I want to thank the Senator from West Virginia for sharing those memories with us.

I talk a lot back home about lifelong learning. When I talk to students when they graduate, whether high school or college, I say it is the learning that lies ahead of them also which is so important and they should never stop learning. We have greater opportunities for that now as adults because of some of the efforts, as a matter of fact, which the Senator from West Virginia has made to make possible lifelong learning for our citizens.

We all still learn from Senator BYRD. It has been a learning experience for me, being with him in this Chamber, since the first day I was here, and that learning experience has never ceased. I do not know of any Member of this body who has not gained a great deal of wisdom and knowledge from serving here with the senior Senator from West Virginia. So I thank the Senator for taking the time he did this morning to share those thoughts with us.

Mr. BYRD. Mr. President, if I may just comment briefly, Tennyson said, ''I am a part of all that I have met, and we are all a part of each other.'' I am a part of CARL LEVIN. CARL LEVIN is a part of me. I am proud to serve in this body with CARL LEVIN, Senator LEVIN. He is a man who when he studies a bill, studies it with infinite care, dissecting each comma and period, semicolon, colon, each word, each phrase.

The Bible says, ''See us now a man diligent in his business; he shall stand before kings.'' Senator LEVIN is a man with diligence and ability, and I am proud to know him, proud to serve with him. He is the ranking member on the Armed Services Committee on which I serve with Senator WARNER, who is the ranking member on the Republican side. I thank him. He has always been very generous, very kind, very thoughtful to me. And I hope to predict that within just a few weeks he will join me in lauding the Supreme Court of the United States for holding that the Line-Item Veto Act is unconstitutional. He has fought that battle with me, and I hope we are able to join in triumph as Roman Emperors on that great day. May it come.

Mr. LEVIN. A hope in which I share, may I say. Thank you, ROBERT.

Mr. WARNER. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Michigan and our great and courageous chairman of the Armed Services Committee, Mr. THURMOND. For all of us who have joined here today, and Senator KERREY and others, to listen to those beautiful remarks, of course they evoke memories of our own parents.

My father was a medical doctor who practiced surgery and gynecology in the greater metropolitan Washington area all his life. He was proud of his heritage from the central part of Virginia, from whence his father and mother came. I often think that no matter what riches there are available in the world, there is no greater gift of God or anyone else than to have loving and strong parents. To the extent I have succeeded modestly in life, I owe it almost entirely to a wonderful father and a wonderful mother, who lived to be 96 years old.

Senator BYRD, you have left a profound mark on all of our lives. We visited momentarily here before those remarks about the birthday of West Virginia. I continue to make the offer to rejoin Virginia and West Virginia, bond them together as they once were, and I will yield the position of the senior Senator from Virginia and allow my colleague to be the senior Senator. Just how Senator ROBB will fit into that, I am not sure.

Mr. LEVIN. Where does that leave CHUCK?

Mr. WARNER. We will work out those modest details as we go along. But you have greatly enriched the lives of all of us.

What a treasured experience—to have the opportunity to listen to Senator BYRD on the floor on this and many other subjects.

Perhaps before the day ends, you will give us a quote, relative to Cicero, as you give Senator LEVIN and me a little token of what you feel about so strongly.

Mr. President, I will be consulting with the distinguished chairman of our committee and the ranking member regarding the remainder of the day. But we will continue actively on this bill. At this moment, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. BYRD. Mr. President, will the Senator from Nebraska allow me to respond just briefly to the Senator from Virginia, Mr. WARNER? I want to express my gratitude to him for his very lavish and profuse words with respect to me. He shares with us great riches, as we enjoy his friendship and work with him. I look upon him as a great American. He is on the Armed Services Committee, a former Member of a President's Cabinet—Secretary of the Navy. He has demonstrated by his patriotism and public service the kind of service that we should try to emulate.

I thank him very much for his kind words. They mean much to me.

Mr. WARNER. I thank the Senator from West Virginia, my friend.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. First of all, I come to the floor to offer some comments on S. 2057, a 412-page law that is before us. But I had the pleasure, as many others did on the floor, to listen to the statement of the distinguished Senator from West Virginia about not only West Virginia, but also on Father's Day.

I want to offer my praise as well, not just for the Senator's statement, but for the Senator's service. The senior Senator from West Virginia has not only made the lives of the people of West Virginia better, but he has also made the lives of the people of America better and, for those of us who have had the opportunity to learn from him, we hope our service better as well.

I am grateful for the advice and counsel and the assistance that the distinguished Senator has given me. But I am most grateful for those times when I had the opportunity to sit and listen to his views and his capacity to connect the strength and courage of individuals in the past to what we do here on this floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. KERREY. Mr. President, I will connect what I say here about this piece of legislation with Father's Day. I had the occasion, during our last recess, to take my 23-year-old son and my 21-year-old daughter to Omaha Beach. I was in the audience on the 6th of June, 1994, in Antelope Park in Lincoln, NE, where, among other people, I heard at that time the senior Senator from Nebraska, Senator Exon, and many other speakers talk about that day on the 6th of June, 1944, when very young men crossed the English Channel in the early morning and, as they approached the beaches of Normandy in France—now quite quiet, now nowhere near as hostile as it was on that morning—the bullets from the German trenches rained down upon the beach. And the soldiers, as they approached the beach that morning, could hear the bullets raking the front of their landing craft. Those of us who have experienced bullets raking in any environment at all understand the courage that it took to lower those gates and leave those boats, knowing that it was highly likely that they were going to be shot and that it was even a higher probability, in those early landing craft, that they would die.

On the occasion that I took my son and daughter, this year, to Omaha Beach, I pointed out the crosses there in this very quiet, reverential place—that each one of them is a story. Each one of them is a son. Each one of them was either a potential father or perhaps was a father themselves, leaving behind grieving sons and daughters who remember that extraordinary service.

So, on Father's Day I am apt, I suspect as many of us who have served are—apt to reflect, not only upon my father, but also upon the fathers who are no longer with us as a consequence of their service, as a consequence of their heroism, as a consequence of their courage. And I, as an individual, am always more impressed with the courage and the heroism that is done, as the distinguished Senator from West Virginia was describing in his own father, without any expectation that there would be a television camera recording the act, or a newspaper reporter writing it down, or any glory whatsoever, necessarily, coming to that individual.

The most important act of heroism is that act of heroism that occurs when nobody is observing what you do. That is when character is built. That is when the strength of, not just the individual, but the strength of the Nation, comes through as well. These young men who landed on that beach on the 6th of June, 1944, knew that they perhaps would die with no one there recording what it was that they had done.

I am struck, not just on Father's Day, but on many other days as well, how blessed we are as a result of the sacrifices that our fathers made for us and our forefathers made for us.

As I begin my comments on this piece of legislation, I can't help but connect with what the distinguished Senator from West Virginia, the senior Senator, was talking about earlier about fathers and sacrifice and the nobility of character that is developed in that moment when you do what your father told you to do. You follow not just the straight and narrow path, but often the most difficult path. My own father's most important lesson to me was that the easy road is apt to be the wrong road; the easy course is apt to be the wrong course. It is that difficult path that we very often must choose.

I am here on the floor to make that observation about this particular piece of legislation, Mr. President, S. 2057, 35 titles, 412 pages. I came here as a former Governor, as a former businessperson, and the longer that I am on the job of writing laws, the more impressed I am that there is a connection between these laws and our lives. It may be that some of these words in this piece of legislation I disagree with, and I may come to the floor and try to change some of these words, but none of us should doubt that these words are important, that they create an authorization in law that enables us to have an Army, a Marine Corps, a Navy, an Air Force, and a Coast Guard. It frames for us and authorizes for us what we will need to defend our Nation.

One of the things that I hear very often when I am talking to the citizens of my State whom I represent is they will say to me, ''Well, Senator, what threats are there? The cold war is over. For gosh sakes, what threats are there today to the people of the United States of America that would justify this expenditure, not just of money but of lives?''

Understand, we are not just authorizing the creation of an Army, a Navy, a Marine Corps, an Air Force, and a Coast Guard, we are asking young men and women to come in and swear an oath to their country and defend the people and, if necessary, not only to risk their lives, but even to give their lives in a cause that we on this floor declared important, as we have done in Bosnia, as we have done throughout the world not just in this year but in past years.

My answer is, unfortunately it was not readily apparent in the 1920s that there was a threat. Thus, Americans in the 1920s said, ''We have suffered enough in the Great War,'' the so-called war to end all wars. It was supposed to be the last war of mankind. We had a treaty at Versailles in 1919. It was believed that was all we had to do. So we came home and wrote laws in response to people saying, ''We've had enough.'' We wrote laws that downsized our military, that said there is no apparent threat in the 1920s, so we maintained just a skeleton force, if that.

Mr. President, my father was a 6-year-old in Chicago in 1919, and little did he know that the move to demilitarize this Nation, the move to isolate this Nation, the move to say that we are going to take care of America first and only would result not just in his having to serve in the Army, and he was being prepared for the assault of Japan when Hiroshima and Nagasaki bombs were dropped and Japan surrendered, but his older brother, John, went to the Philippines expecting in 1941 to return happily a year later, but he was among those who were, on the 8th of December, the day after the attack on Pearl Harbor in Hawaii, he was among those who were on the island in the Philippines unprepared for an attack—unprepared—and, as a consequence, they not only suffered the Bataan death march, but suffered horribly over the next few years.

It may not be that we see a threat of enormous dimensions today, but this piece of legislation, I hope, prepares us for the threat that we don't see, for the threat that may occur tomorrow. I hope that we understand as we write this piece of legislation that there are men and women who are serving us in our Armed Forces.

I know that the Armed Services Committee has written in to make certain that they are not only given a sufficient amount of resources to train and prepare themselves, but that they are given adequate housing and that they are given adequate health care and that they are given other things as a consequence of us knowing and understanding that they are serving us and putting themselves at risk in service to us.

Another area that I think we also need to understand is that there is diplomacy that occurs simultaneously with our authorizing and preparing our defenses. One very important piece of diplomacy will occur next week when our President, our Commander in Chief, travels to the People's Republic of China, the largest nation on Earth, the most populous nation on Earth, still a Communist nation, still, in my opinion, suffering as a result of not having what we have, and that is the blessings of liberty, of a government of, by and for the people.

I hope that on this defense authorization bill we will not make it more difficult for the President to engage in diplomacy. I hope that we are able to restrain ourselves. I know that there is interest in China. I know there will be amendments that will come to the floor, but I hope that we will not make diplomacy more difficult, Mr. President.

Diplomacy is the effort that we make to say that we are going to do all we can, not just to keep our defenses strong to prepare for a threat we may not see today, not just to keep our defenses strong so we discourage bad behavior, but diplomacy is an effort we make to prevent wars from happening in the first place.

To that end, I would like to comment a bit on some diplomacy. On Wednesday of this week, the Secretary of State, Madeleine Albright, gave a speech about Asia, and especially she commented about the need to change our policies carefully towards the nation of Iran.

I rise, indeed, to note two important events in the often troubled relationship between the United States and Iran. One of these events, Secretary of State Albright's speech to the Asia Society on Wednesday night, and the other event is the World Cup soccer match in France between the teams of the United States and Iran. This event on Sunday is a far smaller event, but it is, nonetheless, still important. First, the speech of Secretary Albright is an intellectual event, and the second, the soccer match between the United States and Iran, is a physical event.

The first deals with the sweep of history, the sweep of culture and religion, and the second takes place in the here and now. Yet, both, in my judgment, are major departures in a complex and extremely difficult relationship. At the level of Governments, the United States and Iran have disliked and suspected each other for 19 years. At the human level, Americans and Iranians have expressed their resentments towards the other country as they almost unconsciously grow closer to each other at the same time.

Mr. President, with each passing year, and especially with events such as the election of President Khatami and the warm reception accorded to the American wrestling team in Iran, the gulf between our antagonistic Government-to-Government relations, and the more positive relations between the Americans and Iranians are becoming more apparent.

Secretary Albright took an important first step Wednesday night towards closing that gulf. The importance is by no means diminished by the initial negative response that was heard yesterday on Iran's state radio. Secretary Albright recognized Mr. Khatami as the choice of 70 percent of the Iranian voters, and that he embodies their desire for change for greater freedom, for a society based on the rule of law, for a more moderate foreign policy leading to an end of Iran's international isolation.

She also noted that Mr. Khatami has started to change Iranian policies of long-term concern to us. At the same time, Secretary Albright noted considerable caution. She said Mr. Khatami does not control the entire Iranian Government, and that is perhaps the most notable observation for all of us who are trying to decide what to do, on the one hand, with Mr. Khatami's very moderate and positive statements and the continued behavior in the overall Government that appears to be in conflict.

The intelligence services, the military, the Revolutionary Guards are outside the control of Mr. Khatami. They respond to Supreme Jurisconsult Khamenei and the more controversial leaders whose candidate was defeated by Khatami in last year's election. As a result, Iran's behavior is somewhat schizophrenic.

For example, with regard to the Arab-Israel peace process, Mr. Khatami invited Yasser Arafat to Tehran and accepted Palestinian decisions to negotiate for peace. But Iran also continues to emit harsh anti-Israeli rhetoric, which does not advance the cause of peace. Khatami has condemned terrorism, but Iran continues to support anti-Israeli terrorist groups like Hezbollah and terrorizes Iranian exile opponents of the regime. Iran has made progress against illegal drugs and is beginning to reform its institutions. But allies of Khatami, such as the mayor of Tehran and the Interior Minister, are threatened with trials, which are forms of intimidation by the old guard.

As Secretary of State Albright noted, Iran has welcomed large numbers of Afghan refugees. Iran has also improved its relations with its Arab neighbors in the Gulf. But its development of weapons of mass destruction must give these same neighbors considerable pause. In no way could today's Iran be called a force for stability in the region.

Secretary Albright was clear that American concerns remain and that U.S. policy towards Iran will not change until Iranian policies, and the actions flowing from those policies, change first. But she also held out the possibility for better relations, which must be tantalizing to many of the Iranian majority who voted for Khatami. The possibility should be equally tantalizing to Americans who want peace, who want security, and who want democracy for all the states of the Middle East.

But closure will not come easily, Mr. President, or quickly. I will never completely get over the Iranian holding of our Embassy staff hostage in Tehran for over a year, and I suspect many other Americans agree with me. The death sentence which Iran applies to a writer whose book offends them and who is thereby condemned to a life in hiding deeply offends me. Let me add that if it is proven beyond a reasonable doubt that Iran was involved in the killing of 19 American airmen at Khobar Towers, the consequences for Iran will be severe and the possibility for better relations with us will be zero.

Major changes in Iranian behavior must precede an improvement in relations between the United States and Iran, and Secretary Albright's measured tone this Wednesday reflects the administration's sober understanding of this reality. But she reminded Iran that our problem with them is not their culture or their religion, both of which we respect; the problem is Iranian actions. If those actions change, we will develop a roadmap for better relations over time.

Meanwhile, at the human level of athletics, this coming Sunday in Lyons, France, or in universities across the United States, Iranians and Americans accept each other as individuals, compete fairly, and come to know each other as friends. We relearn how much more we have in common in our fundamental aspirations for our lives and our children's lives. If the Iranian Government chooses, our Governments can relate in the same way, and a key region will be safer.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

May I commend my friend and colleague from Nebraska for his usual eloquence. When he reflects on past experiences and provides some insight into some of the actions that this country has taken, and those who wear the uniform of this country have taken, all Americans do well to listen, in my judgment. I have enormous respect for him.

He has drawn our attention today to some important developments that have taken place or will take place in the next week. And I continue to commend him for his leadership in those areas. I have enjoyed an association that goes over a long time. We did not know each other in Vietnam, but we served together as Governors, and we came to this institution together. And I am very proud to call him a friend.

Mr. WARNER. If the Senator will yield, I wish to associate myself with the remarks of my colleague from Virginia in regards to the distinguished Senator from Nebraska and how we all

have profound respect for his judgments, his remarks, particularly as they relate to the security interests of this country, which he has served and continues to serve very aptly.

Mr. ROBB. Mr. President, I was pleased to be able to yield to my distinguished senior colleague notwithstanding an earlier conversation that appeared to combine two very fine States in ways that might not work to the complete satisfaction of the two junior Senators from those States.

Mr. President, the defense bill before us today is a solid package. It represents a bipartisan effort on the part of the committee and a delicate balance between funding our readiness today and preparing for the wars of tomorrow.

We are hearing a familiar ring with regard to defense spending. Force structure and end strength have been slashed by over 30 percent. Overseas commitments have increased significantly and are pushing our troops to their limits. Procurement funding is down by over 70 percent. And our vehicles, ships, and aircraft inventories are too old and cannot be sustained at current production rates.

On the other hand, we are now, in the context of imminent major military challenges, in a relatively benign period. The end of the cold war has allowed us to reduce force structure and end strength by roughly one-third and procurement by well over half. Despite this, we are still spending at 85 percent of the average cold war peacetime spending levels, and we will continue to do so at least through 2003—85 percent.

We have gone from 18 to 10 Army divisions, 36 to 20 fighter wing equivalents, and 15 to 11 carriers. Yet we have only cut the budget top line by 15 percent.

How do we explain this? In part, Mr. President, by increased overseas commitments. Yet even Bosnia involves only about a third of the division and is costing us less than 1 percent of the defense budget. In part, we are spending more for weapons. But weapons procurement is down by over 70 percent, and each new weapon is much more lethal than its predecessor, allowing us to buy fewer.

In part, we are having to spend much more for maintenance per vehicle or ship or aircraft or weapon because many of these systems are so old. But new systems entering the inventory require far less maintenance, and much of the maintenance is now being done for less by the private sector.

How then can we explain to the American taxpayer that we have cut forces by over a third but have only cut the budget by half? And that amounts to only about 15 percent. The obvious and unequivocal answer is infrastructure. Infrastructure means the facilities and other assets that support our troops on the front line. Above all, it means bases.

Last month, we received a BRAC report required by last year's defense authorization bill. The report involved analysis of 259 bases that the military departments identified as major installations and concluded that DOD has about 23 percent excess capacity.

The report went on to indicate that new base closure commissions in 2001 and 2005, if bold enough to close the bulk of the remaining excess, will add $21 billion in the years 2008 through 2015 and $3 billion every year thereafter.

Needless to say, Mr. President, I am deeply disappointed that this Congress is unwilling to authorize another base realignment and closure commission at this time.

If we don't have the courage to shut down these unneeded facilities to quit wasting so flagrantly the taxpayers' money, we will continue to stress our forces to their limits, to lose troops in droves that we've spent billions to recruit and train, and to fail to invest in the weapons, that will maintain our substantial military edge.

I am especially troubled by those who will not support another BRAC then turn around and attack the Administration and the Congress for underfunding the military for deploying U.S. forces to contingencies overseas, or for procuring too few weapons.

Mr. President, I understand, objections to BRAC, related to privatization-in-place of depot work in Texas and California even though this issue is mostly behind us, the atmosphere, remains unnecessarily charged. But the real issue here concerns who is being punished by Congressional indignation, with the BRAC process as a result of the recent depot controversy?

In the end, we only punish those who most need the benefits of infrastructure savings. First, we punish the nation's taxpayers when we fail to make the best use of the resources with which they entrust us. Second, we punish today's soldiers, sailors, airmen and marines, whose readiness depends on sufficient reliable resources for equipment, training and operations through the year. Finally, we punish tomorrow's force, as we continue to mortgage, research, development, and modernization of equipment necessary to keep America strong into the 21st century.

At its most basic level, getting rid of excess infrastructure, consistent with American public expectations, is just a good government. I reiterate may disappointment that we do not have the support needed to deal with this wasteful situation.

Mr. President, I nonetheless support the bill in its current form. It includes many badly needed provisions, including a 3.1 percent pay raise for our troops, funding for Bosnia, and funding for numerous modern systems to replace those that are simply too old to effectively wage future battles and to be maintained at reasonable costs. I look forward to the continued deliberations on this important legislation, not only with my fellow members of the Senate Armed Services Committee but with the entire Senate on the important issues and challenges that face our Nation today.

With that, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

OIL SPILLS IN PUGET SOUND

Mr. GORTON. Mr. President, I will take this opportunity to thank my colleague, Senator THURMOND, and the other managers of this bill, for agreeing to a modest amendment of my own in their bill. They and their staffs have been most helpful in this effort.

That amendment is a sense-of-the-Senate resolution urging the Navy to take immediate action to control oil spills from Naval vessels at U.S. ports. This amendment is the result of a discouraging performance by the navy in my home state of Washington this year. There have been six significant oil spills from Naval vessels in Puget Sound in 1998. In my opinion, that is six spills too many.

The Puget Sound is the jewel of Washington. With Mount Rainer to the east and the Olympic Peninsula to the West, Puget Sound is one of the most beautiful places in the state, and in my admittedly biased opinion, in the country. Tourists and recreationists alike enjoy sailing, fishing, and ferry rides on the Sound. The Sound is home to abundant marine life. Thousands of people in Washington are dedicated to keeping Puget Sound clean so that its magnificence can be enjoyed by generations to come.

So, Mr. President, I am disturbed when the carelessness of Naval personnel on vessels docked in the Sound for repairs at the Naval Shipyard in Bremerton or Naval Station Everett pollutes that beautiful body of water. Six oil spills in as many months is a poor record by any standard.

I urge my colleagues to join me in pushing the Navy to take immediate steps to curb the number of oil spills caused by Naval personnel in U.S. waters. More attention to the risk of oil spills, more training to teach Naval personnel how to avoid spills, and improved liaison with local communities where spills occur should go a long way to improve the Navy's environmental record. Oil spills, Mr. President, can and should be limited.

I thank the Armed Services Committee, the bill managers and their staffs for working with me to pass this important amendment.

Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business on two additional subjects.

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

(The remarks of Mr. GORTON pertaining to the introduction of S. 2196 are located in today's RECORD under ''Submission on Introduced Bills and Joint Resolutions.'')

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2735

Mr. WARNER. Mr. President, I have just been in consultation with the distinguished majority leader. Acting on his behalf and at his instruction, I take the following steps:

I move to recommit the pending bill to the Armed Services Committee with instructions to report back forthwith with all amendments agreed to in status quo, and with the following amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] moves to recommit the pending bill, S. 2057, to the Armed Services Committee with instructions to report back forthwith with all amendments agreed to in status quo, and with the following amendment No. 2735, for Mr. WARNER.

Mr. WARNER. 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:

AMENDMENT NO. 2735

(Purpose: Condemning Forced Abortions in the People's Republic of China)

At the appropriate place insert:

TITLE —FORCED ABORTIONS IN CHINA

SEC. . SHORT TITLE.

This title may be cited as the ''Forced Abortion Condemnation Act''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

SEC. . WAIVER.

The President may waive the requirement contained in section ____ with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2736 TO MOTION TO RECOMMIT

(Purpose: Condemning forced abortions in the People's Republic of China)

Mr. WARNER. 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 Virginia [Mr. WARNER] proposes an amendment numbered 2736 to the motion to recommit with Amendment No. 2735.

Mr. WARNER. 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 amendment, strike all after ''FORCED'' and insert the following:

ABORTIONS IN CHINA

SEC. . SHORT TITLE.

This title may be cited as the ''Forced Abortion Condemnation Act''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

SEC. . WAIVER.

The President may waive the requirement contained in section _____ with respect to

a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

(3) This Section shall become effective 1 day after enactment.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Chair is advised by the Parliamentarian that 11 are needed to get the yeas and nays.

Mr. WARNER. Mr. President, while the Chair is seeking to consult with the Parliamentarian, I want to say that this is an effort to keep this very important bill moving. I feel very strongly that this is a limited opportunity for the Senate to consider the annual authorization bill. The majority leader, in consultation with the Democrat leader, has decided that we have the balance of this day. We hope to have votes at 5 o'clock on Monday. I will address that later. We will have Tuesday and such part of Wednesday as the leadership will give us to complete this very important piece of legislation.

Given this extremely narrow window of opportunity, I hope that we can proceed today to have a parliamentary situation, which is in place and which will enable the distinguished majority leader and the Democrat leader, on Monday, to address the Senate and keep this bill active.

It is so important because I had the opportunity last night to visit with the Secretary of State, as I had earlier in the day the opportunity to have breakfast with the Secretary of Defense.

And our country is working with our principal allies in regard to the very serious issues and fractious situations surrounding Kosovo and the need for clarification of our position as it relates to Bosnia.

Mr. President, It is very interesting. I remember the extensive debates here on the issue of Bosnia. This Senator time and time again was opposed to sending in the ground forces. But, nevertheless, that decision was made. It was always the thought that you have to contain the Bosnia-Herzegovina geographic area to preclude a spillover into the Kosovo region, a region which I visited at one point with the distinguished former majority leader, Senator Dole.

Mr. President, I understand that I can at this time ask for the yeas and nays on the first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Are the yeas and nays ordered on the second-degree amendment, Mr. President?

The PRESIDING OFFICER. Is there a sufficient second for the yeas and nays on the second-degree?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I understand the ruling of the Chair is that the yeas and nays are on all of the amendments.

The PRESIDING OFFICER. The yeas and nays are ordered.

The Parliamentarian advises me that the yeas and nays have been ordered on the motion and on the first-degree amendment to the motion.

AMENDMENT NO. 2737 TO AMENDMENT NO. 2736

(Purpose: Condemning human rights abuses in the People's Republic of China)

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an amendment numbered 2737 to amendment No. 2736.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

CLOTURE MOTION

Mr. WARNER. Mr. President, I send a cloture motion, at the instruction of the distinguished majority leader, to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to 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, hereby move to bring to a close the debate upon S. 2057 (Calendar No. 362), a bill 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, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Strom Thurmond, John Warner, Dan Coats, James Inhofe, Dirk Kempthorne, Pat Roberts, Bob Smith, Rick Santorum, John McCain, Olympia Snowe, Larry Craig, Jesse Helms, Charles Robb, Trent Lott, Don Nickles, and Ted Stevens.

Mr. WARNER. Mr. President, for the information of all Senators, this cloture vote will occur on Tuesday, June 23, at a time to be determined by the majority leader after notification of the Democratic leader. I do now, however, ask that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. For the information of all Senators, a cloture motion was just filed on the DOD authorization bill in an effort to keep the bill free from extraneous matters. Under rule XXII, all Senators must file first-degree amendments by 1 p.m. on Monday, and the second-degree amendments up to 1 hour prior to the cloture vote.

Mr. President, the amendments which have just been filed, of course, are offered by the distinguished Senator from Arkansas. I will be in consultation with the majority leader. But at the present time, it is the intention of the Senator from Virginia, in his capacity as comanager of the chairman, Mr. THURMOND, to have a taking of those amendments. I just wish to inform all Senators of that intention, because this is an effort to keep this bill once again moving so that we can continue to have action by the Senate on this bill.

Does my distinguished colleague at this point wish to address the clearances of the amendments that are pending?

Mr. LEVIN. Mr. President, I wonder if the Senator from Virginia will yield.

Mr. WARNER. I just yield for a question.

Mr. LEVIN. I wonder whether or not it is inconvenient to anyone if we put in a brief quorum call for 5 minutes to allow me to do something that I need to attend to, if that would not inconvenience any other Senator.

Mr. WARNER. Perhaps there are some who wish to address the Senate in the intervening period.

I see no Senator seeking recognition. 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. 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, earlier today I had the distinct honor of attending a 75th anniversary ceremony held at the Naval Research Laboratory here in the Anacostia area of our Nation's capital. For 75 years, the U.S. Navy has conducted research on all aspects of radio, radar, sonar, space, and the like. It is a facility that is without comparison anywhere in the world in terms of its excellence.

I ask unanimous consent that an article in today's Washington Post be printed in the RECORD following my remarks.

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

(See exhibit 1)

Mr. WARNER. In today's Washington Post, on page 23, is a brief description of the historic work that has been performed by this laboratory.

I say with a great sense of humility I was asked to speak because of the fact that I am a graduate of a school that was conducted at this laboratory during World War II. Young men, and to my recollection, a few young women, were trained as radio/radar technicians. It was a 15-month course. Barely a third of those who started this course ever completed it because it was 6 days and 6 nights, and those were not unusual hours during wartime, and then

for the period after the cessation of the war in Europe and the Pacific, the momentum kept up, but they turned out remarkably trained young people, and I was privileged to be one of them.

I remember on the day of graduation—and these are the basic remarks that I deliver today—an admiral stood up and addressed us, and he said, ''You understand how to maintain,'' which means fix, ''every piece of equipment in the United States Navy through which an electron flows.''

Thousands of young persons went through that program, then reported to the fleet, whether it was a ship or submarine or an airplane, and they were immediately able to go in and examine the most complicated pieces of equipment and repair them. And that was before the black box era, where today, if there is a malfunction of a piece of electronic equipment, by and large, the technician goes in and pulls the box, takes a spare box out and pushes it right in, and the equipment starts up.

No, in those days we had to take the time to take off the covering, go in with electronic devices to try to find the faulty vacuum tube. We did not have solid circuitry in those days to any extent. It was vacuum tubes, great big capacitors. But that was the equipment that gave the eyes and ears to the U.S. Navy, and we shared it with our allies.

I always believed that this laboratory contributed in a very significant way to the ultimate victory of the U.S. forces, together with our allies. Radar, which was a distinct advantage that the United States and Britain had, was basically developed simultaneously in Great Britain and at this laboratory. That gave us an enormous, what we called a force multiplier, over the axis forces, because we had the eyes and ears to project out distances which are small by today's measure but in those days very significant, and to detect the presence of ships and aircraft to give the American and allied forces early warning. I don't know how many lives were saved.

This laboratory really was the vision of Thomas Alva Edison, who we all recognize as one of the great pioneer scientists in American history. He had an active role in this institution in 1923. Then for a while he phased out, and then he came back.

I commend the tens of thousands of people who through the 75 years of history, both civilian and uniform, Navy and Marine, and, indeed, officers and enlisted of other services who have trained there and their contribution to world freedom.

Mr. President, I thank the Chair. I yield the floor.

EXHIBIT 1

NAVY LAB UNCLOAKS A SECRET, CELEBRATES ITS BREAKTHROUGHS

(By Steve Vogel)

The veil was pulled away from a Cold War secret this week at the Naval Research Laboratory in Southwest Washington.

Speaking to an audience of scientists, lab employees and reporters, top U.S. intelligence officials on Wednesday disclosed the existence of a previously classified spy satellite system.

The system, known as Galactic Radiation and Background (GRAB), was launched in June 1960 and became the nation's first reconnaissance satellite system, gathering information on Soviet air defense radars only weeks after Francis Gary Power's U–2 was shot down over the Soviet Union.

For the NRL, which this week is celebrating its 75th anniversary, the public disclosure of GRAB was a relatively rare moment in the sun.

Spread over 100 buildings on a 130 acre site along the Potomac, NRL has been responsible for a host of critical scientific developments, from the discovery of radar in the 1920s to directing the first American satellite program—the Vanguard project—in the 1950s, to a pivotal role more recently in developing the Global Positioning System.

GRAB, which was proposed, developed, built and operated by NRL, was ''a milestone in the history of the laboratory in the history of U.S. intelligence,'' said Keith Hall, director of the National Reconnaissance Office, in announcing the declassification.

Addressing the family members of NRL employees in the audience, Rear Adm. Lowell Jacoby, the director of naval intelligence, said, ''For many of you, this is the first opportunity to hear what your husband or your father or your grandfather or whoever were doing every day when they came to work at NRL.''

The lab, though little known today to many Washingtonians, including the thousands of commuters who drive past it every day on Interstate 295 just above the Blue Plains water treatment plant, is inextricably linked to some of the 20th century's major scientific breakthroughs.

Those accomplishments are being celebrated this week in a ceremony and a five-day symposium.

''There's a real long history of firsts that came out of this lab,'' said Ed Senasack, head of the lab's spacecraft engineering department.

The lab has provided many things, not the least of them ''time to think,'' said Jerome Karle, who has worked at the lab since 1946. Karle, with his partner and wife, Isabella Karle, used his time to develop a theory for determining molecular structure, for which he was awarded the Nobel Prize for chemistry in 1985.

That research, like much of the work at NRL, has had implications far beyond military technology. ''The ability to get these fundamental structures has revolutionized the pharmaceutical industry, because it provides fundamental information about drugs and their activities and processes,'' Karle, 80, said in an interview at the lab where he and his 76-year-old wife still lead groundbreaking research.

''NRL is a research lab. It's where the ideas come from,'' says Gerald Borsuk, a scientist who has worked at the lab for three decades. ''NRL has kept research going here when industry has shut theirs down. Nobody wants to spend money on research, because it won't pay off for 10 years.''

The lab began with an offhand remark made by Thomas Edison to a newspaper reporter. What the country needed, the great American inventor told an interviewer in 1915, was an idea factory.

It took eight years and even some lobbying help from Edison to get congressional funding, but in 1923, the lab opened on the site of an annex to the Navy's Bellevue Arsenal, a location that won out over competing proposals from Annapolis and West Orange, N.J.

Peeved that the site near his own lab in New Jersey had not been selected, Edison refused to attend the commissioning ceremony and predicted the lab would develop into a home for incompetent naval officers who would take the work out of the hands of scientists. But within a few years, impressed by the lab's early successes, Edison admitted that his fears were without foundation.

One of those early successes—the discovery of radar—happened more or less by accident in the early 1920s. NRL researchers who were experimenting with radio sent signals across the Potomac to a receiver on Hains Point. ''As ship traffic would pass through, they noticed the phenomenon that was radar,'' said Capt. Bruce Buckley, commanding officer of the NRL. Though the Navy was slow to act on the discovery, the NRL was to play a key role in developing radar for military use.

In the early years, because NRL was off the beaten track, some hardy employees living in Virginia rowed to work across the Potomac. Well into the 1950s, many employees commuted to work on launches that ferried workers from Alexandria and the Washington Navy Yard.

Space exploration became a major part of the lab's operations in the 1940s, when NRL scientists conducted cosmic ray and other experiments by launching captured German V–2 rockets. Many of the most important V–2 experiments were the brainchild of a NRL scientist named Herbert Friedman, a man now considered a space pioneer.

''It was a wonderful opportunity,'' Friedman, 82, but still active at NRL, recalled recently. ''It opened up an entirely new vision of how the sun interacts with the ionosphere.''

The lab's most recognizable physical feature, a 50-foot radio telescope atop the headquarters building, was installed in the early 1950s. Though no longer operating, the telescope was used in determining the surface temperatures of Venus, Mars and Jupiter.

Vanguard I, developed by NRL, was launched into orbit in 1958 and is still there; in March, the satellite marked its 40th year in space, by far the record for any man-made satellite.

Civilian scientists at NRL praise the Navy's stewardship of the lab, which operates with about $800 million in annual funding and has around 3,400 employees. ''The Navy has kept NRL alive, despite having lots of freaks here, and guys in sandals, and geeks, and you don't know what they'll come up with next,'' said Borsuk.

Throughout much of NRL's history, the military leadership has been ''very quick to support anybody with ideas,'' said Friedman.

But there is concern at the lab about a growing sentiment in Congress, in the aftermath of the Cold War, against funding research unless it is guaranteed to have concrete results.

''In the past, there weren't [funding problems], but there are pressures outside the military that have made life much more difficult,'' said Nobel laureate Karle. ''It is post-Cold War, but it's accelerating now.''

Mr. THURMOND. I ask unanimous consent that the pending amendments be set aside solely for the purpose of adopting a series of amendments which have been agreed to by both sides. I further ask unanimous consent that upon the disposition of this series of cleared amendments, the amendments set aside once again become the pending amendments.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, of course I will not object. I understand that the second unanimous consent agreement would read that upon the disposition of

this series of cleared amendments, the amendments set aside once again become the pending business. Is that the Chair's understanding?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. LEVIN. I thank the Chair.

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

AMENDMENT NO. 2738

(Purpose: To reduce amounts authorized to be appropriated under titles I, II, and III and division B in order to reflect savings resulting from revised economic assumptions, and to increase funding for operation and maintenance for the Army National Guard and funding for verification and control technology of the Department of Energy)

Mr. THURMOND. Mr. President, I offer an amendment which would reduce the amounts authorized to be appropriated in the Department of Defense for inflation savings. The amendment also increases readiness funding for the Army National Guard by $120 million and $20 million for arms control in the Department of Energy.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2738.

The amendment is as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. REDUCTIONS IN FISCAL YEAR 1998 AUTHORIZATIONS OF APPROPRIATIONS FOR DIVISION A AND DIVISION B AND INCREASES IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) TOTAL REDUCTION.—Notwithstanding any other provision in this division, amounts authorized to be appropriated under other provisions of this division are reduced in accordance with subsection (b) by the total amount of $421,900,000 in order to reflect savings resulting from revised economic assumptions.

(b) DISTRIBUTION OF REDUCTION.—

(1) PROCUREMENT.—Amounts authorized to be appropriated for procurement under title I are reduced as follows:

(A) ARMY.—For the Army:

(i) AIRCRAFT.—For aircraft under section 101(1), by $4,000,000.

(ii) MISSILES.—For missiles under section 101(2), by $4,000,000.

(iii) WEAPONS AND TRACKED COMBAT VEHICLES.—For weapons and tracked combat vehicles under section 101(3), by $4,000,000.

(iv) AMMUNITION.—For ammunition under section 101(4), by $3,000,000.

(v) OTHER PROCUREMENT.—For other procurement under section 101(5), by $9,000,000.

(B) NAVY AND MARINE CORPS.—For the Navy, Marine Corps, or both the Navy and Marine Corps:

(i) AIRCRAFT.—For aircraft under section 102(a)(1), by $22,000,000.

(ii) WEAPONS.—For weapons, including missiles and torpedoes, under section 102(a)(2), by $4,000,000.

(iii) SHIPBUILDING AND CONVERSION.—For shipbuilding and conversion under section 102(a)(3), by $18,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 102(a)(4), by $12,000,000.

(v) MARINE CORPS PROCUREMENT.—For procurement for the Marine Corps under section 102(b), by $2,000,000.

(vi) AMMUNITION.—For ammunition under section 102(c), by $1,000,000.

(C) AIR FORCE.—For the Air Force:

(i) AIRCRAFT.—For aircraft under section 103(1), by $23,000,000.

(ii) MISSILES.—For missiles under section 103(2), by $7,000,000.

(iii) AMMUNITION.—For ammunition under section 103(3), by $1,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 103(4), by $17,500,000.

(D) DEFENSE-WIDE ACTIVITIES.—For the Department of Defense for Defense-wide activities under section 104, by $5,800,000.

(E) CHEMICAL DEMILITARIZATION PROGRAM.—For the destruction of lethal chemical agents and munitions and of chemical warfare material under section 107, by $3,000,000.

(2) RDT&E.—Amounts authorized to be appropriated for research, development, test, and evaluation under title II are reduced as follows:

(A) ARMY.—For the Army under section 201(1), by $10,000,000.

(B) NAVY.—For the Navy under section 201(2), by $20,000,000.

(C) AIR FORCE.—For the Air Force under section 201(3), by $39,000,000.

(D) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 201(4), by $26,700,000.

(3) OPERATION AND MAINTENANCE.—Amounts authorized to be appropriated for operation and maintenance under title III are reduced as follows:

(A) ARMY.—For the Army under section 301(a)(1), by $24,000,000.

(B) NAVY.—For the Navy under section 301(a)(2), by $32,000,000.

(C) MARINE CORPS.—For the Marine Corps under section 301(a)(3), by $4,000,000.

(D) AIR FORCE.—For the Air Force under section 301(a)(4), by $31,000,000.

(E) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 301(a)(6), by $17,600,000.

(F) ARMY RESERVE.—For the Army Reserve under section 301(a)(7), by $2,000,000.

(G) NAVAL RESERVE.—For the Naval Reserve under section 301(a)(8), by $2,000,000.

(H) AIR FORCE RESERVE.—For the Air Force Reserve under section 301(a)(10), by $2,000,000.

(I) ARMY NATIONAL GUARD.—For the Army National Guard under section 301(a)(11), by $4,000,000.

(J) AIR NATIONAL GUARD.—For the Air National Guard under section 301(a)(12), by $4,000,000.

(K) ENVIRONMENTAL RESTORATION, ARMY.—For Environmental Restoration, Army under section 301(a)(15), by $1,000,000.

(L) ENVIRONMENTAL RESTORATION, NAVY.—For Environmental Restoration, Navy under section 301(a)(16), by $1,000,000.

(M) ENVIRONMENTAL RESTORATION, AIR FORCE.—For Environmental Restoration, Air Force under section 301(a)(17), by $1,000,000.

(N) ENVIRONMENTAL RESTORATION, DEFENSE-WIDE.—For Environmental Restoration, Defense-wide under section 301(a)(18), by $1,000,000.

(O) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—For Drug Interdiction and Counter-drug Activities, Defense-wide under section 301(a)(21), by $2,000,000.

(P) MEDICAL PROGRAMS, DEFENSE.—For Medical Programs, Defense under section 301(a)(23), by $36,000,000.

(4) MILITARY CONSTRUCTION, ARMY.—Amounts authorized to be appropriated for military construction, Army, under title XXI by section 2104(a) are reduced by $5,000,000, of which $3,000,000 shall be a reduction of support of military family housing under section 2104(a)(5)(B).

(5) MILITARY CONSTRUCTION, NAVY.—Amounts authorized to be appropriated for military construction, Navy, under title XXII by section 2204(a) are reduced by $5,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2204(a)(5)(A); and

(B) $3,000,000 shall be a reduction of support of military family housing under section 2204(a)(5)(B).

(6) MILITARY CONSTRUCTION, AIR FORCE.—Amounts authorized to be appropriated for military construction, Air Force, under title XXIII by section 2304(a) are reduced by $4,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2304(a)(5)(A); and

(B) $2,000,000 shall be a reduction of support of military family housing under section 2304(a)(5)(B).

(7) MILITARY CONSTRUCTION, DEFENSE AGENCIES.—Amounts authorized to be appropriated for military construction, Defense Agencies, under title XXIV by section 2404(a) are reduced by $6,300,000, of which $5,000,000 shall be a reduction of defense base closure and realignment under section 2404(a)(10), of which—

(A) $1,000,000 shall be a reduction of defense base closure and realignment, Army;

(B) $2,000,000 shall be a reduction of defense base closure and realignment, Navy; and

(C) $2,000,000 shall be a reduction of defense base closure and realignment, Air Force.

(8) NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.—Amounts authorized to be appropriated for contributions to the North Atlantic Treaty Organization Security Investment program under title XXV by section 2502 are reduced by $1,000,000.

(c) PROPORTIONATE REDUCTIONS WITHIN ACCOUNTS.—The amount provided for each budget activity, budget activity group, budget subactivity group, program, project, or activity under an authorization of appropriations reduced by subsection (b) is hereby reduced by the percentage computed by dividing the total amount of that authorization of appropriations (before the reduction) into the amount by which that total amount is so reduced.

(d) INCREASE IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.—

(1) OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount authorized to be appropriated by section 301(a)(11), as reduced by subsection (b)(3)(I), is increased by $120,000,000.

(2) OTHER DEFENSE PROGRAMS, DEPARTMENT OF ENERGY.—The amount authorized to be appropriated by section 3103 is increased by $20,000,000, which amount shall be available for intelligence for verification and control technology under paragraph (1)(C) of that section.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared, Mr. President. We support the amendment.

Mr. THURMOND. Mr. President, I urge the Senate adopt the amendment.

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

The amendment (No. 2738) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2739

(Purpose: To provide increases in the monthly rates of hazardous duty pay for aerial flight crewmembers in grades E–4 through E–9 that are comparable to the increases that took effect in the rates of such pay for other grades in fiscal year 1998)

Mr. LEVIN. Mr. President, on behalf of Senator BIDEN, I offer an amendment that would increase hazardous duty incentive pay for certain enlisted personnel.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, proposes an amendment numbered 2739.

Mr. LEVIN. 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 subtitle B of title VI, add the following:

SEC. 620. INCREASED HAZARDOUS DUTY PAY FOR AERIAL FLIGHT CREWMEMBERS IN PAY GRADES E–4 TO E–9.

(a) RATES.—The table in section 301(b) of title 37, United States Code, is amended by striking out the items relating to pay grades E–4, E–5, E–6, E–7, E–8, and E–9, and inserting in lieu thereof the following:

''E–9	240
E–8	240
E–7	240
E–6	215
E–5	190
E–4	165''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

Mr. BIDEN. Mr. President, I rise to speak about an indispensable group of people in our military. Mid- and senior level enlisted air crew men and women are critical to America's military and need to be properly compensated for their valuable service. Last year's Defense Authorization bill included a provision to adjust hazardous duty incentive pay upward by $50 for E–1 to E–3 enlisted air crew personnel and upward by $25 for E–4 air crew personnel. All other enlisted personnel and officers eligible for hazardous duty incentive pay also received an upward adjustment. Unfortunately, E–5 to E–9 air crew personnel were not included in this adjustment.

My amendment provides that $40 increase in hazardous duty incentive pay for the E–5 to E–9 air crew personnel and adds $15 to the increase given to E–4 air crew personnel as of this year.

I thank the managers of this bill, Senator THURMOND and Senator LEVIN, for their support of this important amendment and for their unflagging efforts every year to help the dedicated men and women in our armed services.

It is crucial that we show our appreciation for America's dedicated mid- and senior level enlisted personnel. They provide vital experience in all of the military's flying missions. They are also in demand in the private sector. Commercial airlines are willing to pay for well-trained and experienced flight crews. One look at the missions being flown by U.S. armed forces, from Bosnia to the Persian Gulf to the Korean Peninsula, shows how indispensable experienced air crews are to the defense of U.S. national interests. We cannot afford to keep losing these seasoned professionals.

My amendment is one step toward addressing the problem now—letting these experienced aircrew personnel know that as our armed forces continue to work at a high operations tempo we value their unique and indispensable contribution to America's national interests.

I yield the floor.

Mr. LEVIN. I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no objection to the amendment, without objection, the amendment is agreed to.

The amendment (No. 2739) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2449

(Purpose: To authorize the transfer of naval vessels to certain foreign countries)

Mr. THURMOND. Mr. President, I call up amendment 2449 which would replace section 1013 of the bill regarding ship transfers to foreign countries. This amendment provides country and ship names for ships available for transfer to foreign countries.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] PROPOSES AN AMENDMENT NUMBERED 2449.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

Strike section 1013 of the bill and insert the following:

SEC. 1013. TRANSFERS OF CERTAIN NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY.—

(1) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina on a grant basis the tank landing ship Newport (LST 1179).

(2) BRAZIL.—The Secretary of the Navy is authorized to transfer vessels to the Government of Brazil as follows:

(A) On a sale basis, the Newport class tank landing ships Cayuga (LST 1186) and Peoria (LST 1183).

(B) On a combined lease-sale basis, the Cimarron class oiler Merrimack (AO 179).

(3) CHILE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Chile on a sale basis as follows:

(A) The Newport class tank landing ship San Bernardino (LST 1189).

(B) The auxiliary repair dry dock Waterford (ARD 5).

(4) GREECE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Greece as follows:

(A) On a sale basis, the following vessels:

(i) The Oak Ridge class medium dry dock Alamogordo (ARDM 2).

(ii) The Knox class frigates Vreeland (FF 1068) and Trippe (FF 1075).

(B) On a combined lease-sale basis, the Kidd class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995) and Chandler (DDG 996).

(C) On a grant basis, the following vessels:

(i) The Knox class frigate Hepburn (FF 1055).

(ii) The Adams class guided missile destroyers Strauss (DDG 16), Semmes (DDG 18), and Waddell (DDG 24).

(5) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico on a sale basis the auxiliary repair dry dock San Onofre (ARD 30) and the Knox class frigate Pharris (FF 1094).

(6) PHILIPPINES.—The Secretary of the Navy is authorized to transfer to the Government of the Philippines on a sale basis the Stalwart class ocean surveillance ship Triumph (T-AGOS 4).

(7) PORTUGAL.—The Secretary of the Navy is authorized to transfer to the Government of Portugal on a grant basis the Stalwart class ocean surveillance ship Assurance (T-AGOS 5).

(8) SPAIN.—The Secretary of the Navy is authorized to transfer to the Government of Spain on a sale basis the Newport class tank landing ships Harlan County (LST 1196) and Barnstable County (LST 1197).

(9) TAIWAN.—The Secretary of the Navy is authorized to transfer vessels to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) on a sale basis as follows:

(A) The Knox class frigates Peary (FF 1073), Joseph Hewes (FF 1078), Cook (FF 1083), Brewton (FF 1086), Kirk (FF 1087) and Barbey (FF 1088).

(B) The Newport class tank landing ships Manitowoc (LST 1180) and Sumter (LST 1181).

(C) The floating dry dock Competent (AFDM 6).

(D) The Anchorage class dock landing ship Pensacola (LSD 38).

(10) TURKEY.—The Secretary of the Navy is authorized to transfer vessels to the Government of Turkey as follows:

(A) On a sale basis, the following vessels:

(i) The Oliver Hazard Perry class guided missile frigates Mahlon S. Tisdale (FFG 27), Reid (FFG 30) and Duncan (FFG 10).

(ii) The Knox class frigates Reasoner (FF 1063), Fanning (FF 1076), Bowen (FF 1079), McCandless (FF 1084), Donald Beary (FF 1085), Ainsworth (FF 1090), Thomas C. Hart (FF 1092), and Capodanno (FF 1093).

(B) On a grant basis, the Knox class frigates Paul (FF 1080), Miller (FF 1091), W.S. Simms (FF 1059).

(11) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela on a sale basis the unnamed medium auxiliary floating dry dock AFDM 2.

(b) BASES OF TRANSFER.—

(1) GRANT.—A transfer of a naval vessel authorized to be made on a grant basis under subsection (a) shall be made under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) SALE.—A transfer of a naval vessel authorized to be made on a sale basis under subsection (a) shall be made under section 21

of the Arms Export Control Act (22 U.S.C. 2761).

(3) COMBINED LEASE-SALE.—(A) A transfer of a naval vessel authorized to be made on a combined lease-sale basis under subsection (a) shall be made under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761, respectively) in accordance with this paragraph.

(B) For each naval vessel authorized by subsection (a) for transfer on a lease-sale basis, the Secretary of the Navy is authorized to transfer the vessel under the terms of a lease, with lease payments suspended for the term of the lease, if the country entering into the lease of the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the leased vessel. Delivery of title to the purchasing country shall not be made until the purchase price of the vessel has been paid in full. Upon delivery of title to the purchasing country, the lease shall terminate.

(C) If the purchasing country fails to make full payment of the purchase price by the date required under the sales agreement, the sales agreement shall be immediately terminated, the suspension of lease payments under the lease shall be vacated, and the United States shall retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date. No interest shall be payable to the recipient by the United States on any amounts that are paid to the United States by the recipient under the sales agreement and are not retained by the United States under the lease.

(c) REQUIREMENT FOR PROVISION IN ADVANCE IN AN APPROPRIATIONS ACT.—Authority to transfer vessels on a sale or combined lease-sale basis under subsection (a) shall be effective only to the extent that authority to effectuate such transfers, together with appropriations to cover the associated cost (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)), are provided in advance in an appropriations Act.

(d) NOTIFICATION OF CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress, for each naval vessel that is to be transferred under this section before January 1, 1999, the notifications required under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) and section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118; 111 Stat. 2413).

(e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of the naval vessels authorized by subsection (a) to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be counted for the purposes of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(f) COSTS OF TRANSFERS.—Any expense of the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(g) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(h) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

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

The amendment (No. 2449) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2740

(Purpose: To revise and clarify the authority for Federal support of National Guard drug interdiction and counterdrug activities)

Mr. LEVIN. Mr. President, on behalf of Senators FORD, BOND, LOTT and GRASSLEY, I offer an amendment which would authorize the expansion of counterdrug activities currently performed by the National Guard.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FORD, Mr. BOND, Mr. LOTT, and Mr. GRASSLEY, proposes an amendment numbered 2740.

The amendment is as follows:

At the end of subtitle D of title III, insert the following:

SEC. ___. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) PROCUREMENT OF EQUIPMENT.—Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out ''and leasing of equipment'' and inserting in lieu thereof ''and equipment, and the leasing of equipment,''.

(b) TRAINING AND READINESS.—Subsection (b)(2) of such section is amended to read as follows:

''(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

''(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.''.

(c) ASSISTANCE TO YOUTH AND CHARITABLE ORGANIZATIONS.—Subsection (b)(3) of such section is amended to read as follows:

''(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

''(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

''(B) in the case of services, the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

''(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.''.

(d) DEFINITION OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Subsection (i)(1) of such section is amended by inserting after ''drug interdiction and counter-drug law enforcement activities'' the following: '', including drug demand reduction activities,''.

Mr. FORD. Mr. President, I'm offering this amendment for myself and my Co-Chairman of the Senate National Guard Caucus, Senator BOND, along with Senators LOTT, STEVENS and GRASSELY.

Last year conferees added language to the Fiscal Year 1998 Defense Authorization bill requiring all counter-drug missions conducted by National Guard units to comply with section 2012 of Title 10 and section 508 of Title 32. Before these changes, National Guard men and women supported Federal, State and Local law enforcement agencies in a wide variety of ways from transcription and translation of DEA wiretaps to aerial and ground thermal imaging of suspected indoor marijuana growing to maintaining listening and Observation posts along the Southwest Border. But because of changes in last year's bill, National Guard members now can only participate in counter drug missions if the mission contributes to their military speciality skills or MOS. For example, this means a member of National Guard whose MOS is a radio specialist could only work in that speciality or if an airman is a mechanic he or she could only repair an airplane!

You won't find anyone in the Guard Bureau or the Department of Defense who has ever claimed that counter-drug duty has a negative impact on the training and readiness of National Guard personnel. In fact, there's empirical evidence that counter-drug duty enhances the military readiness of National Guard personnel. And because counter-drug duty is in addition to the required readiness training, it adds no extra readiness training costs. Our amendment will correct this problem, deleting the provisions added in the Fiscal Year 1998 bill, and allowing the National Guard to continue this supportive role in federal, state and local drug demand reduction, as well as interdiction missions.

The amendment would also clarify how National Guard personnel can be used in counter-drug activity when providing support to certain youth and charitable organizations. Our amendment would amend the definition of

drug interdiction and counter-drug activities to specify that such activities include drug demand reduction activities. By providing support to youth and charitable organizations as part of state counter-drug activities, demand reduction has been part of the National Guard program since its inception and has had the approval of the Secretary of Defense. Language in last year's Defense Authorization bill presented major problems in the Guard's ability to interact with these groups.

Our amendment also says that federal funds provided to a state for counter-drug activity can be used to procure or lease equipment. Current law authorizes leasing, but precludes the procurement of equipment. This forces states to lease equipment even though it would be more cost effective to purchase the equipment. Examples of equipment that would be more cost effective to purchase then lease would be Night Vision goggles, Infrared I.D. equipment and Range Finders.

Mr. President, these are just the highlights of the major provisions of this amendment. I ask unanimous consent that a section by section explanation of this amendment be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. FORD. In closing, I want to tell the members of the Armed Services Committee and their staffs how much I appreciate their consideration and willingness to accept this amendment. I know they'll do the best they can to assure this amendment remains in the final bill.

EXHIBIT 1.

SECTION-BY-SECTION ANALYSIS

Subsection (a) would specify that Federal Funds provided to a State under a State plan can be used to procure or lease equipment for the National Guard to use in support of drug interdiction and counter-drug activities. A strict interpretation of the current statutory language would authorize the leasing, but preclude the procurement, of equipment necessary to carry out the purposes of the statute. Such an interpretation would impose unnecessary expenses on the program because it would force states to lease equipment in situations where procuring equipment would be more cost effective. This interpretation would also prevent participation in authorized support missions when necessary equipment cannot be leased. The statute needs to be clarified to ensure that States have flexibility in deciding whether to lease or purchase equipment based on considerations of economy and determinations of necessity.

Subsection (b) would eliminate the provision in paragraph (b)(2) of section 112 that provides that units and personnel of the National Guard can only perform drug interdiction and counter-drug activities that comply with the requirements of section 2012(d) of title 10, United States Code. Paragraph (b)(2) was enacted as part of the Department of Defense Authorization Act for fiscal year 1998 (public law 105–85) to ensure that the use of units and personnel of the National Guard pursuant to a State drug interdiction and counter-drug activities plan is not detrimental to their training and readiness. However, the restrictions in section 2012(d) are not tailored to address the unique nature of the National Guard drug interdiction and counter-drug program. National Guard personnel may derive readiness and preparedness benefits from their participation in activities under section 112, but such activities are in addition to, not in lieu of, required training. If this provision is enacted, National Guard personnel on extended Counterdrug orders will not lose any benefits while performing their required IDT and Annual Training requirements.

Subsection (b) would also facilitate the accomplishment of training, by adding a new provision to enable National Guard members on extended tours of duty in the drug interdiction and counter-drug program to participate in required IDT and AT with their units without breaking their orders for counter-drug duty. During such training periods, covered individuals would be entitled to the same pay and benefits which they would otherwise receive if continuously performing duty for the purpose of carrying out drug interdiction and counter-drug activities. This will ensure that these individuals, while performing AT, do not lose any of the benefits associated with the longer period of counter-drug duty. This will also clarify that such individuals, while performing IDT, are entitled to pay associated with full-time National Guard duty, but not additional drill pay.

Subsection (c) would clarify and revise the provision in subsection (b)(3) of section 112 that makes the restrictions in section 508 of title 32 applicable to situations in which units or members of the National Guard are used, pursuant to a State drug interdiction and counter-drug activities plan, to provide support to certain youth and charitable organizations. Under subsections (a)(3) and (a)(4) of section 508, services cannot be provided to eligible organizations unless the provision of such services enhances military skills and does not result in a significant increase in the cost of training. Because counter-drug activities are not incidental to training, but are in addition to training, these restrictions present a problem. The proposed revision would eliminate these restrictions, but would continue to make the other provisions in section 508 applicable to situations in which services or assistance are provided to an eligible organization as part of a state counter-drug activities plan.

Subsection (d) would amend the definition of drug interdiction and counter-drug activities to specify that such activities for purposes of section 112 include drug demand reduction activities. Although drug demand reduction has been part of the activities carried out under section 112 since the inception of the program, the statute needs to be clarified to specifically include such activities to avoid confusion that results from a strict interpretation of the statute. Like any other counter-drug activities, proposed drug demand reduction activities must have a law enforcement nexus in order to be acceptable under a State plan.

Mr. LEVIN. Mr. President, I believe the other side has cleared this amendment.

Mr. THURMOND. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 2740) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2741

(Purpose: To establish additional requirements relating to the relocation of Federal frequencies)

Mr. THURMOND. Mr. President, I offer an amendment which would ensure that private sector bidders for the electromagnetic frequency spectrum are provided all relevant information regarding the costs that they will incur as a result of purchasing that spectrum.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2741.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

On page 264, strike out line 17 and insert in lieu thereof the following:

striking out the second, third, and fourth sentences and inserting in lieu thereof the following: ''Any such Federal entity which proposes to so relocate shall notify the NTIA, which in turn shall notify the Commission, before the auction concerned of the marginal costs anticipated to be associated with such relocation or with modifications necessary to accommodate prospective licensees. The Commission in turn shall notify potential bidders of the estimated relocation or modification costs based on the geographic area covered by the proposed licenses before the auction.'';

On page 266, strike out line 7 and insert in lieu thereof the following:

trum.

''(E) IMPLEMENTATION PROCEDURES.—The NTIA and the Commission shall develop procedures for the implementation of this paragraph, which procedures shall include a process for resolving any differences that arise between the Federal Government and commercial licensees regarding estimates of relocation or modification costs under this paragraph.

''(F) INAPPLICABILITY TO CERTAIN RELOCATIONS.—With the exception of spectrum located at 1710–1755 Megahertz, the provisions of this paragraph shall not apply to Federal spectrum identified for reallocation in the first reallocation report submitted to the President and Congress under subsection (a).''.

(d) REPORTS ON COSTS OF RELOCATIONS.—The head of each department or agency of the Federal Government shall include in the annual budget submission of such department or agency to the Director of the Office of Management and Budget a report assessing the costs to be incurred by such department or agency as a result of any frequency relocations of such department or agency that are anticipated under section 113 of the National Telecommunications Information Administration Organization Act (47 U.S.C. 923) as of the date of such report.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

I urge the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. The amendment has been cleared on this side.

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

The amendment (No. 2741) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2742

(Purpose: To prohibit members of the Armed Forces from entering into correctional facilities to present decorations to persons who commit certain crimes before being presented such decorations)

Mr. LEVIN. Mr. President, on behalf of Senator FEINSTEIN, I offer an amendment that would prohibit members of the Armed Forces from presenting a military award to any person in prisons or correctional facilities.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, proposes an amendment numbered 2742.

Mr. LEVIN. 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 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.''.

Mr. LEVIN. I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, it has been agreed to.

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

The amendment (No. 2742) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2743

(Purpose: To make technical amendments relating to military construction projects)

Mr. THURMOND. Mr. President, on behalf of myself and Senator LEVIN, I offer an amendment which makes certain technical corrections relating to several military construction projects incorrectly identified in the bill. The technical corrections will have no funding implications.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself and Mr. LEVIN, proposes an amendment numbered 2743.

The amendment is as follows:

On page 296, in the table following line 10, strike out the item relating to Fort Dix, New Jersey.

On page 296, in the table following line 10, strike out the item relating to Camp Dawson, West Virginia.

On page 296, in the table following line 10, strike out ''$627,007,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$604,681,000''.

On page 298, line 19, strike out ''$2,005,630,000'' and insert in lieu thereof ''$1,983,304,000''.

On page 298, line 22, strike out ''$539,007,000'' and insert in lieu thereof ''$516,681,000''.

On page 302, in the table following line 23, strike out the item relating to Naval Air Station, Atlanta, Georgia.

On page 302, in the table following line 23, strike out ''$39,310,000'' in the amount column of the item relating to Naval Shipyard, Pearl Harbor, Hawaii, and insert in lieu thereof ''$11,400,000''.

On page 302, in the table following line 23, insert after the item relating to Navy Public Works Center, Pearl Harbor, Hawaii, the following new items:

Fleet and Industrial Supply Center, Pearl Harbor	$9,730,000
Naval Station, Pearl Harbor	$18,180,000

On page 302, in the table following line 23, strike out ''$446,984,000'' in the amount column of the item relating to the total and insert in lieu thereof ''$442,884,000''.

On page 305, line 16, strike out ''$1,741,121,000'' and insert in lieu thereof ''$1,737,021,000''.

On page 305, line 19, strike out ''$433,484,000'' and insert in lieu thereof ''$429,384,000''.

On page 307, in the table following line 16, strike out the item relating to McChord Air Force Base, Washington.

On page 307, in the table following line 16, strike out ''$469,265,000'' in the amount column in the item relating to the total and inserting in lieu thereof ''$465,865,000''.

On page 310, line 17, strike out ''$1,652,734,000'' and insert in lieu thereof ''$1,649,334,000''.

On page 310, line 21, strike out ''$469,265,000'' and insert in lieu thereof ''$465,865,000''.

On page 320, line 25, strike out ''$95,395,000'' and insert in lieu thereof ''$108,990,000''.

On page 321, line 1, strike out ''$107,378,000'' and insert in lieu thereof ''$116,109,000''.

On page 321, line 3, strike out ''$15,271,000'' and insert in lieu thereof ''$19,371,000''.

On page 321, line 8, strike out ''$20,225,000'' and insert in lieu thereof ''$23,625,000''.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, we have cleared this amendment.

Mr. THURMOND. I urge the adoption of the amendment.

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

The amendment (No. 2743) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2744

(Purpose: To waive time limitations for award of the Distinguished-Service Cross and Distinguished-Service Medal to certain persons)

Mr. THURMOND. Mr. President, on behalf of Senators KEMPTHORNE, CLELAND and AKAKA, I offer an amendment that would waive the time limits for award of the Distinguished Service Cross and Distinguished Service Medal to certain persons. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. KEMPTHORNE, for himself, Mr. CLELAND and Mr. AKAKA proposes an amendment numbered 2744.

The amendment is as follows:

Beginning on page 108, strike out line 21 and all that follows through ''(b) APPLICABILITY OF WAIVER.—'' on page 109, line 4, and insert in lieu thereof the following:

SEC. 530. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall

not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED-SERVICE CROSS.—Subsection (a) applies to award of the Distinguished-Service Cross of the Army as follows:

(1) To Isaac Camacho of El Paso, Texas, for extraordinary heroism in actions at Camp Hiep Hoa in Vietnam on November 24, 1963, while serving as a member of the Army.

(2) To Bruce P. Crandall of Mesa, Arizona, for extraordinary heroism in actions at Landing Zone X-Ray in Vietnam on November 14, 1965, while serving as a member of the Army.

(3) To Leland B. Fair of Jessieville, Arkansas, for extraordinary heroism in actions in the Philippine Islands on July 4, 1945, while serving as a member of the Army.

(c) DISTINGUISHED-SERVICE MEDAL.—Subsection (a) applies to award of the Distinguished-Service Medal of the Army to Richard P. Sakakida of Fremont, California, for exceptionally meritorious service while a prisoner of war in the Philippine Islands from May 7, 1942, to September 14, 1945, while serving as a member of the Army.

(d) DISTINGUISHED FLYING CROSS.—

Mr. AKAKA. Mr. President, I am very pleased to be joining Senator KEMPTHORNE and Senator CLELAND, chairman and ranking member of the Subcommittee on Personnel, in offering an amendment to the 1999 Defense Authorization Act that would waive current statutory time limitations for award of the Distinguished Service Cross, Distinguished Flying Cross, and the Distinguished Service Medal to certain deserving veterans.

Mr. President, I am especially pleased that this amendment will enable the Department of the Army to award the Distinguished Service Medal (DSM), our third-highest award after the Medal of Honor and Distinguished Service Cross, to the late Lt. Colonel Richard Motoso Sakakida of Fremont, California. The award would honor Colonel Sakakida's meritorious service as an Army intelligence officer and undercover agent in the Philippines during World War II.

Colonel Sakakida, a second-generation Japanese American and former Hawaii native, was recruited by Army military intelligence well before the attack on Pearl Harbor to conduct undercover activities in the Philippines. Then-Sergeant Sakakida served in the Philippines from 1941 to 1945, first as a covert operative spying on the Japanese community, subsequently as a military intelligence staffer for General MacArthur, and still later, after giving up a seat on an escape aircraft to a fellow nisei, as the only Japanese American prisoner of war captured by the Japanese during that conflict.

While a POW, Sakakida was subjected to severe torture—beatings, dislocation of his shoulders, and cigarette burns—by the feared Japanese secret police, the *kempeitai*, without revealing his covert status. After gaining the trust of his captors and assigned menial tasks in the Judge Advocate's office of the Japanese 14th Army, he was able to purloin vital military intelligence, including information on troop movements. He reported this information to General MacArthur's headquarters in Australia via a secret courier service that he helped establish comprising Filipino guerrillas. Some of the information he conveyed to the Allies in this way may have contributed to the destruction of a Japanese naval task force.

He also took advantage of his position to aid secretly a number of Allied prisoners of war who were being held there for trial for attempting to escape; Sakakida smuggled food to them and imaginatively interpreted for them during their trials. One of these men, a naval officer who would later become an Oklahoma supreme court justice, asserted that he escaped execution only through Sakakida's intervention and assistance during his trial.

During this period, Sakakida engaged in perhaps his most daring exploit, the jailbreak of hundreds of Filipino guerrillas from a Japanese prison. Disguised in a stolen Japanese officer's uniform, he managed to free the guerrilla leader Ernest Tupas and hundreds of other imprisoned fighters, who later augmented his intelligence pipeline to MacArthur. Yet, despite the opportunity for escape that was offered on this and other occasions, Sakakida chose to remain a prisoner of war in order to continue his undercover work.

After American forces invaded the Philippines, Sakakida escaped from the retreating Japanese forces at Baguio. During a firefight between American and Japanese troops, he suffered shrapnel wounds in the stomach. For the next several months Sakakida wandered alone in the jungle, living off the land, debilitated by his injuries. He finally happened upon American troops, whom he eventually convinced of his identity. At that point, he was informed that the war was over.

After the war, Sakakida served with the War Crimes Tribunal, obtaining information on war crimes committed by the Japanese in the Philippines. He later transferred to the Air Force, where he led a long and distinguished career with the Office of Special Investigations.

Mr. President, aside from a Purple Heart Award and Prisoner of War Medal, Colonel Sakakida has yet to be honored with an official U.S. military decoration for his amazing service in the Philippines. There are a number of reasons for this oversight, but most are attributable to the official secrecy surrounding his work, which prevented his story from being recognized for what it was until it was too late to consider him for an appropriate decoration. When his accomplishments at last came to light at a veterans convention in 1991, some of Sakakida's supporters, including myself, sought to have him considered for a high award for valor; however, the Army refused to consider any award applications in Sakakida's behalf on the basis that the statutory application deadlines for these awards had expired.

After numerous failed attempts to waive these rules, an opportunity recently presented itself to seek equity for Sakakida under a new provision of law (section 526 of Public Law 104–106) that requires the military services to review the merits of an application for an award, regardless of any statutory time restrictions, if a member of Congress submits such an application. Under the measure, if the military determines that such an award is merited, it may request a waiver from Congress to make the award.

Last March, pursuant to section 526, I asked the Army to review Sakakida's record to determine if he deserved the DSM. In May, the Army responded positively to the request and officially recommended that Congress grant the late veteran a waiver from all time limits pertaining to the award. The amendment that Senator KEMPTHORNE, Senator CLELAND, and I are offering would effectively grant this waiver, clearing the way for the Army to confer the DSM on this amazing individual.

Mr. President, for the late Colonel Sakakida and his wife Cherry, this day has been long in the making. I urge my colleagues to support this amendment to ensure that a true American hero can receive his due, albeit posthumously. This award means a great deal not only to his widow, but to the entire Japanese American community and all those who honor military service to their country.

Should this amendment become law, I would like to recognize the many nisei veterans, including members of the all-nisei Military Intelligence Service, and other supporters whose enthusiasm sustained Sakakida's case. I would also like to single out the efforts of three individuals without whose hard work the Army would never have considered Sakakida's case: Wayne Kiyosaki, who wrote the definitive biography of Colonel Sakakida; Ted Tsukiyama, who served as a key historical resource; and, most importantly, Colonel Harry Fukuhara, whose tireless advocacy in behalf of the late hero reflects his own dedicated service to his nation.

Mr. President, I appreciate the assistance of Senator KEMPTHORNE, Senator CLELAND, and Charlie Abell of the Personnel Subcommittee staff for their support and guidance on this matter. I eagerly await the day when Colonel Sakakida's accomplishments are officially recognized by the U.S. Army.

Mr. THURMOND. I urge the adoption of the amendment.

Mr. LEVIN. The amendment has been cleared by this side.

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

The amendment (No. 2744) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2745

(Purpose: To reduce the authority in section 1012 to enter into long-term charters for three vessels in support of submarine rescue, escort, and towing)

Mr. THURMOND. Mr. President, on behalf of Senator WARNER, I offer an amendment which authorizes the Navy to enter into charter agreements for up to 5 years for three vessels used in support of submarine rescue, escort and towing. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. WARNER, proposes an amendment numbered 2745.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

Strike out section 1012, and insert in lieu thereof the following:

SEC. 1012. LONG-TERM CHARTER OF THREE VESSELS IN SUPPORT OF SUBMARINE RESCUE, ESCORT, AND TOWING.

(a) AUTHORITY.—The Secretary of the Navy may to enter into one or more long-term charters in accordance with section 2401 of title 10, United States Code, for three vessels to support the rescue, escort, and towing of submarines.

(b) VESSELS.—The vessels that may be chartered under subsection (a) are as follows:

(1) The Carolyn Chouest (United States official number D102057).

(2) The Kellie Chouest (United States official number D1038519).

(3) The Dolores Chouest (United States official number D600288).

(c) CHARTER PERIOD.—The period for which a vessel is chartered under subsection (a) may not extend beyond October 1, 2004.

(d) FUNDING.—The funds used for charters entered into under subsection (a) shall be funds authorized to be appropriated under section 301(a)(2).

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. The amendment has been cleared. I urge the Senate adopt the amendment.

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

The amendment (No. 2745) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2746

(Purpose: To broaden the eligibility for diving duty special pay to include personnel who maintain proficiency as a diver while serving in a position for which diving is a nonprimary duty)

Mr. THURMOND. Mr. President, on behalf of Senator MCCAIN, I offer an amendment that would broaden the eligibility for giving special duty pay in the Navy. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. MCCAIN proposes an amendment numbered 2746.

The amendment is as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. DIVING DUTY SPECIAL PAY FOR DIVERS HAVING DIVING DUTY AS A NONPRIMARY DUTY.

(a) ELIGIBILITY FOR MAINTAINING PROFICIENCY.—Section 304(a)(3) of title 37, United States Code, is amended to read as follows:

''(3) either—

''(A) actually performs diving duty while serving in an assignment for which diving is a primary duty; or

''(B) meets the requirements to maintain proficiency as described in paragraph (2) while serving in an assignment that includes diving duty other than as a primary duty.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

Mr. MCCAIN. Mr. President, I rise today to offer an amendment that authorizes the Department of Defense to continue ''Special Pay: Diving Duty'' for Career Divers in assignments where diving is performed as a non-primary duty.

This amendment will allow the services to continue dive pay for individual career divers who maintain diving currency while serving in critical shore and staff assignments in execution of ''duty of diving'' orders.

The services plan, as a part of the FY00 legislative review process, to incorporate this clear policy regarding dive pay. The Navy intends, in FY99, to terminate dive pay for divers on shore and staff duty pending legislative clarification. Terminating this pay for the intervening year would alienate each and every service member affected. It also makes no sense.

Accepting this amendment will be cost neutral. It simply allows the services to continue paying these critical personnel in the same manner as they are currently being paid. In fact, as in previous years, the FY 1999 Presidential Budget Request includes the funds for this special pay.

The costs associated with rejecting this amendment are much more dear. It will cost 4.5 times more to retrain career divers whose qualifications expire than it would to have those same personnel maintain currency. Additionally—and more importantly—terminating this pay for Army divers, Navy SEALs, Explosive Ordnance Disposal personnel and Air Force Para-rescue members, will take money out of the pockets of the very highly skilled personnel that the services are desperately struggling to retain.

Mr. President, this amendment provides a simple, fiscally smart solution to maintaining critical diving skills for our armed services, and at the same time, sends a positive message to our service personnel. I urge my colleagues to support this critical amendment.

Mr. THURMOND. Mr. President, I urge the Senate adopt the amendment.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2746) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2747

(Purpose: To authorize the Secretary of the Navy to enter into multiyear contracts under certain aircraft procurement programs)

Mr. THURMOND. Mr. President, on behalf of Senators COATS and GLENN, I offer an amendment which would provide authority for the Department of Defense to enter into multiyear contracts for the T–45, E–2C, and AV–8B aircraft. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. COATS, for himself and Mr. GLENN, proposes an amendment numbered 2747.

The PRESIDING OFFICER. Without objection, further reading of the amendment is dispensed with.

The amendment is as follows:

At the end of subtitle C of title I, add the following:

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN AIRCRAFT PROGRAMS.

Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for the procurement of the following aircraft:

(1) The AV–8B aircraft.

(2) The E–2C aircraft.

(1) The T–45 aircraft.

Mr. COATS. Mr. President, the administration has requested authority to enter into multi year contract on these three aircraft. Multi-year procurement of these three aircraft is cost effective and has the commitment of the Department of Defense. I support the initiative as a prudent step to ensure we have efficient acquisition of mature defense systems.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the amendment be adopted.

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

The amendment (No. 2747) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2748

(Purpose: To transfer $15,895,000 between Navy authorizations for the remote minehunting system program)

Mr. THURMOND. On behalf of Senator WARNER, I offer an amendment which authorizes a realignment of funds from Other Procurement, Navy, to Research, Development, Test and Evaluation, Navy, in the fiscal year 1999 remote minehunting system program.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. WARNER, proposes an amendment numbered 2748.

The amendment is as follows:

On page 14, line 16, reduce the amount by $15,895,000.

On page 29, line 2, increase the amount by $15,895,000.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared on this side.

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

The amendment (No. 2748) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2749

(Purpose: To modify the authority relating to the Department of Defense Laboratory Revitalization Demonstration Program)

Mr. THURMOND. Mr. President, on behalf of myself, Senator LEVIN, SANTORUM and LIEBERMAN, I offer an amendment which would extend the authority relating to the Department of Defense Laboratory Revitalization Demonstration Program for 5 years.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, Mr. LEVIN, Mr. SANTORUM and Mr. LIEBERMAN, proposes an amendment numbered 2749.

The amendment is as follows:

On page 347, below line 23, add the following:

SEC. 2833. MODIFICATION OF AUTHORITY RELATING TO DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIREMENTS.—Subsection (c) of section 2892 of the National Defense Authorization for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 590; 10 U.S.C. 2805 note) is amended to read as follows:

''(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall establish procedures for the review and approval of requests from Department of Defense laboratories for construction under the program.

''(2) The laboratories at which construction may be carried out under the program may not include Department of Defense laboratories that are contractor-owned.''.

(b) REPORT.—Subsection (d) of that section is amended to read as follows:

''(d) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendation regarding the desirability of making the authority set forth under subsection (b) permanent.''.

(c) EXTENSION.—Subsection (g) of that section is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 2003''.

Mr. THURMOND. Mr. President, I rise to introduce an amendment that would extend by five years the Department of Defense Laboratory Revitalization Demonstration Program. I am pleased to be joined by Senators LEVIN, SANTORUM, and LIEBERMAN, in sponsoring this amendment. Senator SANTORUM, as the Chairman of the Acquisition and Technology Subcommittee, has been one of the strongest advocates for strengthening our Nation's defense research and development capabilities and I want to thank him for that leadership.

The Senate Armed Services Committee approved the original two-year Laboratory Revitalization Demonstration Program in the National Defense Authorization Act for Fiscal Year 1996. The purpose of the legislation was to afford the Secretary of Defense the flexibility to improve laboratory operations. The specific authority included:

A raise in the minor construction threshold from $1.5 million to $3.0 million for projects that the Secretary concerned may carry out without specific authorization.

A raise in the threshold for unspecified construction projects for which operations and maintenance funds may be used from $300,000 to $1.0 million.

A raise in the threshold for minor military construction projects requiring prior approval by the Secretary concerned from $500,000 to $1.5 million.

These authorities extended for a two-year period and will expire September 30, 1998, unless specifically renewed by Congress. The legislation also directed the Secretary to submit a report to the Congress regarding the program and specifically provide recommendations as to whether this authority should be extended to all DoD laboratories.

On May 14, 1998, the Deputy Secretary of Defense, John Hamre, submitted the required report with the recommendation that the authority should be extended to all DoD owned laboratories and test centers for a five-year full demonstration program.

Mr. President, the experience gained from the two-year demonstration has shown that this program works and that it should be expanded to all laboratories and test centers for a limited time period for further evaluation. Our amendment would support Dr. Hamre's recommendation. At the conclusion of the test the Secretary of Defense would be required to submit a report on the program along with a recommendation regarding the desirability of making the authority permanent.

Mr. President, our amendment would not require any additional funds and would not impose any additional fiscal burden on the Department of Defense. It does hold out the possibility of improving the facilities that conduct the important research and tests on the Nation's military capabilities.

I believe this amendment has been cleared by the other side. I urge the Senate adopt the amendment.

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

The amendment (No. 2749) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2750

(Purpose: To redesignate the position of Director of Defense Research and Engineering, abolish the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, and transfer the duties of the latter position to the former position)

Mr. LEVIN. Mr. President, I offer an amendment that would change the name of the Director, Defense Research and Engineering, DDR&E, to Director, Defense Technology and Counter-proliferation, and would also abolish the position of the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological matters and move the Nuclear Weapons Council responsibilities now carried out by that position to the renamed Director, Defense Technology and Counterproliferation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2750.

The amendment is as follows:

On page 196, between lines 18 and 19, insert the following:

SEC. 908. REDESIGNATION OF DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING AS DIRECTOR OF DEFENSE TECHNOLOGY AND COUNTERPROLIFERATION AND TRANSFER OF RESPONSIBILITIES.

(a) REDESIGNATION.—Subsection (a) of section 137 of title 10, United States Code, is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(b) DUTIES.—Subsection (b) of such section 137 is amended to read as follows:

''(b) The Director of Defense Technology and Counterproliferation shall—

''(1) except as otherwise prescribed by the Secretary of Defense, perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition and Technology may prescribe;

''(2) advise the Secretary of Defense on matters relating to nuclear energy and nuclear weapons;

''(3) serve as the Staff Director of the Joint Nuclear Weapons Council under section 179 of this title; and

''(4) perform such other duties as the Secretary of Defense may prescribe.''.

(c) ABOLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR

AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 of such title is repealed.

(d) CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended as follows:

(A) In section 5315, by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof the following:

''Director of Defense Technology and Counterproliferation''.

(B) In section 5316, by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.''.

(2) Title 10, United States Code, is amended as follows:

(A) In section 131(b), by striking out paragraph (6) and inserting in lieu thereof the following:

''(6) Director of Defense Technology and Counterproliferation.''.

(B) In section 138(d), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(C) In section 179(c)(2), by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(D) In section 2350a(g)(3), by striking out ''Deputy Director, Defense Research and Engineering (Test and Evaluation)'' and inserting in lieu thereof ''Under secretary of Defense for Acquisition and Technology''.

(E) In section 2617(a), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(F) In section 2902(b), by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Director of Defense Technology and Counterproliferation.''.

(3) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(4) The National Defense Authorization Act for Fiscal Year 1994 is amended as follows:

(A) In section 802(a) (10 U.S.C. 2358 note), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(B) In section 1605(a)(5), (22 U.S.C. 2751 note) by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(e) CLERICAL AMENDMENTS.—(1) The section heading of section 137 of title 10, United States Code, is amended to read as follows:

''§ 137. Director of Defense Technology and Counterproliferation''.

(2) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking out the item relating to section 137 and inserting in lieu thereof the following:

''137. Director of Defense Technology and Counterproliferation.''; and

(B) by striking out the item relating to section 142.

Mr. LEVIN. I believe the amendment has been cleared.

Mr. THURMOND. Mr. President, the amendment has been cleared.

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

The amendment (No. 2750) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2751

(Purpose: To make technical corrections to section 802, relating to procurement of travel services)

Mr. THURMOND. Mr. President, I offer an amendment which would make certain technical corrections relating to section 802, the procurement of travel services. This amendment corrects a reference cited in the original provision and clarifies the year in which a travel rebate may be charged.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2751.

The amendment is as follows:

On page 160, beginning on line 9, strike out ''amount'' and all that follows through ''section 3202(1)'' on line 17, and insert in lieu thereof the following:

amounts were charged.

''(B) For amounts relating to sales for unofficial travel, deposit in nonappropriated fund accounts available for morale, welfare, and recreation programs.

''(c) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1)

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

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

The amendment (No. 2751) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2752

(Purpose: To require a plan for facilitating a rapid transition from successfully completed research under the Small Business Innovation Research Program into defense acquisition programs)

Mr. THURMOND. On behalf of Senator WARNER, I offer an amendment which would require the Department of Defense to give greater consideration to funding research and development projects started under the Small Business Innovative Research Program.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. WARNER, proposes an amendment numbered 2752.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. PLAN FOR RAPID TRANSITION FROM COMPLETION OF SMALL BUSINESS INNOVATION RESEARCH INTO DEFENSE ACQUISITION PROGRAMS.

(a) PLAN REQUIRED.—Not later than February 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for facilitating the rapid transition into Department of Defense acquisition programs of successful first phase and second phase activities under the Small Business Innovation Research program under section 9 of the Small Business Act (15 U.S.C. 638).

(b) CONDITIONS.—The plan submitted under subsection (a) shall—

(1) be consistent with the Small Business Innovation Research program and with recent acquisition reforms that are applicable to the Department of Defense; and

(2) provide—

(A) a high priority for funding the projects under the Small Business Innovation Research program that are likely to be successful under a third phase agreement entered into pursuant to section 9(r) of the Small Business Act (15 U.S.C. 638(r)); and

(B) for favorable consideration, in the acquisition planning process, for funding projects under the Small Business Innovation Research program that are subject to a third phase agreement described in subparagraph (A).

Mr. WARNER. Mr. President, I rise today to offer an amendment to the Defense Authorization Bill that will begin to address concerns that I have with regard to the ability of high technology, small businesses to compete in the defense acquisition arena. This amendment, I hope, will lay the groundwork for reforming the acquisition and budgeting process so that the Department of Defense can take greater advantage of technological innovations developed by small, high-tech companies. The amendment does not change any law or policy, it simply directs the Secretary of Defense to investigate ways that the Department of Defense could improve the acquisition process so as to enable the rapid incorporation of high technology innovations into existing defense programs.

Mr. President, small businesses generate a disproportionately large share of the technological innovations in this country. Studies have found that small businesses originate more than two times as many innovations per employee as large businesses.

The Small Business Innovation Research (SBIR) program was created by the Small Business Innovation Development Act of 1982. It is intended to stimulate technological innovation by using small businesses to meet federal research and development needs. The SBIR program has proven to be a highly effective way of leveraging the creativity of small, high technology companies. A 1997 Government Accounting Office (GAO) study of the Department of Defense's SBIR program concluded that ''quality projects are being funded.''

The SBIR program provides small businesses with the opportunity to demonstrate innovative ideas that

meet the specific research and development needs of the Department of Defense. Under Phases I and II of the program—the research and development phases—small businesses can develop and prove their ideas. Phase III of the SBIR program is for the acquisition and procurement of successful projects. Due to the rapid pace of technological change, the innovative products developed under the SBIR program often have direct applicability to ongoing major defense acquisition programs, where incorporation of the product could immediately result in performance improvement and/or cost reduction. The problem lies in taking a worthy high technology project—one that could provide an immediate benefit to an ongoing defense program—and moving rapidly from SBIR's Phases I and II (R&D), to Phase III (acquisition).

In the current environment, where major defense acquisition programs are often contracted with a single large contractor, it is difficult for a small business to get their high tech innovation inserted into the acquisition cycle. The amendment that I am introducing simply directs the Secretary of Defense to investigate and report on processes that would facilitate the rapid transition of successful SBIR projects into DoD acquisition programs. My goal is to lay the foundation for changes that will improve the incorporation of high technology innovation in defense programs.

Mr. President, I urge my colleagues to support this amendment.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt this amendment.

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

The amendment (No. 2752) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2753

(Purpose: To set aside RDT&E funds for a NATO alliance ground surveillance concept definition)

Mr. LEVIN. Mr. President, on behalf of Senator LIEBERMAN, I offer an amendment that provides authority for the Department of Defense to set aside funds for a NATO alliance ground surveillance concept definition.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN, for Mr. LIEBERMAN, proposes an amendment numbered 2753.

The amendment is as follows:

At the end of subtitle B of title II, add the following:

SEC. 219. NATO ALLIANCE GROUND SURVEILLANCE CONCEPT DEFINITION.

Amounts authorized to be appropriated under subtitle A are available for a NATO alliance ground surveillance concept definition that is based on the Joint Surveillance Target Attack Radar System (Joint STARS) Radar Technology Insertion Program (RTIP) sensor of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 201(1), $6,400,000.

(2) Of the amount authorized to be appropriated under section 201(3), $3,500,000.

Mr. COATS. Mr. President, last year DOD had an initiative to have NATO adopt the JSTARS system as the NATO alliance ground surveillance system, but NATO subsequently decided not to acquire the B–707-based US JSTARS aircraft.

After that decision, the US offered a concept to integrate a variant of the US JSTARS Radar Technology Insertion Program (RTIP) sensor into an aircraft of NATO's choice. In April, NATO's Conference of National Armaments Directors (CNAD) approved a one year concept definition study to flesh out this alternative. However, the April decision was too late to affect the budget request, so that unless the Department gets the authority that would be provided by this amendment, the concept definition effort would slip by a year.

Mr. THURMOND. Mr. President, the amendment has been cleared here.

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

The amendment (No. 2753) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2754

(Purpose: To provide a period of open enrollment for the Survivor Benefit Plan)

Mr. THURMOND. Mr. President, on behalf of Senator WARNER, I offer an amendment that provides for 1-year open season to permit active and reserve military retirees the opportunity to enroll in the Survivor Benefit Plan.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. WARNER, proposes an amendment numbered 2754.

The amendment is as follows:

At the end of subtitle D of title VI, add the following:

SEC. 634. SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (d).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code (or chapter 67 of such title as in effect before October 5, 1994), but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) MANNER OF MAKING ELECTIONS.—

(1) IN GENERAL.—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Except as provided in paragraph (2), any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(2) ELECTION MUST BE VOLUNTARY.—An election under this section is not effective unless the person making the election declares the election to be voluntary. An election to participate in the Survivor Benefit Plan under this section may not be required by any court. An election to participate or not to participate in the Survivor Benefit Plan is not subject to the concurrence of a spouse or former spouse of the person.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period is the one-year period beginning on March 1, 1999.

(e) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(f) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(g) PREMIUMS FOR OPEN ENROLLMENT ELECTION.—

(1) PREMIUMS TO BE CHARGED.—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(A) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(B) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(C) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(2) PREMIUMS TO BE CREDITED TO RETIREMENT FUND.—Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(h) DEFINITIONS.—In this section:

(1) The term ''Survivor Benefit Plan'' means the program established under subchapter II of chapter 73 of title 10, United States Code.

(2) The term ''Supplemental Survivor Benefit Plan'' means the program established under subchapter III of chapter 73 of title 10, United States Code.

(3) The term ''retired pay'' includes retainer pay paid under section 6330 of title 10, United States Code.

(4) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given those terms in section 101 of title 37, United States Code.

(5) The term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

Mr. WARNER. Mr. President, since its enactment some 26 years ago, the Survivor Benefit Plan has been a source of financial security for military retirees and their dependents. Should the military retiree pre-decease his or her spouse, the plan allows for the spouse to continue to receive a percentage of the retiree's income benefit. This is a program that truly works for our retirees, those who dedicated a large portion of their lives to the service of their country, and I strongly support its continuation.

In the past, Congress has understood that changes occur in the lives of military retirees and has tailored the Survivor Benefit Program accordingly. Retirement from the military is unlike retirement from any other type of employment. Military personnel generally retire in their late 30s or early 40s. They spend a large portion of their lives in military retirement. During this period, their lives can change significantly. The circumstances in which they found themselves at the time of their retirement may be dramatically altered over the years. Admittedly, this is more the exception than the rule, but for some retirees it is a fact of life.

The Congress has previously offered limited open enrollment periods, or ''open seasons'' for retirees to participate in the Survivor Benefit Plan: once in 1981 and again in 1991. These open seasons are a recognition of the fact that some retirees who initially did not elect to participate in the Survivor Benefit Plan have found themselves in circumstances where they would welcome the opportunity to participate in the Plan. In the case of the first two open seasons, retirees who entered the program after their retirement date were required to pay a lump sum amount appropriate to what they would have paid since their retirement date. This ensured that the system was fair to those who chose to enroll upon retirement.

I believe it is once again time to offer an open season to address the concerns of a small number of retirees who are interested in participating in the plan. The amendment that I am offering allows retirees who had not elected to participate in the Survivor Benefit Plan at the time of their retirement the opportunity to do so. The enrollment period would be limited to one year and would require a lump sum payment by the retiree in the amount that he or she would have paid in premiums, with accrued interest, since the date of their retirement. The amendment also allows the defense secretary to make adjustments to the retirees premium to ensure the actuarial soundness of the Plan's fund.

Mr. LEVIN. Mr. President, I would like to make a few remarks about the amendment my friend, Senator WARNER, has offered concerning an open season for enrollment in the military Survivor Benefit Program.

I understand my colleague's views that it is time to offer the possibility of enrollment in this plan to retirees who have, under different circumstances, chosen not to enroll.

I have been told that the Department of Defense has determined that the amendment, as written, is actuarially sound. As I understand it, that means that this amendment requires the Secretary of Defense to set premiums for those who enroll during the proposed open season so that these individuals pay back amounts equal to the amounts they would have paid had they enrolled upon retirement.

According to DOD, this amendment is not unfair in a monetary sense to those who enrolled upon retirement and have been paying premiums into this program since that time.

Nonetheless, I still have several concerns. This amendment would allow all retirees, regardless of the state of their health, to buy into the program and, in effect, purchase annuities for their spouses that could cover any number of years. Even though the Department believes the amendment to be actuarially sound, this could, in my view, work to the detriment of the military retirement fund from which survivors' annuities are paid.

What if all the new enrollees were terminally ill? A 90-year old retiree could conceivably enroll under the Warner amendment, pay premiums for two years and then leave an annuity for his survivors that would be paid from the retirement funds for a long time.

I also remain concerned about the effect this open season would have on the tendency of younger military personnel to enroll in the program upon retirement. I am concerned that an open season like this would serve as a disincentive to enrollment by encouraging service men and women not to enroll at the time they retire and, instead, gamble that Congress will authorize another open season at some point before they die. If this is the case, it would not be in the best interests of the program or the service members.

Because of these concerns and the Department's objections, I look forward to working with Senator WARNER between now and the end of conference to address these concerns.

Mr. THURMOND. I believe this amendment has been cleared by the other side. I urge the Senate adopt the amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

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

The amendment (No. 2754) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2755

(Purpose: To revise a definition of the term ''senior executive'' for purposes of the limitation on allowability of compensation for certain contractor personnel)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON, GLENN, THURMOND, LEVIN, SANTORUM and LIEBERMAN, I offer an amendment which clarifies the current statutory limitations with regard to the reimbursement of executive compensation under Government contracts.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, Mr. GLENN, Mr. THURMOND, Mr. LEVIN, Mr. SANTORUM and Mr. LIEBERMAN, proposes an amendment numbered 2755.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. SENIOR EXECUTIVES COVERED BY LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) DEFENSE CONTRACTS.—Section 2324(l)(5) of title 10, United States Code, is amended to read as follows:

''(5) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

(b) NON-DEFENSE CONTRACTS.—Section 306(m)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(m)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

(c) CONFORMING AMENDMENT.—Section 39(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 435(c)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

Mr. THOMPSON. Mr. President, I will offer three technical amendments on behalf of myself as chairman of the Governmental Affairs Committee and Senator GLENN, the Committee's ranking minority member, and Senators THURMOND, LEVIN, SANTORUM, and LIEBERMAN. Senator GLENN and I thank the chairman and ranking member of the Armed Services Committee for their cooperation and assistance in preparing these amendments which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal Government as well.

EXECUTIVE COMPENSATION

The National Defense Authorization Act for Fiscal Year 1998 included a provision prohibiting executive agencies from reimbursing the salaries (in cost-type contracts) of contractors' senior executives in excess of the median income for senior executives in all publicly-traded corporations ($340,000 per year). The provision was intended to apply to the five most highly-paid executives of a defense contractor, and of each division of the contractor. However, the provision caused unnecessary confusion as to which contractor officials were covered, because it used terms that are not currently defined in statute or regulation.

The proposed amendment would address this problem by defining ''senior executives'' of a contractor as ''the five most highly compensated employees in management positions at each home office and segment of the contractor.'' The terms ''home office'' and ''segment'' are defined in regulation (subpart 31.001 of the Federal Acquisition Regulation and Cost Accounting Standard 403–30(a)) and are understood by both government and private sector procurement officials.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2755) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2756

(Purpose: To apply certain revisions of commercial pricing regulations government wide)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON, GLENN, THURMOND, LEVIN, SANTORUM, and LIEBERMAN, I offer an amendment which extends to civilian agencies the requirements under section 805 of the bill to issue regulations clarifying procedures for establishing reasonableness of the prices charged for sole-sourced commercial items.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, Mr. GLENN, Mr. THURMOND, Mr. LEVIN, Mr. SANTORUM, and Mr. LIEBERMAN, proposes an amendment numbered 2756.

The amendment is as follows:

Beginning on page 162, strike out line 23 and all that follows through ''that clarify'' on page 163, line 2, and insert in lieu thereof the following:

''or subsection (b)(1)(B) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b), from the requirements for submission of certified cost or pricing data under that section.

''(c) COMMERCIAL PRICING REGULATIONS.—(1) The Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to clarify''.

Mr. THOMPSON. Mr. President, section 805 of the bill contains the ''Defense Commercial Pricing Management Improvement Act,'' which is designed to improve DoD's management practices and help address the spare parts pricing problems identified in the Armed Services Subcommittee on Acquisition & Technology hearing on March 18. Among other things, section 805 would require the Secretary of Defense to issue regulations clarifying the procedures and methods to be used in determining the reasonableness of prices charged for sole-source commercial items.

The amendment would provide that the regulations should be issued on a government-wide basis, as a part of the Federal Acquisition Regulation and applicable to all federal procurements, rather than being issued by the Secretary of Defense and applicable only to DoD procurements. This change is consistent with the Senate's ten-year effort to place DoD and civilian agency procurements on an equal statutory footing.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2756) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2757

(Purpose: To prevent the automatic application to a subcontract of an exceptional waiver of requirements for submission of cost or pricing data that is granted in the case of the prime contract)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON, GLENN, THURMOND, LEVIN, SANTORUM, and LIEBERMAN, I offer an amendment which provides specific authority for the heads of Government agencies to waive requirements for subcontractors to provide certified costs and pricing data under the Truth in Negotiations Act in exceptional in cases in which prime contractors are not required to provide such data.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, Mr. GLENN, Mr. THURMOND, Mr. LEVIN, Mr. SANTORUM, and Mr. LIEBERMAN, proposes an amendment numbered 2757.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. SEPARATE DETERMINATIONS OF EXCEPTIONAL WAIVERS OF TRUTH IN NEGOTIATION REQUIREMENTS FOR PRIME CONTRACTS AND SUBCONTRACTS.

(a) DEFENSE PROCUREMENTS.—Section 2306a(a)(5) of title 10, United States Code, is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

(b) NON-DEFENSE PROCUREMENTS.—Section 304A(a)(5) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(a)(5)) is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the executive agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

Mr. THOMPSON. Mr. President, the Truth In Negotiations Act authorizes agencies to waive the requirement for contractors to provide certified cost or pricing data in ''exceptional circumstances.'' Under current law, however, a subcontractor under a contract or subcontract for which an exceptional circumstances waiver has been granted may still be subject to the requirement to provide certified cost or pricing data.

The administration has requested a change to this law to provide that exceptional circumstances waivers extend not only to a contract or subcontract, but also to subcontractors under that contract or subcontract. The proposed amendment would give agencies the authority to grant waivers that extend to subcontractors under a contract or subcontract, but would not require that they do so in every case. In addition, it would make a technical change to correct a section reference.

At the same time, the sponsors of the amendment are concerned by some of the statements made by the Administration in submitting the proposed amendment. The section-by-section analysis of the Administration proposal contains the following statements:

The Federal Acquisition Streamlining Act revised [the Truth in Negotiations Act] to permit the head of the procuring activity to grant waivers, rather than the head of the agency. In response to the legislative change, the Federal Acquisition Regulation was revised to encourage the use of waivers when the contracting officer can determine the contract price to be fair and reasonable without the submission of cost or pricing data. As a result, more waivers are being granted today than previously.

If the government does not require certified cost or pricing data from a prime contractor because contract price can be determined to be fair and reasonable without the submission of such data, then it should be presumed that there is no need to collect the data from lower tiers.

The sponsors disagree with the implication that a waiver is appropriate whenever a contracting officer thinks that he can determine the contract price to be fair and reasonable without the submission of cost or pricing data. The Truth In Negotiations Act, as amended, still specifies that a waiver may be granted only in ''exceptional circumstances.''

It is the view of the sponsors that the term ''exceptional circumstances'' requires more than the mere belief of the contracting officer that it may be possible to determine the contract price to be fair and reasonable without the submission of cost or pricing data. For example, a waiver may be appropriate in circumstances where it would be possible to determine price reasonableness without the submission of cost or pricing data and the contracting officer determines that it would not be possible to enter a contract with a particular contractor in the absence of a waiver.

The amendment would give agencies the flexibility to extend exceptional circumstances waivers to subcontractors when it is appropriate to do so. However, it is the expectation of the sponsors that the executive branch will clarify the circumstances in which an ''exceptional circumstances'' waiver may be granted, consistent with the understanding of Congress, as expressed in this statement.

Mr. LEVIN. The amendment has been cleared on this side, Mr. President.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2757) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2758

(Purpose: To amend title 10, United States Code, to require physicians providing military health care to possess unrestricted licenses, and to require the establishment of a system for monitoring the satisfaction of applicable continuing medical education requirements the satisfaction by those physician)

Mr. THURMOND. Mr. President, on behalf of Senators DEWINE and INHOFE, I offer an amendment that requires physicians to possess unrestricted medical licenses and requires the Secretary of Defense to establish a mechanism to ensure military physicians meet the continuing education requirements for their State license.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. DEWINE, for himself, and Mr. INHOFE, proposes an amendment numbered 2758.

The amendment is as follows:

At the end of title VII, add the following:

SEC. . PROFESSIONAL QUALIFICATIONS OF PHYSICIANS PROVIDING MILITARY HEALTH CARE.

(a) REQUIREMENT FOR UNRESTRICTED LICENSE.—Section 1094(a)(1) of title 10, United States Code, is amended by adding at the end the following: ''In the case of a physician, the physician may not provide health care as a physician under this chapter unless the current license is an unrestricted license that is not subject to limitation on the scope of practice ordinarily granted to other physicians for a similar specialty by the jurisdiction that granted the license.''.

(b) SATISFACTION OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

''§ 1094a. Continuing medical education requirements: system for monitoring physician compliance

''The Secretary of Defense shall establish a mechanism for ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician satisfies the continuing medical education requirements applicable to the physician.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1094a. Continuing medical education requirements: system for monitoring physician compliance.''.

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on October 1, 1998.

(2) The system required by section 1094a of title 10, United States Code (as added by subsection (b)), shall take effect on the date that is three years after the date of the enactment of this Act.

Mr. DEWINE. Mr. President, the amendment I am offering today on behalf of myself and my colleague from Oklahoma, Mr. INHOFE, is a very simple, straightforward amendment. It would simply require that all Defense Department physicians have unrestricted licenses in order to practice medicine. In addition, our amendment would require the Department of Defense to set up a monitoring system to ensure that military physicians obtain continuing medical education in his or her specialty. This amendment is about ensuring that the men and women of our armed forces, as well as their families, are guaranteed a physician corps that meets the same professional standards of civilian practitioners.

A number of individuals deserve credit for this initiative. First, I commend my friend and colleague from Springfield, Ohio, Congressman DAVE HOBSON. Congressman HOBSON is one of the true best friends of our military families, and he has been a true leader in Congress to ensure these families have available to them a high quality health care system. He is the lead sponsor of similar legislation in the House of Representatives, along with thirteen of his colleagues.

Congressman HOBSON is not the only one from the Dayton area that has shown an interest in health care quality for military families. Last October, a series of articles were written by the Dayton Daily News on the quality of military health care.

One particular issue highlighted in this series involved the license requirements for doctors who practice medicine at military facilities. While civilian doctors hold a license in the state where they practice, military physicians can hold a license from one state and practice medicine in U.S. military facilities in all fifty states and around the world. This exemption is needed obviously because military doctors frequently are transferred to other facilities.

That general requirement makes good sense. After all, it is impractical to have more than 13,000 military doctors applying and testing for a new license every time they move, which can average one move for every two to three years, and does not include the possibility of no notice deployments and yearly exercises. Two of the key requirements of military health care is mobility and flexibility, and both must remain to be the case.

Generally, the system works well. Unfortunately, one state has been offering ''special'' licenses for doctors practicing at mental institutions, Indian reservations, and military facilities.

The Dayton Daily News reported last year that 77 military doctors received ''special'' medical licenses, which were easier to obtain and has less rigorous testing requirements. In essence, the ''special'' license lowered the level of standardized competency.

The amendment I introduced today will eliminate this loop hole. Specifically, it will require the Defense Department to have their physicians carry a current ''unrestricted'' license.

To their credit, our armed forces, through the regulatory process, already are moving toward the very same goals of this legislation. Our amendment simply codifies in the law this basic requirement—to ensure that there is a minimum standard of professional competency.

Just as important, under our amendment, the mobility and flexibility of military health care would be maintained by allowing the ''unrestricted'' license to be issued by any state, but it will not be a ''specialized'' license that would be able to circumnavigate proficiency standards.

Military personnel and their families deserve to have the peace of mind that no matter where they are stationed, or where they are treated, they will receive the same level of competent health care.

This amendment, Mr. President, gives military personnel and their families this peace of mind.

I am pleased that our amendment has the support of the National Military Families Association (NFMA) and the American Association of Physician Specialists (AAPS). I ask unanimous consent that the letters of support for this amendment from NFMA and AAPS be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AAPS, AMERICAN ASSOCIATION OF PHYSICIAN SPECIALISTS, INC.,
Atlanta, GA, May 14, 1998.

Hon. MIKE DEWINE,
U.S. Senate, 140 Russell Senate Office Building, Washington, DC.

DEAR SENATOR DEWINE: On behalf of the American Association of Physician Specialists (AAPS), I am writing to express our support for your proposed amendment to the Defense Authorization Bill, S. 2057, regarding providing military health care. As a national organization representing thousands of physicians in all specialties and types of practices throughout the United States, AAPS is deeply concerned with the issue of professional standards and qualifications for physicians in practice areas. AAPS was founded in 1952 to provide a clinically recognized mechanism for specialty certification of physicians with advanced training. As the administrative home for 12 approved Boards of Certification, AAPS strives daily to ensure the availability of verifiably trained, certified physicians to provide quality health care to both military personnel, and the civilian population.

We thank you for your attention to this important issue, and offer our support and services, should our expertise be of any assistance.

Sincerely,

WILLIAM J. CARBONE,
Executive Director.

NMFA, NATIONAL MILITARY FAMILY ASSOCIATION,
Alexandria, VA, May 13, 1998.

Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: The National Military Family Association (NMFA) strongly supports your proposed amendment that would place into law the requirement that all military physicians must possess an unrestricted license to practice medicine. The discovery earlier this year, by members of the media, that military physicians with restricted licenses were providing medical care to service members, military retirees, and their family members created significant concerns within the military beneficiary community. The fact that the current Surgeons General and the Acting Assistant Secretary of Defense for Health Affairs was unaware of this situation was most troubling.

NMFA is aware that the Department of Defense has instituted policies to require unrestricted licenses of their military physicians, but feel it important that this initiative is incorporated into law. Since present military health care leaders were unaware of the restricted license situation, NMFA fears that corporate memory could again become blurred and a repeat of the problem could occur.

NMFA very much appreciates your concern for military families and your interest in assuring them of the quality of the physicians within the military health care system.

Sincerely,

JAMES M. MUTTER,
Colonel, USMC (Ret), President.

Mr. DEWINE. Mr. President, I urge my colleagues to support this important quality of life initiative for our military personnel and their families.

Mr. LEVIN. The amendment has been cleared on this side, Mr. President.

Mr. THURMOND. I urge the Senate adopt the amendment.

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

The amendment (No. 2758) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2759

(Purpose: To clarify the eligibility of dependents of United States Customs Service employees to enroll in Department of Defense dependents schools in Puerto Rico)

Mr. THURMOND. Mr. President, on behalf of Senator GRASSLEY, I offer an amendment that clarifies that children of U.S. Customs Service agents assigned in Puerto Rico can attend DOD dependent school without regard to any time limits, and that if the agent is killed in the line of duty, the dependents can remain enrolled in the DOD schools during the school year in which the agent was killed, and that DOD cannot charge the Customs Service tuition for these students.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. GRASSLEY, proposes an amendment numbered 2759.

The amendment is as follows:

Strike out section 1055, and insert in lieu thereof the following:

SEC. 1055. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) MILITARY DEPENDENTS.—Subsection (a) of section 2164 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by adding at the end of paragraph (2), as so designated, the following: ''The Secretary may also permit a dependent of a member of the armed forces to enroll in such a program if the dependent is residing in such a jurisdiction, whether on or off a military installation, while the member is assigned away from that jurisdiction on a remote or unaccompanied assignment under permanent change of station orders.''.

(b) EMPLOYEE DEPENDENTS.—Subsection (c)(2) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) The Secretary may extend the enrollment of a dependent referred to in subparagraph (A) in the program for more than five consecutive school years if the Secretary determines that the dependent is eligible under paragraph (1), space is available in the program, and adequate arrangements are made for reimbursement of the Secretary for the costs to the Secretary of the educational services provided for the dependent. An extension shall be for only one school year, but the Secretary may authorize a successive extension each year for the next school year upon making the determinations required under the preceding sentence for that next school year.''.

(c) CUSTOMS SERVICE EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) Subsection (c) of such section is further amended by adding at the end the following:

''(4)(A) A dependent of a United States Customs Service employee who resides in Puerto Rico but not on a military installation may enroll in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico.

''(B) Notwithstanding the limitation on duration of enrollment set forth in paragraph (2), a dependent described in subparagraph (A) who is enrolled in an education program described in that subparagraph may be removed from the program only for good cause (as determined by the Secretary). No requirement under that paragraph for reimbursement of the Secretary for the costs of educational services provided for the dependent shall apply with respect to the dependent.

''(C) In the event of the death in the line of duty of an employee described in subparagraph (A), a dependent of the employee may remain enrolled in an educational program described in that subparagraph until—

''(i) the end of the academic year in which the death occurs; or

''(ii) the dependent is removed for good cause (as so determined).''.

(2) The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and apply to academic years beginning on or after that date.

Mr. GRASSLEY. Mr. President, I would like to draw attention to a problem in our drug control program. It concerns something that the Department of Defense (DoD) is not doing. And frankly it's embarrassing. Today, the men and women of federal law enforcement constantly put their lives at risk in an effort to fight the increasing flow of illicit drugs into our country. Not only do we face the threat of an increase of drugs in our children's

schools and on our streets, but our law enforcement officers continue to face a rising tide of violence at our borders and in our cities as a result of the drug trade. We continue to see the flow of narcotics across the Southern tier of the U.S. to include Puerto Rico. Law enforcement personnel and their commitment to the mission to fight the war on drugs work many long hours, sometimes late into the evening and are subject to changes in their schedules at a moments notice. The families of these officers also feel the pressures of the job they perform. This brings me to the point I would like to make.

The front lines of the U.S. Customs Service are not just a problem of gun-toting drug thugs. They face more than long hours and risky situations. While they deal with all these things, they must shoulder the additional burden of coping with bureaucratic bumbledom. This added load is a result of DoD officiousness and unwillingness to cooperate. The language of instruction in Puerto Rico public schools is Spanish and not English. Therefore, the only affordable English-language school option for U.S. Customs' personnel is the DoD school. However, current legislation and DoD policy is creating a hardship for Customs' employees and their families. This unnecessarily affects our counter-drug efforts by undermining morale.

It is my understanding that the children of these law enforcement personnel have been attending DoD schools in Puerto Rico for more than 20 years. Throughout the years, changes in legislation and DoD policy have placed numerous restrictions on Customs and other Federal civilian agencies. Customs has recently augmented its workforce in Puerto Rico under its Operation Gateway initiative in light of the continuing and heightened threat of narcotics smuggling and money laundering in the Caribbean Basin. I supported this initiative. This session I will also stress the need for better coordination of our interdiction strategy, particularly the need to develop a ''Southern Tier' concept. This initiative will strive to focus resources in a more comprehensive way to protect our southern frontier. Puerto Rico is crucial to this strategy. Current legislation and DoD's policy requirements are, however, obstacles to the effective implementation of this aggressive enforcement initiative in terms of recruitment and retention of Customs employers because as I stated earlier, there are no English speaking public schools in Puerto Rico.

I think it is ridiculous that Customs' efforts in Puerto Rico—the men and women who deal daily with difficult and dangerous situations—should find their attention distracted by something like this.

The U.S. Customs Service interdicts more drugs than any other Government Agency. Based on the size of the workforce of Customs in Puerto Rico, their critical law enforcement mission, difficulty in recruiting, and the negative affect this policy is having on their employees and families (over 150 children of Customs employees are currently enrolled in the program), I would like to see a swift solution to these problems.

Recently, a Customs Special Agent was killed in an accident while assisting the U.S. Secret Service on a Presidential detail that highlights another problem. My legislation will also address a concern raised by this case. It happens that the children of this agent currently attend classes in the DoD school. It is my understanding, that a special exception from the Secretary of Defense was necessary in order for these children to continue in the DoD school program for the remainder of the school year. DoD has dragged its feet. My amendment will deal with this and similar situations.

My staff has tried to work out a deal, But DoD has not been very responsive. I personally wrote the Secretary of Defense to work out a solution. I got a response from a low-level bureaucrat who responded just like, well, a bureaucrat. It is my understanding that the only answer from DoD is, ''nothing can be done'', I am told that the only solution is to ''change the legislation''.

This amendment is essential in order to address the current problems that I have described for these employees and their families and I look forward to working with you to ensure that our efforts to protect our country from illicit drugs is effective and adequately supported. I hope that my colleagues will look at this legislation and join me in supporting this. It is enough of a burden on the families of the dedicated men and women who labor to protect our borders without further weighing them down with senseless red tape.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2759) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2760

(Purpose: Relating to the so-called ''1 plus 1 barracks initiative'')

Mr. THURMOND. Mr. President, on behalf of Senator ROBERTS, I offer an amendment which requires the Secretary of Defense to report on the ''One-Plus-One'' barracks standard and certify that it is necessary in order to assure retention of first-term enlisted personnel of the Armed Forces.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. ROBERTS, proposes an amendment numbered 2760.

The amendment is as follows:

At the appropriate place in title XXVIII, insert the following:

SEC. 28__. REPORT AND REQUIREMENT RELATING TO ''1 PLUS 1 BARRACKS INITIATIVE''.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to Congress a report on the costs and benefits of implementing the initiative to build single occupancy barracks rooms with a shared bath, the so-called ''1 plus 1 barracks initiative''.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A justification for the initiative referred to in subsection (a), including a description of the manner in which the initiative is designed to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(2) A description of the experiences of the military departments with the retention of first-term enlisted members of the Armed Forces, including—

(A) a comparison of such experiences before implementation of the initiative with such experiences after implementation of the initiative; and

(B) an analysis of the basis for any change in retention rates of such members that has arisen since implementation of the initiative.

(3) Any information indicating that the lack of single occupancy barracks rooms with a shared bath has been or is the basis of the decision of first-term members of the Armed Forces not to reenlist in the Armed Forces.

(4) Any information indicating that the lack of such barracks rooms has hampered recruitment for the Armed Forces or that the construction of such barracks rooms would substantially improve recruitment.

(5) The cost for each Armed Force of implementing the initiative, including the amount of funds obligated or expended on the initiative before the date of enactment of this Act and the amount of funds required to be expended after that date to complete the initiative.

(6) The views of each of the Chiefs of Staff of the Armed Forces regarding the initiative and regarding any alternatives to the initiative having the potential of assuring the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(7) A cost-benefit analysis of the initiative.

(c) LIMITATION ON FY 2000 FUNDING REQUEST.—The Secretary of Defense may not submit to Congress any request for funding for the so-called ''1 plus 1 barracks initiative'' in fiscal year 2000 unless the Secretary certifies to Congress that further implementation of the initiative is necessary in order to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge the Senate adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2760) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2761

(Purpose: To express the sense of Congress that a higher priority should be given drug interdiction and counterdrug activities of the Department of Defense under the global Military Force Policy)

Mr. LEVIN. Mr. President, on behalf of Senators GRAHAM, DEWINE, and GRASSLEY, I offer an amendment which expresses the sense of the Congress that the Department of Defense should raise its priority of counternarcotics so that it is at the same level as peacekeeping operations.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GRAHAM, for himself, Mr. DEWINE, and Mr. GRASSLEY, proposes an amendment numbered 2761.

The amendment is as follows:

At the end of subtitle D of title III, add the following:

SEC. 334. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense—

(1) to treat the international drug interdiction and counter-drug activities of the department as a military operation other than war, thereby elevating the priority given such activities under the policy to the next priority below the priority given to war under the policy and to the same priority as is given to peacekeeping operations under the department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

Mr. LEVIN. Mr. President, I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER (Mr. GORTON). Without objection, the amendment is agreed to.

The amendment (No. 2761) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2762

(Purpose: To authorize the Secretary of the Navy to enter into a barter agreement during fiscal years 1999 through 2003 to exchange vehicles for repair and remanufacture of ribbon bridges for the Marine Corps)

Mr. THURMOND. Mr. President, on behalf of Senator SANTORUM, I offer an amendment which authorizes the Secretary of the Navy to enter into a barter agreement involving the exchange of excess trucks for ribbon bridges for the Marine Corps.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. SANTORUM, proposes an amendment numbered 2762.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 812. FIVE-YEAR AUTHORITY FOR SECRETARY OF THE NAVY TO EXCHANGE CERTAIN ITEMS.

(a) BARTER AUTHORITY.—The Secretary of the Navy may enter into a barter agreement to exchange trucks and other tactical vehicles for the repair and remanufacture of ribbon bridges for the Marine Corps in accordance with section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), except that the requirement for items exchanged under that section to be similar items shall not apply to the authority under this subsection.

(b) PERIOD OF AUTHORITY.—The authority to enter into agreements under subsection (a) and to make exchanges under any such agreement is effective during the 5-year period beginning on October 1, 1998, and ending at the end of September 30, 2003.

Mr. SANTORUM. Mr. President, this amendment to S. 2057, the Fiscal Year 1999 Defense Authorization Act, provides authority for the United States Marine Corps to enter into a barter agreement with a commercial entity for the purpose of allowing existing Marine Corps ribbon bridges to be remanufactured into an Improved Ribbon Bridge configuration.

The Marine Corps has 250 bays [length] of ribbon bridge, of which 180 require repair. The ribbon bridge is the Marine Corps' only floating bridge capability and is used to allow vehicles to cross streams and gullies. The ribbon bridge bays used by the Marine Corps are approximately 20 years old. Due to limited fiscal resources and higher priorities, it is unlikely that the ribbon bridge upgrade will successfully compete for funding.

It is my understanding that a remanufacture of these existing bridges to the Improved Ribbon Bridge configuration will provide an additional 15–20 years of service from these bridges. I am aware that the Marine Corps and Office of the Secretary of Defense supports this amendment.

Mr. LEVIN. The amendment has been cleared, Mr. President.

Mr. THURMOND. I urge the Senate to adopt the amendment.

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

The amendment (No. 2762) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2763

(Purpose: To enhance the fiscal position of the Center for Hemispheric Defense Studies for meeting the increasing responsibilities designated for the Center by the Secretary of Defense)

Mr. LEVIN. On behalf of Senator GRAHAM of Florida, I offer an amendment that would enhance the fiscal position of the Center for Hemispheric Defense Studies.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. GRAHAM proposes an amendment numbered 2763.

The amendment is as follows:

At the end of title IX, add the following:

SEC. 908. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) FUNDING FOR CENTER FOR HEMISPHERIC DEFENSE STUDIES.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

"§ 2166. National Defense University: funding of component institution

''Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2166. National Defense University: funding of component institution.''

(b) CONFORMING AMENDMENT.—Section 1050 of title 10, United States Code, is amended by inserting ''Secretary of Defense or the'' before ''Secretary of a military department''.

Mr. LEVIN. Mr. President, I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared by this side.

Mr. LEVIN. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2763) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2764

(Purpose: To authorize the Secretary of Energy to enter into cost-sharing partnerships to operate the Hazardous Materials Management and Emergency Response training facility, Richland, Washington.)

Mr. THURMOND. Mr. President, on behalf of Senators GORTON and MURRAY, I offer an amendment which would authorize the Secretary of Energy to enter into cost-sharing partnerships to operate the Hazardous Materials Management and Emergency Response training facility in Richland, WA.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. GORTON, for himself and Mrs. MURRAY, proposes an amendment numbered 2764.

The amendment is as follows:

At the end of subtitle C of title XXXI, insert the following:

SEC. 3137. COST-SHARING FOR OPERATION OF THE HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING FACILITY, RICHLAND, WASHINGTON.

(a) AUTHORITY.—The Secretary of Energy may enter into partnership arrangements with Federal and non-Federal entities to

share the costs of operating the Hazardous Materials Management and Emergency Response training facility authorized under section 3140 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3088). Such arrangements may include the exchange of equipment and services.

Mr. THURMOND. I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2764) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2765

(Purpose: To add home school diploma recipients to the pilot program for treating GED recipients as high school graduates for enlistment purposes)

Mr. THURMOND. Mr. President, on behalf of Senator COVERDELL, I offer an amendment that would add home schooling graduates to a pilot program in which they would be permitted to enlist in the military services as if they possessed a high school diploma.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. COVERDELL, proposes an amendment numbered 2765.

The amendment is as follows:

Strike out section 529, and insert in lieu thereof the following:

SEC. 529. PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTING IN THE ARMED FORCES.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to assess whether the Armed Forces could better meet recruiting requirements by treating GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces. The Secretary of each military department shall administer the pilot program for the armed force or armed forces under the jurisdiction of the Secretary.

(b) ELIGIBLE RECIPIENTS.—(1) Under the pilot program, a person shall be treated as having graduated from high school with a high school diploma for the purpose described in subsection (a) if the person—

(A) has completed a general education development program while participating in the National Guard Challenge Program and is a GED recipient; or

(B) is a home school diploma recipient and provides a transcript demonstrating completion of high school to the military department involved under the pilot program.

(2) For the purposes of this section, a person is a GED recipient if the person, after completing a general education development program, has obtained certification of high school equivalency by meeting State requirements and passing a State approved exam that is administered for the purpose of providing an appraisal of the person's achievement or performance in the broad subject matter areas usually required for high school graduates.

(3) For the purposes of this section, a person is a home school diploma recipient if the person has received a diploma for completing a program of education through the high school level at a home school, without regard to whether the home school is treated as a private school under the law of the State in which located.

(c) ANNUAL LIMIT ON NUMBER.—Not more than 1,250 GED recipients, and not more than 1,250 home school diploma recipients, enlisted by an armed force in any fiscal year may be treated under the pilot program as having graduated from high school with a high school diploma.

(d) PERIOD FOR PILOT PROGRAM.—The pilot program shall be in effect for five fiscal years beginning on October 1, 1998.

(e) REPORT.—(1) Not later than February 1, 2004, the Secretary of Defense shall submit a report on the pilot program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2)(A) The report shall include the assessment of the Secretary of Defense, and any assessment of any of the Secretaries of the military departments, regarding the value of, and any necessity for, authority to treat GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces.

(B) The Secretary shall also set forth in the report, by armed force for each fiscal year of the pilot program, a comparison of the performance of the persons who enlisted in that armed force during the fiscal year as GED or home school diploma recipients treated under the pilot program as having graduated from high school with a high school diploma with the performance of the persons who enlisted in that armed force during the same fiscal year after having graduated from high school with a high school diploma, with respect to the following:

(i) Attrition.

(ii) Discipline.

(iii) Adaptability to military life.

(iv) Aptitude for mastering the skills necessary for technical specialties.

(v) Reenlistment rates.

(f) REFERENCE TO NATIONAL GUARD CHALLENGE PROGRAM.—The National Guard Challenge Program referred to in this section is a program conducted under section 509 of title 32, United States Code.

(g) STATE DEFINED.—In this section, the term ''State'' has the meaning given that term in section 509(*l*)(1) of title 32, United States Code.

Mr. COVERDELL. Mr. President, I rise today to offer an amendment to S. 2057, the Defense Authorization Bill. The Defense Authorization bill as currently written contains a section authorizing a pilot program promoting GED recipients to Tier I recruiting status for the Armed Forces. My amendment would simply add graduates of home schools to this pilot program.

All service branches of the military have limited openings for recruits. As a result, military recruiters utilize a system in which they give preference to applicants who have at least graduated from high school. These are Tier I applicants. Currently, home schoolers have Tier II status, meaning only when a recruiter cannot find a Tier I applicant to fill an opening does a home schooler come up for consideration. This is true despite evidence indicating that the average home schooled student scores in at least the 80th percentile in all subjects on standardized tests while the typical public school student scores around the 50th percentile. This would indicate that home schoolers complete an educational program at least as rigorous as that of the average high school student. Why then should home schoolers not be placed in the same recruiting tier as their high school counterparts?

While the Department of Defense has concerns that home schoolers have higher attrition rates than other Tier I candidates, there is not a significant enough body of evidence to support these claims. Certainly, retaining soldiers is a large concern for all services. However, due to their Tier II status, very few home schoolers have been recruited into the military over the past ten years. Accordingly, no valid statistical sample exists demonstrating home schoolers' attrition rates. It is the intent of my amendment to establish a valid statistical sample of attrition rates for home schoolers upon which the Armed Services can make a more educated assessment of its tier assignments.

Mr. President, the Armed Forces in recent years have experienced recruiting problems. While they actively work to address these issues I believe Congress should also look at possible solutions. My amendment is an attempt to do just that. I offer today not only an opportunity for home schoolers, but an opportunity for the military to explore fully a new recruiting tool.

Mr. THURMOND. I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2765) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2766

(Purpose: To state the sense of the Senate regarding oil spill prevention training for personnel on board Navy vessels)

Mr. THURMOND. On behalf of Senator GORTON, I offer an amendment that would express the sense of the Senate that the Secretary of the Navy should ensure that appropriate Navy personnel assigned to ships are trained in oil spill prevention measures.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. GORTON, proposes an amendment numbered 2766.

The amendment is as follows:

On page 59, below line 20, add the following:

SEC. 328. SENSE OF SENATE REGARDING OIL SPILL PREVENTION TRAINING FOR PERSONNEL ON BOARD NAVY VESSELS.

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

(1) There have been six significant oil spills in Puget Sound, Washington, in 1998, five at Puget Sound Naval Shipyard (including three from the U.S.S. Kitty Hawk, one from the U.S.S. Carl Vinson, and one from the U.S.S. Sacramento) and one at Naval Station Everett from the U.S.S. Paul F. Foster.

(2) Navy personnel on board vessels, and not shipyard employees, were primarily responsible for a majority of these oil spills at Puget Sound Naval Shipyard.

(3) Oil spills have the potential to damage the local environment, killing microscopic organisms, contributing to air pollution, harming plants and marine animals, and increasing overall pollution levels in Puget Sound.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Navy should take immediate action to significantly reduce the risk of vessel oil spills, including the minimization of fuel oil transfers, the assurance of proper training and qualifications of all Naval personnel in occupations that may contribute to or minimize the risk of shipboard oil spills, and the improvement of liaison with local authorities concerning oil spill prevention and response activities.

Mr. THURMOND. I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2766) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2767

(Purpose: To add $4,000,000 for research and development on the expeditionary common automatic recovery and landing system and $1,000,000 for research and development on the K-band testing obscuration pairing system, and to offset the increase by reducing the amount for Marine Corps procurement for communications and electronics infrastructure support by $5,000,000)

Mr. LEVIN. Mr. President, on behalf of Senator REID, I offer an amendment which would add funds for research and development for the expeditionary common automatic recovery and landing system and the K-band testing obscuration pairing system, offset by reducing the amount for Marine Corps procurement for communications and electronics infrastructure.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. REID, proposes an amendment numbered 2767.

The amendment is as follows:

In section 201(2), strike out ''$8,199,102,000'' and insert in lieu thereof ''$8,204,102,000''.

In section 102(b), strike out ''$915,558,000'' and insert in lieu thereof ''$910,558,000''.

Mr. COATS. Mr. President, this amendment allows for the inclusion of budget authority to continue work on the expeditionary common automatic recovery system (ECARS), which is a launch and recovery system that DoD is using for unmanned aerial vehicles. ECARS would be an adaptation of that system to provide a landing system for Marine Corps helicopters in places where the Marines have not had an opportunity to establish the full air control system.

The K-band testing obscuration pairing system (K–TOPS) program would provide a training scoring system to allow the Marines to conduct realistic training in the presence of smoke or other obscurants on a simulated battlefield. Since these programs are for the Marine Corps, the source of budget authority for them is in the communications and infrastructure support program contained in the Procurement, Marine Corps (PMC) account.

Mr. LEVIN. Mr. President, I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared.

Mr. LEVIN. Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2767) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2768

(Purpose: To expand certain land conveyance authority, Eglin Air Force Base, Florida)

Mr. THURMOND. Mr. President, on behalf of Senator MACK, I offer an amendment which would amend the Military Construction Act of 1979 to authorize an additional conveyance, at fair market value, of 4 acres at Eglin Air Force Base to the Air Force Enlisted Men's Widows and Dependents Home Foundation, Inc.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. MACK, proposes an amendment numbered 2768.

The amendment is as follows:

On page 342, below line 22, add the following:

SEC. 2827. EXPANSION OF LAND CONVEYANCE AUTHORITY, EGLIN AIR FORCE BASE, FLORIDA.

Section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95–356; 92 Stat. 587), as amended by section 2826 of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2123), is further amended by striking out ''and a third parcel containing forty-two acres'' and inserting in lieu thereof '', a third parcel containing forty-two acres, a fourth parcel containing approximately 3.43 acres, and a fifth parcel containing approximately 0.56 acres''.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2768) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2769

(Purpose: To authorize the conveyance of certain water rights and related rights at Rocky Mountain Arsenal, Colorado, for purposes of acquiring certain perpetual contracts for water)

Mr. THURMOND. Mr. President, on behalf of Senators ALLARD and CAMPBELL, I offer an amendment that would replace an erratic water supply at Rocky Mountain Arsenal with a constant water supply, satisfy the Army's obligation to provide water to a community impacted by RMA contamination, provide for a permanent water supply for the Refuge, reduce operating costs associated with water access, and provide for needed water storage facilities.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. ALLARD, for himself and Mr. CAMPBELL, proposes an amendment numbered 2769.

The amendment is as follows:

On page 342, below line 22, add the following:

SEC. 2827. CONVEYANCE OF WATER RIGHTS AND RELATED INTERESTS, ROCKY MOUNTAIN ARSENAL, COLORADO, FOR PURPOSES OF ACQUISITION OF PERPETUAL CONTRACTS FOR WATER.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey any and all interest of the United States in the water rights and related rights at Rocky Mountain Arsenal, Colorado, described in subsection (b) to the City and County of Denver, Colorado, acting through its Board of Water Commissioners.

(b) COVERED WATER RIGHTS AND RELATED RIGHTS.—The water rights and related rights authorized to be conveyed under subsection (a) are the following:

(1) Any and all interest in 300 acre rights to water from Antero Reservoir as set forth in Antero Reservoir Contract No. 382 dated August 22, 1923, for 160 acre rights; Antero Reservoir Contract No. 383 dated August 22, 1923, for 50 acre rights; Antero Reservoir Contract No. 384 dated October 30, 1923, for 40 acre

rights; Antero Reservoir Contract No. 387 dated March 3, 1923, for 50 acre rights; and Supplemental Contract No. 382–383–384–387 dated July 24, 1932, defining the amount of water to be delivered under the 300 acre rights in the prior contracts as 220 acre feet.

(2) Any and all interest in the 305 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Fitzsimons Army Medical Center and currently subject to cost assessments pursuant to Denver Water Department contract #001990.

(3) Any and all interest in the 2,603.55 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Rocky Mountain Arsenal in Adams County, Colorado, and currently subject to cost assessments by the Denver Water Department, including 680 acre rights transferred from Lowry Field to the Rocky Mountain Arsenal by the October 5, 1943, agreement between the City and County of Denver, acting by and through its Board of Water Commissioners, and the United States of America.

(4) Any and all interest in 4,058.34 acre rights of water not currently subject to cost assessments by the Denver Water Department.

(5) A new easement for the placement of water lines approximately 50 feet wide inside the Southern boundary of Rocky Mountain Arsenal and across the Reserve Center along the northern side of 56th Avenue.

(6) A permanent easement for utilities where Denver has an existing temporary easement near the southern and western boundaries of Rocky Mountain Arsenal.

(c) CONSIDERATION.—(1) The Secretary of the Army may make the conveyance under subsection (a) only if the Board of Water Commissioners, on behalf of the City and County of Denver, Colorado—

(A) enters into a permanent contract with the Secretary of the Army for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal; and

(B) enters into a permanent contract with the Secretary of the Interior for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal National Wildlife Refuge, Colorado.

(2) Section 2809(e) of title 10, United States Code, shall not operate to limit the term of the contract entered into under paragraph (1)(A).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary of the Army may not make the conveyance authorized by subsection (a) until the execution of the proposed agreement provided for under subsection (c) between the City and County of Denver, Colorado, acting through its Board of Water Commissioners, the South Adams County Water and Sanitation District, the United States Fish and Wildlife Service, and the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. ALLARD. Mr. President, today Senator CAMPBELL and I are offering a technical amendment to the 1999 Defense Authorization Bill which would authorize the transfer of water interests held by the Army at the Rocky Mountain Arsenal, including rights in Highland Canal and Antero Reservoir. Before I give the details of the amendment, I want to thank Chairman THURMOND and Senator LEVIN for accepting this amendment and for all the hard work by the Armed Service staff, who without their active engagement in this process, this important amendment would never have been possible.

As the clean-up at the Rocky Mountain Arsenal has progressed, quite well I might add, there has always been a great need for water. However, as with much of the West, water is a commodity and a way to provide water has been an area of discussion between all the parties since the clean-up began. Unfortunately, the United States' acre rights to water in the High Line Canal have proved inadequate to supply the Army's needs for non-potable water at the Arsenal.

In a June 11, 1996 Record of Decision, the Army, Shell, and South Adams County Water and Sanitation District (SACWSD) entered into a Memorandum of Understanding by which the Army and Shell agreed to acquire and deliver 4000 acre-feet of water to SACWSD.

However, after a lengthy investigation, it was determined that the only realistic source of potable water for SACWSD was by arranging a permanent contract with the Denver Water Board. Also, it was determined that the only way to be certain that the Refuge received a long term supply of 1200 acre-feet of non-potable water was to obtain the same from the Denver Water Board's non-potable reuse facility pursuant to a perpetual contract.

During these discussions, the Denver Water Board desired to acquire all of the Army's interest in the irrigation canal and reservoir company in order to reduce the cost of operating those facilities and consolidate its ownership to the rights of the rights to receive water from those facilities. On December 19, 1997, the Army, the Fish & Wildlife Service, SACWSD, and the Denver Water Board entered into a Memorandum of Understanding (MOU). The purpose of the MOU was to accomplish the goals of each of the parties as follows:

a. Denver will provide SACWSD with 4000 acre-feet of potable water in fulfillment of the Army's responsibility under the June 11, 1996 MOU.

b. SACWSD will provide Denver with certain storage facilities and cash to compensate Denver for the potable water supply.

c. Denver will provide the Army and the Fish & Wildlife Service with short and long term water supplies. The short term supplies will be 2800 acre-feet, and the permanent supply will be 1200 acre-feet of non-potable reuse water per year as a guaranteed supply. In addition, Denver will supply 50 acre-feet of annual potable water supply.

d. The Army will transfer to Denver its interests in the canal and reservoir companies which currently serve as the source of the Arsenal water supply.

The result of these understandings fulfills the federal government's responsibility under the Record of Decision to insure a permanent and a firm supply of water for the ultimate needs of the Refuge and the federal government's responsibility to provide a potable supply of SACWSD.

Because of the nature of the legal status of the Army's interest in the canal and reservoir companies and the nature of the interests to be received by the federal government from Denver as a permanent supply, there was uncertainty whether federal legislation would be required. It was determined federal legislation is required to avoid the problems associated with the disposal of government property, pursuant to the Federal Property and Administrative Services Act.

However, the property being disposed of is not excess property and, therefore, not readily disposed of under normal procedures. The water supply being received in exchange is a perpetual contract supply and not a real property interest, precluding a like kind exchange. This exchange is for utility contracts or lease agreements that will replace acre rights to water as the mechanisms for the delivery of non-potable water to the Arsenal and Fitzsimons. My understanding is that this has been confirmed by GSA, which is the main decisionmaker on excess property.

All of the federal agencies and involved divisions of local and State governments are supportive of federal legislation and the agreements that it will implement, including Fitzsimons. It must be underscored that this amendment recognizes that the legal status of these rights are not being changed, nor are the rights being disposed of, rather the rights are being exchanged for permanent water contracts from Denver. There will be no change in the amount of flow through the South Platte and that Colorado water law will fully apply to this situation.

While this amendment may seem technical and minor on the surface, this transfer of water interests is an important part of the overall solution in the clean-up of the Arsenal.

Again, I thank the Chairman and Ranking Member for accepting this important amendment and I thank their staff in working with my staff to make this happen.

Mr. THURMOND. Mr. President, I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 2769) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2770

(Purpose: To make available $2,500,000 for the activities of the Hanford Health Information Network)

Mr. LEVIN. Mr. President, on behalf of Senator MURRAY, I offer an amendment which would make available $2.5 million from funds at the Department of Energy's Hanford site for the Hanford Health Information Network.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mrs. MURRAY, for herself, Mr. KEMPTHORNE, Mr. WYDEN and Mr. SMITH of Oregon, proposes an amendment numbered 2770.

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

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

The amendment is as follows:

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. HANFORD HEALTH INFORMATION NETWORK.

Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by section 3102, $2,500,000 shall be available for activities relating to the Hanford Health Information Network established pursuant to the authority in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834), as amended by section 3138(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3087).

Mr. LEVIN. Mr. President, I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared on this side.

Mr. LEVIN. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2770) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2771

(Purpose: To extend the authority of the Secretary of Energy to appoint certain scientific, engineering, and technical personnel)

Mr. THURMOND. Mr. President, on behalf of myself and Senator BINGAMAN, I offer an amendment which would extend the Secretary of Energy's authority to appoint certain scientific and technical personnel to critical health and safety posts.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for himself and Mr. BINGAMAN, proposes an amendment numbered 2771.

The amendment is as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

Mr. THURMOND. Mr. President, I believe the amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt the amendment.

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

The amendment (No. 2771) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2772

(Purpose: To extend the authority of the Department of Energy to pay voluntary separation incentive payments through December 31, 2000)

Mr. THURMOND. Mr. President, on behalf of myself and Senator BINGAMAN, I offer an amendment which would extend the Secretary of Energy's authority to make voluntary separation incentive payments to its Federal employees.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for himself and Mr. BINGAMAN, proposes an amendment numbered 2772.

The amendment is as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2001.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt the amendment.

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

The amendment (No. 2772) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2773

(Purpose: To extend and reauthorize the Defense Production Act of 1950)

Mr. THURMOND. Mr. President, on behalf of Senators GRAMS and D'AMATO, I offer an amendment which would reauthorize the Defense Production Act of 1950 for a period of 1 year.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] for Mr. GRAMS, for himself and Mr. D'AMATO, proposes an amendment numbered 2773.

The amendment is as follows:

SECTION 1. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 1999''.

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''and 1998'' and inserting ''1998, and 1999''.

Mr. GRAMS. Mr. President, this amendment will extend the authorization of the authorities under the Defense Production Act for one year through September 30, 1999.

This matter is under the jurisdiction of the Senate Banking Committee, on which I serve as the Subcommittee on International Finance Chairman which handles this issue. Chairman D'Amato and Ranking Member Sarbanes of the Banking Committee, as well as Ranking Member of the International Finance Subcommittee, Senator Moseley-Braun, all have agreed to support this one-year extension as an amendment to the Defense Authorization bill to facilitate this matter in a year when floor time is becoming scarce.

The Defense Production Act (DPA) is the primary authority for executive branch activities to ensure the timely availability of resources for national defense and civil emergency preparedness and response. It was first enacted in 1950 to mobilize the nation's productive capacity during the Korean War and ensures the availability of critical materials needed both for national defense and for catastrophic civil disasters. It allows criminal sanctions to prevent hoarding of critical materials. The DPA also authorizes the President to use financial incentives to encourage contractors to establish or expand industrial capacity for defense needs.

The ''Exon-Florio'' language which authorizes the President to prohibit foreign investment if such investment threatens national security is also included in this Act.

While DPA's primary function is to ensure resources are available in times of war, the DPA, as administered through the Federal Emergency Management Agency (FEMA) also provides

assistance during natural disasters. For instance, FEMA used the DPA to procure resources needed during the 1997 flood disaster in my own State of Minnesota.

The Administration had requested some minor changes in the DPA. However, because committee and floor time is scarce this year, they agreed to a one-year extension. It is the goal of the Banking Committee to consider these changes, and a longer term reauthorization, next year.

Mr. President, I thank the floor leaders for agreeing to facilitate this amendment as part of the DOD bill.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2773) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2774

(Purpose: To establish certain budgeting and other policies regarding United States operations in Bosnia and Herzegovina)

Mr. THURMOND. Mr. President, I offer an Armed Services Committee amendment that would express the sense of Congress that future year funding for operations in Bosnia be included above the topline in the defense budget and that U.S. forces in Bosnia should not act as civil police. In addition, our amendment would require the President to submit a report to Congress on the status of the establishment of the Multinational Support Unit.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2774.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. BUDGETING FOR CONTINUED PARTICIPATION OF UNITED STATES FORCES IN NATO OPERATIONS IN BOSNIA AND HERZEGOVINA.

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

(1) Funding levels in the Department of Defense budget have not been sufficient to pay for the deployment of United States ground combat forces in Bosnia and Herzegovina that began in fiscal year 1996.

(2) The Department of Defense has used funds from the operation and maintenance accounts of the Armed Forces to pay for the operations because the funding levels included in the defense budgets for fiscal years 1996 and 1997 have not been adequate to maintain operations in Bosnia and Herzegovina.

(3) Funds necessary to continue United States participation in the NATO operations in Bosnia and Herzegovina, and to replace operation and maintenance funds used for the operations, have been requested by the President as supplemental appropriations in fiscal years 1996 and 1997. The Department of Defense has also proposed to reprogram previously appropriated funds to make up the shortfall for continued United States operations in Bosnia and Herzegovina.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) The discretionary spending limit established for the defense category for fiscal year 1998 in the Balanced Budget and Emergency Deficit Control Act of 1985 does not take into account the continued deployment of United States forces in Bosnia and Herzegovina after June 30, 1998. Therefore, the President requested emergency supplemental appropriations for the Bosnia and Herzegovina mission through September 30, 1998.

(6) Amounts for operations in Bosnia and Herzegovina were not included in the original budget proposed by the President for the Department of Defense for fiscal year 1999.

(7) The President requested $1,858,600,000 in emergency appropriations in his March 4, 1998 amendment to the fiscal year 1999 budget to cover the shortfall in funding in the fiscal year 1999 for the costs of extending the mission in Bosnia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should include in the budget for the Department of Defense that the President submits to Congress under section 1105(a) of title 31, United States Code, for each fiscal year sufficient amounts to pay for any proposed continuation of the participation of United States forces in NATO operations in Bosnia and Herzegovina for that fiscal year; and

(2) amounts included in the budget for that purpose should not be transferred from amounts that would otherwise be proposed in the budget of any of the Armed Forces in accordance with the future-years defense program related to that budget, or any other agency of the Executive Branch, but, instead, should be an overall increase in the budget for the Department of Defense.

SEC. 1065. NATO PARTICIPATION IN THE PERFORMANCE OF PUBLIC SECURITY FUNCTIONS OF CIVILIAN AUTHORITIES IN BOSNIA AND HERZEGOVINA.

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

(1) The North Atlantic Treaty Organization (NATO) has approved the creation of a multi-national specialized unit of gendarmes- or para-military police composed of European security forces to help promote public security in Bosnia and Herzegovina as a part of the post-June 1998 mission for the Stabilization Force (SFOR) authorized under the United Nations Security Council Resolution 1088 (December 12, 1996).

(2) On at least four occasions, beginning in July 1997, the Stabilization Force (SFOR) has been involved, pursuant to military annex 1(A) of the Dayton Agreement, in carrying out missions for the specific purpose of detaining war criminals, and on at least one of those occasions United States forces were directly involved in carrying out the mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States forces should not serve as civil police in Bosnia and Herzegovina.

(c) REQUIREMENT FOR REPORT.—The President shall submit to Congress, not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

Mr. THURMOND. Mr. President, my amendment would address three items, funds in the future years defense program for operations in Bosnia, concern about the use of U.S. forces in a law enforcement capacity, and the status of establishing the NATO multinational security force.

Funding for military forces participating in the NATO operation in Bosnia is the responsibility of the contributing nation. It is estimated that the U.S. costs of participating in the NATO operation will be close to $10 billion by the end of fiscal year 1999.

The Administration has failed to provide adequate funds in the defense budget to fund U.S. participation in the NATO operation since November 1995, consequently reprogramming and rescissions of defense funds, as well as supplemental appropriations have been used to pay for those costs.

In March, pursuant to legislation in the fiscal year 1998 defense authorization and appropriations bills, the President notified the Congress of his intention to extend the deployment of U.S. forces in Bosnia beyond June 30, 1998, and certified that it was in the national security interests for U.S. forces to remain in Bosnia so that conditions could be established to allow the implementation of the Dayton Accords without the support of a major NATO-led military force.

The President's announcement to extend the deployment of U.S. forces in Bosnia after June 30, 1998 once again resulted in a funding shortfall for operations in Bosnia for fiscal year 1998, as well as for fiscal year 1999. To take care of the shortfalls in fiscal year 1998, the Congress provided an emergency appropriation.

Once again, because they were unaware that the President would extend the participation of U.S. forces in the NATO operation in Bosnia, the Department of Defense and the military services did not include funds in the President's fiscal year 1999 budget request for defense. Thereby creating once again, a funding shortfall for operations in Bosnia in fiscal year 1999. To cover those costs anticipated in fiscal year 1999, but not provided for in the defense budget, the Committee has recommended an emergency authorization of $1.9 billion for operations in Bosnia in fiscal year 1999.

Mr. President, U.S. forces will be in Bosnia for at least another year or two, if not longer, unless the Congress mandates their withdrawal. It is time for the President to include the funds necessary to pay for the operations in Bosnia in the fiscal year 2000 and future year budgets for defense above the top line in the balanced budget agreement. If the defense budget is not increased

to pay for the costs associated with this operation in Bosnia, the Congress will once again be faced with reprogramming defense funds, or providing emergency appropriations.

If the Congress has to reprogram defense funds, or rescind defense programs, the military services will most likely have to transfer procurement and research and development dollars meant for modernization and replacement of equipment before it becomes obsolete and unsupportable.

Transferring funds from the military service budgets for operations in Bosnia will result in reducing training opportunities, delaying real property maintenance, deferring depot maintenance, or reducing base operations and quality of life. We need to protect the readiness of our forces. Failure of the Administration to increase funding in future defense budgets to pay for operations in Bosnia would cause disruptions and in funding inefficiencies in our acquisition programs.

My amendment would express the sense of Congress that the President should include funds for operations in Bosnia in the future years defense funds, and that those funds should not come from amounts that would otherwise be proposed for defense or the military services in accordance with the future years defense plan, but should be provided above the top line in the balanced budget agreement.

My amendment would also express the concerns of Congress, as it did similarly in the fiscal year 1998 defense authorization and appropriation bills, that U.S. forces should not participate in law enforcement activities as civil police.

The International Police Task Force was formed by the United Nations in response to a requirement in the Dayton Accords. In addition to training and advising local law enforcement authorities and personnel, the responsibility of this international police task force is to monitor, observe and facilitate law enforcement activities. The international police force also has no authority to arrest or detain people, to include indicted war criminals. Because the international police force is not armed, on many occasions NATO military forces have accompanied members of the IPTF to provide protection in the event there is a breakdown in law and order. NATO forces have not intervened during incidents of violence involving unarmed civilians. However, NATO troops have taken action against paramilitary or ''special police'' units, such as the kind that guard indicted war criminals like Mr. Karadicz.

Earlier this year, the Congress was informed by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that NATO would be establishing an 800-man paramilitary police force to respond to civil disturbances, such as the ones I just mentioned.

Lastly, with regard with NATO's establishment of a Multinational Specialized Unit to respond to civil disturbances, my amendment would require the President to report on the status of NATO establishing the MSU, the mission of the MSU, its composition, and the extent to which U.S. military forces will participate in the MSU, if any role.

Mr. President, I believe the amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the Senate adopt this amendment.

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

The amendment (No. 2774) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2775

(Purpose: To require the Secretary of Defense to submit to Congress a report on the objectives of a contingency operation when the President submits to Congress the first request for funding the operation)

Mr. THURMOND. Mr. President, on behalf of Senators SNOWE and CLELAND, I offer an amendment which has been approved by the Armed Services Committee and that would require the Secretary of Defense to submit to Congress a report on the objectives of any contingency operation involving the deployment of 500 or more U.S. military forces when the President requests funds for those operations.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Ms. SNOWE, for herself and Mr. CLELAND, proposes an amendment numbered 2775.

The amendment is as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. SUBMISSION OF REPORT ON OBJECTIVES OF A CONTINGENCY OPERATION WITH FIRST REQUEST FOR FUNDING THE OPERATION.

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

(1) On May 3, 1994, the President issued Presidential Decision Directive 25 declaring that American participation in United Nations and other peace operations would depend in part on whether the role of United States forces is tied to clear objectives and an endpoint for United States participation can be identified.

(2) Between that date and mid-1998, the President and other executive branch officials have obligated or requested appropriations of approximately $9,400,000,000 for military-related operations throughout Bosnia and Herzegovina without providing to Congress, in conjunction with the budget submission for any fiscal year, a strategic plan for such operations under the criteria set forth in that Presidential Decision Directive.

(3) Between November 27, 1995, and mid-1998 the President has established three deadlines, since elapsed, for the termination of United States military-related operations throughout Bosnia and Herzegovina.

(4) On December 17, 1997, the President announced that United States ground combat forces would remain in Bosnia and Herzegovina for an unknown period of time.

(5) Approximately 47,880 United States military personnel (excluding personnel serving in units assigned to the Republic of Korea) have participated in 14 international contingency operations between fiscal years 1991 and 1998.

(6) The 1998 posture statements of the Navy and Air Force included declarations that the pace of military operations over fiscal year 1997 adversely affected the readiness of non-deployed forces, personnel retention rates, and spare parts inventories of the Navy and Air Force.

(b) INFORMATION TO BE REPORTED WITH FUNDING REQUEST.—Section 113 of title 10, United States Code, is amended by adding at the end the following:

''(*l*) INFORMATION TO ACCOMPANY INITIAL FUNDING REQUEST FOR CONTINGENCY OPERATION.—Whenever the President submits to Congress a request for appropriations for costs associated with a contingency operation that involves, or likely will involve, the deployment of more than 500 members of the armed forces, the Secretary of Defense shall submit to Congress a report on the objectives of the operation. The report shall include a discussion of the following:

''(1) What clear and distinct objectives guide the activities of United States forces in the operation.

''(2) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the endpoint of the operation.''.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared on the other side.

Mr. LEVIN. The amendment has been cleared.

Mr. THURMOND. Mr. President, I urge that the amendment be adopted.

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

The amendment (No. 2775) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2776

(Purpose: Pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense)

Mr. LEVIN. Mr. President, on behalf of Senators ROBB and SANTORUM, I offer an amendment which would provide authority to conduct a pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROBB, for himself and Mr. SANTORUM, proposes amendment No. 2776.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

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

(1) Officials of the Department of Defense are critically dependent on the science and technology laboratories and test and evaluation centers, of the department—

(A) to exploit commercial technology for unique military purposes;

(B) to develop advanced technology in precise areas;

(C) to provide the officials with objective advice and counsel on science and technology matters; and

(D) to lead the decisionmaking that identifies the most cost-effective procurements of military equipment and services.

(2) The laboratories and test and evaluation centers are facing a number of challenges that, if not overcome, could limit the productivity and self-sustainability of the laboratories and centers, including—

(A) the declining funding provided for science and technology in the technology base program of the Department of Defense;

(B) difficulties experienced in recruiting, retaining, and motivating high-quality personnel; and

(C) the complex web of policies and regulatory constraints that restrict authority of managers to operate the laboratories and centers in a businesslike fashion.

(3) Congress has provided tools to deal with the changing nature of technological development in the defense sector by encouraging closer cooperation with industry and university research and by authorizing demonstrations of alternative personnel systems.

(4) A number of laboratories and test and evaluation centers have addressed the challenges and are employing a variety of innovative methods, such as the so-called ''Federated Lab Concept'' undertaken at the Army Research Laboratory, to maintain the high quality of the technical program, to provide a challenging work environment for researchers, and to meet the high cost demands of maintaining facilities that are equal or superior in quality to comparable facilities anywhere in the world.

(b) COMMENDATION.—Congress commends the Secretary of Defense for the progress made by the science and technology laboratories and test and evaluation centers to achieve the results described in subsection (a)(4) and encourages the Secretary to take the actions necessary to ensure continued progress for the laboratories and test and evaluation centers in developing cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(c) PILOT PROGRAM.—(1) In conjunction with the plan for restructuring and revitalizing the science and technology laboratories and test and evaluation centers of the Department of Defense that is required by section 906 of this Act, the Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation center, of each military department with authority for the following:

(A) To explore innovative methods for quickly, efficiently, and fairly entering into cooperative relationships with universities and other private sector entities with respect to the performance of research and development functions.

(B) To waive any restrictions on the demonstration and implementation of such methods that are not required by law.

(C) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

(3) In selecting the laboratories and centers for participation in the pilot program, the Secretary shall consider laboratories and centers where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory and center for a period of three years beginning not later than March 1, 1999.

(d) REPORTS.—(1) Not later than March 1, 1999, the Secretary of Defense shall submit a report on the implementation of the pilot program to Congress. The report shall include the following:

(A) Each laboratory and center selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory or center.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory or center in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of the laboratory or center in the pilot program. The report shall contain the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at the laboratory or center under the pilot program.

Mr. LEVIN. I believe the amendment has been cleared on the other side.

Mr. THURMOND. The amendment has been cleared.

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

The amendment (No. 2776) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2777

(Purpose: To protect the voting rights of military personnel)

Mr. THURMOND. Mr. President, on behalf of Senators GRAMM and MCCAIN, I offer an amendment which will protect the voting rights of the military personnel.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. GRAMM for himself and Mr. MCCAIN, proposes an amendment numbered 2777.

The amendment is as follows:

On page 130, between lines 11 and 12, insert the following:

SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(B) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(2) The heading of title I of such Act is amended by striking out **"FOR FEDERAL OFFICE"**.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2777) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

AMENDMENT NO. 2778

(Purpose: To require a review and report on research on pharmacological interventions for reversing brain injury resulting from head injuries incurred in combat or exposures to chemical weapons)

Mr. THURMOND. On behalf of Senator WARNER, I offer an amendment which would require the Secretary of Defense to review and report to Congress on research concerning pharmacological interventions for reversing brain injury.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. WARNER, proposes an amendment numbered 2778.

The amendment is as follows:

At the end of subtitle C of title II, add the following:

SEC. 232. REVIEW OF PHARMACOLOGICAL INTERVENTIONS FOR REVERSING BRAIN INJURY.

(a) REVIEW AND REPORT REQUIRED.—The Assistant Secretary of Defense for Health Affairs shall review research on pharmacological interventions for reversing brain

injury and, not later than March 31, 1999, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) The potential for pharmacological interventions for reversing brain injury to reduce mortality and morbidity in cases of head injuries incurred in combat or resulting from exposures to chemical weapons or agents.

(2) The potential utility of such interventions for the Armed Forces.

(3) A conclusion regarding whether funding for research on such interventions should be included in the budget for the Department of Defense for fiscal year 2000.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared on this side.

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

The amendment (No. 2778) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2779

(Purpose: To modify the authority relating to the demonstration project to provide the FEHBP health care option to medicare-eligible military health care beneficiaries)

Mr. THURMOND. On behalf of Senators BOND, SHELBY, COVERDELL, and FAIRCLOTH, I offer an amendment that would amend section 707 to accelerate the Federal Employees Health Benefit Program (FEHBP) demonstration and increase the number of sites from two to four.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. BOND, for himself, Mr. SHELBY, Mr. COVERDELL, and Mr. FAIRCLOTH, proposes an amendment numbered 2779.

The amendment is as follows:

On page 157, strike out line 7 and insert the following:

(h) ADDITIONAL REQUIREMENTS RELATING TO FEHBP DEMONSTRATION PROJECT.—(1) Notwithstanding subsection (a)(2), the Secretary shall commence the demonstration project under subsection (d) on July 1, 1999.

(2) Notwithstanding subsection (c), the Secretary shall carry out the demonstration project under subsection (d) in four separate areas, of which—

(A) two shall meet the requirements of subsection (c)(1)(A); and

(B) two others shall meet the requirements of subsection (c)(1)(B).

(3)(A) Notwithstanding subsection (f), the Secretary shall provide for an annual evaluation of the demonstration project under subsection (d) that meets the requirements of subsection (f)(2).

(B) The Comptroller shall review each evaluation provided for under subparagraph (A).

(C) Not later than September 15 in each of 2000 through 2004, the Secretary shall submit a report on the results of the evaluation under subparagraph (A) during such year, together with the evaluation, to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(D) Not later than December 31 in each of 2000 through 2004, the Comptroller General shall submit a report on the results of the review under subparagraph (B) during such year to the committees referred to in subparagraph (C).

(i) DEFINITIONS.—In this section:

Mr. BOND. Mr. President, I rise today to introduce an amendment on behalf of myself, Mr. SHELBY, Mr. COVERDELL, and Mr. FAIRCLOTH.

This vital measure would enhance the Federal Employees Health Benefits Program (FEHBP) demonstration provisions currently included in the Department of Defense Authorization bill to evaluate the feasibility of using this effective program to ensure the availability of adequate health care for Medicare-eligible retirees under the military health care system.

Specifically, this amendment increases the number of FEHBP sites from two to four and accelerates the implementation of the program from January of 2000 to July of 1999.

Mr. President, our nation's military retirees are facing a grave health care crisis. Current trends, such as base closures, the downsizing of military treatment facilities, and the introduction of TRICARE, have all hindered access to health care services for military retirees aged 65 and over. In theory, Medicare-eligible retirees can receive health care services at military treatment facilities on a space available basis; however, active duty and their dependents have priority.

Therefore, in reality, space is rarely available—resulting in military retirees being ''locked out'' of the Department of Defense's (DoD) health care delivery system. And because of their considered ''secondary status'', many retirees are forced to travel great distances to receive even the minimum of care.

Further, when compared to what other Federal and private sector retirees receive in terms of health care options, it is clear that the current health care choices for military retirees are woefully inadequate and downright inexcusable.

This is outrageous. The bottom line is military retirees aged 65 and older do not have time to wait for health care solutions, especially when our nation is losing 30,000 world War II veterans each month. It is high time that the federal government lives up to its promise of providing health care to those who honorably served our country.

Although this amendment is not everything I wanted, it is a step in the right direction. I am pleased that the Armed Services Committee was able to address this problem, but I remain concerned that the DoD Authorization bill caps total funding for all the various demonstration projects at $60 million a year, of which only a portion would be available for the FEHBP demonstration.

Mr. President, I understand the budgetary constraints that the Committee faces; however, this does not excuse us from our moral obligation to provide those military retirees who faithfully and selflessly served our country in times of war and in times of peace the health care they deserve. Our country must live up to the promise of providing military retirees more dependable, consistent, and affordable care while simultaneously applying equitable standards of health care for all federal retirees.

Make no doubt about it—this battle has just begun. I look forward to working with my colleagues in conference in securing increased funding and sites for this purpose—as represented in the House's DoD Authorization bill. And again, I thank the distinguished Chairmen, Senator THURMOND, and Senator KEMPTHORNE, for their efforts.

Mr. THURMOND. I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared.

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

The amendment (No. 2779) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2780

(Purpose: To authorize amounts for NATO common-funded budgets)

Mr. LEVIN. Mr. President, on behalf of myself and Senator THURMOND, I offer an amendment which would authorize funds for the NATO military budget and the NATO Security Investment Program for fiscal year 1999.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. THURMOND, proposes an amendment numbered 2780.

The amendment is as follows:

At the end of subtitle B of title II, insert the following:

SEC. 219. NATO COMMON-FUNDED CIVIL BUDGET.

Of the amount authorized to be appropriated by section 201(1), $750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

At the end of subtitle B of title III, insert the following:

SEC. 314. NATO COMMON-FUNDED MILITARY BUDGET.

Of the amount authorized to be appropriated by section 30(a)(1), $227,377,000 shall be available for contributions for the common-funded Military Budget of NATO.

At the end of subtitle A of title X, insert the following:

SEC. 1014. AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR NATO COMMON-FUNDED BUDGETS.

(a) TOTAL AMOUNT.—Contributions are authorized to be made in fiscal year 1999 for the

common-funded budgets of NATO, out of funds available for the Department of Defense for that purpose, in the total amount that is equal to the sum of (1) the amounts of the unexpended balances, as of the end of fiscal year 1998, of funds appropriated for fiscal years before fiscal year 1999 for payments for such budgets, (2) the amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 314, (3) the amount authorized to be appropriated under section 201(1) that is available for contribution for the NATO common-funded civil budget under section 219, and (4) the total amount of the contributions authorized to be made under section 2501.

(b) DEFINITION.—In this section, the term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of NATO (and any successor or additional account or program of NATO).

Mr. LEVIN. I believe the amendment has been cleared.

Mr. THURMOND. The amendment has been cleared.

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

The amendment (No. 2780) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

AMENDMENT NO. 2781

(Purpose: To require reports on the development of the European Security and Defense Identity within the NATO alliance)

Mr. LEVIN. Mr. President, I offer an amendment which would require the Secretary of Defense to provide a report to Congress on the development of the NATO European Security Defense Initiative by December 15, 1998, and thereafter on a semiannual basis, until such time as the Secretary of Defense states that an ESDI has been fully established.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2781.

The amendment is as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. REPORTS ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY.

(a) REQUIREMENT FOR REPORTS.—The Secretary of Defense shall submit to the congressional defense committees in accordance with this section reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance that would enable the Western European Union (WEU), with the consent of the NATO Alliance, to assume the political control and strategic direction of NATO assets and capabilities made available by the Alliance.

(b) REPORTS TO BE SUBMITTED.—The reports required to be submitted under subsection (a) are as follows:

(1) An initial report, submitted not later than December 15, 1998, that contains a discussion of the actions taken, and the plans for future actions, to build the European Security and Defense Identity, together with the matters required under subsection (c).

(2) A semiannual report on the progress made toward establishing the European Security and Defense Identity, submitted not later than March 15 and December 15 of each year after 1998.

(c) CONTENT OF REPORTS.—The Secretary shall include in each report under this section the following:

(1) A discussion of the arrangements between NATO and the Western European Union for the release, transfer, monitoring, return, and recall of NATO assets and capabilities.

(2) A discussion of the development of such planning and other capabilities by the Western European Union that are necessary to provide political control and strategic direction of NATO assets and capabilities.

(3) A discussion of the development of terms of reference for the Deputy Supreme Allied Commander, Europe, with respect to the European Security and Defense Identity.

(4) A discussion of the arrangements for the assignment or appointment of NATO officers to serve in two positions concurrently (commonly referred to as ''dual-hatting'').

(5) A discussion of the development of the Combined Joint Task Force (CJTF) concept, including lessons-learning from the NATO-led Stabilization Force in Bosnia.

(6) Identification within the NATO Alliance of the types of separable but not separate capabilities, assets, and support assets for Western European Union-led operations.

(7) Identification of separable but not separate headquarters, headquarters elements, and command positions for command and conduct of Western European Union-led operations.

(8) The conduct by NATO, at the request of and in coordination with the Western European Union, of military planning and exercises for illustrative missions.

(9) A discussion of the arrangements between NATO and the Western European Union for the sharing of information, including intelligence.

(10) Such other information as the Secretary considers useful for a complete understanding of the establishment of the European Security and Defense Identity within the NATO Alliance.

(d) TERMINATION OF SEMIANNUAL REPORTING REQUIREMENT.—No report is required under subsection (b)(2) after the Secretary submits under that subsection a report in which the Secretary states that the European Security and Defense Identity has been fully established.

Mr. LEVIN. I believe this amendment has been cleared on the other side.

Mr. THURMOND. The amendment has been cleared.

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

The amendment (No. 2781) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I have brief remarks in concluding today, a very productive day on the defense authorization bill.

I wish to personally thank the distinguished chairman, Mr. THURMOND, and the ranking member, for covering a number of amendments today, including those of the Senator from Virginia while I was momentarily off the floor. Chairman THURMOND will bring the bill back up again on Monday. It will be the business.

I will have further extensive remarks on Monday as regards the complex issue of Bosnia and Herzegovina. The American commitments there in connection with our NATO allies are very important commitments, and certain observations relative to Kosovo.

Given the cloture motion, I am not sure whether our bill will have opened the opportunity for amendments on these issues. It is a subject that has been carefully considered by the Armed Services Committee in four meetings. We feel very strongly that there is an obligation in the Congress, which no one has spoken to with greater clarity and greater sincerity than the senior Senator from West Virginia, Mr. BYRD. He did so at a hearing of the Armed Services Committee on June 4 of this year. Senator BYRD and Senator HUTCHISON of Texas have worked very hard and diligently on this subject. But I am not sure as to what will evolve in the days to come on this bill.

I wish to make several observations about this subject. I, too, have thought about introducing an amendment on this subject. But these are the concerns that I have.

None of us could perceive with specificity what has happened in Kosovo, what is happening today, and what could happen in the future. That is a key that is directly linked to the continuing policies of the United States, together with our allies in Bosnia.

Great progress has been made in Bosnia towards the Dayton accords. I was not in favor at any time and voted against the introduction of U.S. ground forces. Nevertheless, that decision was made and endorsed by the Congress of the United States. They have performed absolutely courageously, and have contributed to a measure of peace and stability that exists in Bosnia today. They have worked remarkably well with our allies. There are some 13 various allies which have contributed to this NATO-led force to bring about the current stability. I will speak further on Monday as to the details.

But I want to comment on a couple of factors that I hope Senators will take into consideration should they want to go into further discussions of this area.

First, there will be very important elections held in the political structure of Bosnia in September. Hopefully, the outcome of those elections, in terms of the candidates that succeed, will further move efforts towards achieving the Dayton accords. We cannot anticipate here in June what that situation will be, nor can we anticipate with any specificity the problems in Kosovo. Hopefully, the initiatives, indeed, by President Yeltsin, by President Clinton, and by many others in the United Kingdom and France will address that situation so that we will not witness further tragic displacement of people from their homes, communities, and to

worsen the flow of refugees from that region. We simply cannot stand by and watch that persecution.

I remember so well. We always talked in terms of Bosnia, that we have to contain that so it will not spill over into the Kosovo region. Now just the reverse has taken place. It is Kosovo which threatens to spill over, dislodge, and disrupt some of the achievements that have occurred so far in Bosnia.

So the elections are important. The unfolding developments in Kosovo—we cannot predict today what they will be a month from now, or 6 months from now.

Further, there will be a new Congress elected by the people of our country in November. They will take their seats, such Members as new Members who come and those who will depart. We will have a new Congress.

It seems to me that the new Congress is entitled to take a fresh look at this situation.

We also must take into consideration that we are working today with our allies on a variety of contingencies as they relate to Kosovo, and any legislation which is directed to the future of our commitment in Bosnia; that is, the extent the ground forces remain in place, the extent perhaps of their withdrawal and the force levels and the like, sends signals to people, particularly President Milosevic, who, indeed, is the prime perpetrator of the problems in that region, in my judgment, and we have to be very careful, because on the one hand if we address the future of U.S. commitments in Bosnia and at the same time we are trying to work out contingency plans with our allies, those two actions, in my judgment, have to go hand in hand.

So it is terribly important that those addressing this issue take into consideration again the transitory nature of the Kosovo problem, the elections that are coming up, and the fact there will be a new Congress, and therefore any action that we take should not be taken—and I am hesitant to think we should take any action now—with regard to dictating in many respects to the Commander in Chief what is to be done in that region beginning, say, next spring. I think we have to be very careful to recognize the constitutional responsibilities of President Clinton in this area, and we should do nothing to abridge those constitutional responsibilities.

So having said that, I will address this subject further on Monday, but I just wanted to lay down in today's RECORD some of my concerns about this very important issue. It is driven in large measure by the fact that the Armed Forces of the United States today have expended some $9.4 billion for the Bosnia action to date and through fiscal year 1998, and those dollars could, in my judgment, have been spent very wisely for modernization, for research and development, and for readiness. Those three areas are of prime concern as regards our military today, and they are very, very serious concerns. We will address those areas further as we consider the authorization bill. But it is an expensive commitment there in terms of dollars and U.S. troops, and it seems to me that we have to continually work with our allies so that those allies, particularly the European allies, take a greater percentage of this burden in the months to come.

It is clear that we cannot hope to achieve the Dayton accords in a period of time, perhaps within a year or so. General Clarke, when he appeared before our committee, could not in any way—and we understand this—specify his estimate of time within which those accords of Dayton could be achieved. But nevertheless, it is the allied forces under the NATO in place today that have enabled the progress to date that we are all very fortunate to witness.

Now, Mr. President, I will return now to the closing business of today's session of the Senate.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak up to 10 minutes each. In one instance I will soon allocate 15 minutes at the conclusion of my remarks.

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

ALAN GREENSPAN AND ANTITRUST

Mr. GORTON. Mr. President, the Senate Judiciary Committee heard testimony on Tuesday from Federal Reserve Board Chairman Alan Greenspan and the Assistant Attorney General for Antitrust, Joel Klein. The hearing was called to discuss the economic impacts of the recent wave of mergers and acquisitions and the role of federal antitrust enforcers in today's economy.

While the subject matter was narrow, nothing less than the future of the American economy is at stake in the debate between those in this nation who believe in the power and efficiency of the free market and those who advocate government control of the market.

Both sides in the debate, and both witnesses at the hearing, claim to be working toward the same goals: consumer protection, competition, and economic expansion. But the contrast in the means each side advocates to achieve those ends is astonishing.

Alan Greenspan, arguably one of the most powerful men in the world, urged ''humility'' on the part of government antitrust enforcers, while Joel Klein pushed for more government intervention and more taxpayer money for his division at the Department of Justice.

Once again Mr. President, I find the attitude of the Clinton/Gore Administration's Justice Department disturbing. It is quite apparent to this Senator that Joel Klein and his staff are anti-business, anti-success, and anti-economic growth.

Mr. Klein pled for more, not less, government control of the economy. In fact, in his testimony Mr. Klein said, ''we reject categorically the notion that markets will self-correct and we should sit back and watch.'' Instead, Mr. Klein believes the government should control every move of America's most successful and innovative companies in the name of competition and consumer protection. His statement strikes me as an endorsement of the very kind of socialist-style command and control economics embraced by the Soviet Union that led to its collapse, not the free market principles on which the United States economy is based.

Mr. Greenspan, on the other hand, a long-time champion of the free market, made the case that the Justice Department and the Federal Trade Commission have been overstepping their bounds recently in predicting how mergers will affect the economy of the future, and in prohibiting mergers on the basis of predictions about that economic future. He said, ''I would like to see far more firm roots to our judgments as to whether particular market positions do, in fact, undercut competition or are only presumed on the basis of some generalized judgment of how economic forces are going to evolve.'' Chairman Greenspan went on to point out that, ''history is strewn with people making projections which have turned out to be grossly inaccurate.''

The Chairman of the Federal Reserve Board, despite his power to do otherwise, represents and advocates the same common sense approach to competition and consumer welfare as that advocated by our founding fathers. His vision is one in which the government rarely intervenes in the free market that, left alone, can provide more benefits and broader economic wealth for consumers than the smartest government planners and politicians. His vision is one in which American entrepreneurs invent amazing new products and compete openly with one another in a free, but relentless marketplace, to meet the constantly changing demands of consumers.

It is Mr. Greenspan's vision that has contributed to the greatest economic growth in this nation's history; that of the Justice Department would undermine it.

In contrast to those of Mr. Greenspan's, Mr. Klein's comments reveal an elitist, government-knows-best approach to economics. Under the guise of consumer protection, Mr. Klein advocates government control of the marketplace in order to prop up businesses that cannot compete successfully on their own.

I, for one, Mr. President, believe Mr. Greenspan's approach to be correct and to be the one that has and will serve the American consumers and the American economy best.

As Mr. Greenspan so eloquently put it, ''Through skill, perseverance, luck, or political connections, competitors have always pressed for market dominance. It is free, open markets that act to thwart achievement of such dominance, and in the process direct the competitive drive, which seeks economic survival, towards the improvement of products, greater productivity, and the amassing and distribution of wealth. Adam Smith's invisible hand does apparently work.''

Let us look, for example, at the Justice Department's case against Microsoft—the most successful and innovative company in the U.S. software industry. In this case, the Justice Department argues that Microsoft does not allow computer manufacturers to customize the desktop. Mr. Klein's solution to this problem is for the government to force Microsoft to allow competing desktops to be displayed on Microsoft's own operating system software.

But only a few weeks after Mr. Klein filed suit against Microsoft on this front, the free market has produced its own solution. A small, start-up software company in Seattle called Pixel has begun marketing a product that makes use of the sliver of black screen space surrounding Microsoft's Windows display on the desktop. Using this empty space, Pixel's software will allow computer manufacturers to display their own control bar. The control bar gives users direct access to web sites chosen by the computer manufacturer.

In the next few weeks, Packard Bell and NEC will start shipping computers with Pixel's new control bar on the opening screen.

Compaq Computer has come up with its own alternative. The company announced last week that it will provide a special keyboard with a new range of personal computers that incorporate function keys for instant access to e-mail, news, weather, shopping, and other features.

Like the Pixel software, this new keyboard enables Compaq to partner directly with Internet publishers and access providers, effectively bypassing Windows.

These innovations make it clear that the free market works much faster and much more effectively than government intervention. It is a lesson that the Administration and Assistant Attorney General Klein should take to heart.

Mr. Klein's counterpart at the Federal Trade Commission, Robert Pitofsky, recently filed a similar case against Intel, another highly successful high tech company that has come under fire for its very success.

The FTC has charged that Intel, in attempting to protect its own intellectual property, is engaging in anti-competitive business practices. This suit comes at the very time that Intel is facing the toughest competition in the microprocessor market that it has faced in its history as a company. The FTC is as perverse as is the Department of Justice.

Mr. Greenspan's testimony is a breath of fresh air in an increasingly stifling era of big government intervention in the free market. I urge my colleagues in the United States Senate to heed Mr. Greenspan's words and to join me in my efforts to bring reason back into the debate over antitrust policy.

SENATOR LOTT'S PROPOSED HEALTH UNANIMOUS CONSENT REQUEST

Mr. KENNEDY. Mr. President, I hope very much that in the coming days, we will be able to begin debate in the full Senate on another major issue of vital importance to the country—the reforms needed in our health care system to end the abuses by HMOs and health insurance companies. Critical decisions on health care should be made by doctors and their patients, not by insurance industry accountants. It is long past time for Congress to act to protect patients and end these abuses. We face a growing crisis of confidence in health care.

A recent survey found that an astonishing 80 percent of Americans now believe that their quality of care is often compromised by their insurance plan to save money. And, too often, they are absolutely right.

One reason for this concern is the explosive growth in managed care. In 1987, only 13 percent of privately insured Americans were enrolled in HMOs. Today 75 percent are in some form of managed care.

This issue goes to the heart of health care and the fundamental doctor-patient relationship. At its best, managed care offers the opportunity to achieve greater efficiency and greater quality in health care.

In too many cases, however, the priority has become greater profits, not greater health. HMOs and conventional insurance companies alike have abused the system by denying coverage for treatments that their customers need and that their premiums should have guaranteed.

In California, a Kaiser Foundation study found that almost half of all patients reported a problem with their health plan. Substantial numbers reported that the plan's actions caused unnecessary pain and suffering, delayed recovery, or even resulted in permanent disabilities.

Projected to the national level, these results indicate that 30 million Americans develop additional health problems because of their plan's abusive practices—and a shocking 11 million develop permanent disabilities.

The dishonor roll of those victimized by insurance company abuse grows every day. A baby loses his hands and feet because his parents believe they have to take him to a distant emergency room rather than the one close to their home.

A Senate aide suffers a devastating stoke, which might have been far milder if her HMO had not refused to send her to an emergency room. The HMO now even refuses to pay for her wheelchair.

A woman is forced to undergo a mastectomy as an outpatient, against her doctor's recommendation. She is sent home in pain, with tubes still dangling from her body.

A doctor is denied future referrals under a managed car plan, because he told a patient about an expensive treatment that could save her life.

The parents of a child suffering from a rare cancer are told that life-saving surgery should be performed by an unqualified doctor who happens to be on the plan's list, rather than by a specialist at the nearby cancer center equipped to perform the operation.

A San Diego paraplegic asks for referral to a rehabilitation specialist. Her HMO refuses, and she develops a severe pressure wound that a rehabilitation specialist would have routinely checked and treated. She is forced to undergo surgery, and is hospitalized for a year with round-the-clock nursing care.

A child suffers a severe shoulder dislocation in a gym class. Frantic school officials make repeated calls to her HMO for authorization to call an ambulance. The accident has cut off the flow of blood to her arm. Fortunately, a mother who was also an emergency room physician was there and was able to give immediate treatment. Otherwise, the child might have lost her arm.

The list of these abuses goes on and on.

Many of us in Congress have offered legislation to end these abuses.

Our proposal is a common sense program that guarantees the American people the fundamental protections that every good insurance company already provides, and that every American who pays insurance premiums deserves to have when serious illness strikes.

But the Republican Leadership's position on these protections is to protect the insurance industry instead of protecting patients. They know that they can't do that in the light of day before the American people. So their strategy has been to work behind closed doors to kill the bill. Keep it bottled up in committee. No markup. No floor vote. Delay, deny, and obfuscate—and hope the clock runs out.

And while the Republican Leadership keeps the bill bottled up, they call on the insurance companies and their right-wing allies to use their vast resources to manipulate public opinion. The National Journal reported in November that ''a coalition of business groups, corporations, and health care associations is planning a $1 million-plus public relations and grass roots blitz to derail new legislation calling for increased regulation of health

plans.'' Just a few weeks ago, it was reported that the special interest opponents have now spent more than $3 million to defeat our common sense proposals.

According to the Washington Post of November 5 last year, ''Three years after they killed President Clinton's massive health plan, Republican leaders in Congress have embarked on a crusade to block a new generation of federal efforts aimed at regulating the quality of medical care Americans receive.''

The article goes on to report that members of the antireform coalition were invited to what was billed as the first in a Series of Briefings for Republican Staff Members. ''Clinton Care Returns: The Trojan Horse Strategy.'' That is what the invitation said to the briefing, sponsored by Senate Majority Leader TRENT LOTT and Senate Majority Whip DON NICKLES—''Clinton Care Returns: The Trojan Horse Strategy.''

It is obvious that the Senate Republican leadership is no friend of health reform.

According to a memo from one of the participants in the briefing, ''The message we are getting from House and Senate leadership is that we are in a war and we need to start fighting like we are in a war.'' It went on to say, ''Republican leadership is now engaged on this issue and is issuing strong directives to all players in the insurance and employer community to get activated.'' Their message: ''Get off your butts; get out your wallets.''

The special interests have responded. They are now pouring millions of dollars into a PR campaign to confuse and intimidate patients, and they are pouring hundreds of thousands of dollars into Republican campaign committees.

One of the directives the GOP leadership gave to their anti-reform coalition was to ''write the definitive piece of paper trashing all these bills''—trashing all these bills. It apparently did not matter to the Republican leadership what was actually in the bills—they were all to be trashed.

Willis Gradison, the head of the Health Insurance Association of America, was asked in an interview published in the Rocky Mountain News to sum up the coalition's strategy. According to the article, Mr. Gradison replied, ''There's a lot to be said for 'just say no.'''' The author of the article goes on to report that, ''At a strategy session last month called by a top aide to Senator DON NICKLES, Gradison advised Republicans to avoid taking public positions that could draw fire during the election campaign. Opponents will rely on Republican leaders in both chambers to keep managed care legislation bottled up in committee.''

So there you have it. Keep patient protections bottled up. Order your special interest friends to ''get off their butts and get out their wallets.'' Deliver a massive campaign of misinformation and disinformation. Just say yes to the special interests—and just say no to the American people.

We saw the results of that strategy in the Senate yesterday when the Republicans put the interests of the tobacco companies ahead of the interests of the American children. Next, it is good medical care for American families that will be sacrificed on the altar of special interest profits, if the Republican leadership has its way.

But those leaders are feeling the heat. Yesterday, the Republican leader tried a new tactic to try to persuade the American people that he is not trying to block managed care reform. But the tactic was another transparent attempt to dodge full and fair debate on this important issue of health reform.

The Republican leader proposed an agreement under which the Senate could potentially take up our legislation, which is called the Patients' Bill of Rights. But the proposal is clearly not defined to allow a fair debate or give American families the protections they need. Instead, it is designed to give Republican Senators yet one more excuse for not taking up this critical legislation.

First, it puts off action for several more weeks, even though time is clearly running out in this session of Congress, even though the American people have already been waiting for more than a year for action, even though every day we delay, more abuses take place and more patients suffer needless pain and illness.

Next, the agreement proposed by the Republican leader would let him bring up any health care bill at all—not a hint of what that could be. Yet he would limit Democrats to offering the text of S. 1891, as introduced, without revisions. The Republican leader is not even proposing that we bring up the complete Patients' Bill of Rights, which is S. 1890. Instead, he wants us to offer a companion bill that does not provide patients with the right to hold health plans accountable for medical decisions that result in injury or death. It does not provide protections for those who buy health insurance on their own, without assistance from an employer. It is not the real Patients' Bill of Rights.

In addition, the proposed agreement asks for a vote ''on or in relation to'' the unnamed Republican bill and the Democratic substitute. Again, a Trojan horse. This does not guarantee a clear vote or final action. The Republican leadership could meet this requirement by simply having procedural votes—on cloture, a point of order, or motion to table. Under this proposal, the American people will never find out where the Senate stands on patient protections.

Adding insult to injury, the proposal further states that even if we win a vote—even if we win a vote—he reserves the right to kill the bill by returning it to the Senate calendar after the vote.

This is what his proposal says:

> . . . and following those votes, it be in order for the majority leader to return the legislation to the calendar.

So even if we win the vote, this gives the authority to the majority leader to send it back to the calendar. Generally, if you win the vote around here on a piece of legislation, it goes to the House of Representatives, or if it has been in the House of Representatives, it goes to the President of the United States. That is the way you legislate—but not under the proposal of the Republican leadership, and not on the issue of the Patients' Bill of Rights, which he continues to refuse to schedule in this session of the Congress.

This is bizarre, Mr. President. I know he announced it at a press conference, rather than sharing it with the Democratic leader and those who have been involved in the issue, which is generally the process and procedure. I don't know whether he thought that by issuing it at a press conference he would be able to flummox the American people into thinking he was really doing something, in order for the majority leader to return the legislation to the calendar.

So after we debate for weeks, he is instructing the Democrats which bill to bring up, while he is keeping open his options. He is saying that any vote that is in relation to it, any vote at all, will answer the requirements of the proposal; and if we win the final vote, he can still put the legislation right back on the calendar.

Mr. President, that is not even the end of it. Finally, the proposed agreement states that no other health care proposal—no bills, no amendments—can be considered this year on the issue. No health care proposal—none. This could even preclude further consideration of tobacco legislation.

This is what it says, Mr. President:

> Finally, I ask unanimous consent that it not be in order to offer any legislation, motion, or amendment relative to health care prior to the initiation of this agreement, and following the execution of the agreement, it not be in order to offer any legislation, motion, or amendment relative to health care for the remainder of the 105th Congress.

I ask unanimous consent that the text of this unanimous consent request be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH CARE CONSENT

I ask unanimous consent that prior to the August recess, the majority leader, after notification of the minority leader, shall turn to the consideration of a bill to be introduced by the majority leader, or his designee, regarding Health Care.

I further ask that the Senate proceed to its immediate consideration and following the reporting by the clerk, Senator DASCHLE or his designee be recognized to offer as a substitute the text of S. 1891, as introduced on March 31, 1998.

I further ask that during the consideration of the Health Care issue, it be in order for members to offer Health Care amendments in the first and second degree.

I further ask unanimous consent that the chair not entertain a motion to adjourn or recess for the August recess prior to a vote on or in relation to the majority leader's bill and the minority leader's amendment, and following those votes, it be in order for the majority leader, to return the legislation to the calendar.

Finally, I ask unanimous consent that it not be in order to offer any legislation, motion or amendment relative to Health Care prior to the initiation of this agreement, and following the execution of the agreement, it not be in order to offer any legislation, motion or amendment relative to Health Care for the remainder of the 105th Congress.

Mr. KENNEDY. So you can't offer anything to do with the health care of the American people prior to this, or after this, or after the Republican leader puts this proposal back on the calendar to shelve it. In other words, the Republican leadership says to the Senate of the United States: You can't deal with anything affecting the health care of the American people for the rest of this Congress.

Come on, Mr. President. Come on, Mr. President. This is just the day after the Republican leadership tried to sink the tobacco bill. Now they are out there trying to deny us the opportunity to debate one of the most important health care bills that is before the American people.

Mr. President, it is just unbelievable to me to think that the majority leader's proposal was going to be considered in good faith by our Democratic leader, or by any Member—not just leadership—by any Member. We are all equals in this body.

Those who are interested in health care ought to be concerned when a proposal is put forward to muzzle the U.S. Senate on health care. What does the Republican leadership fear? What do they fear about a full and open debate on the Patients' Bill of Rights? What do they fear in a debate about trying to give an opportunity for the Senate to express itself to permit our uninsured citizens between the ages of 55 and 64 to be able to buy into the Medicare system? What do they fear about having an open and full debate on that issue, if the individuals are going to pay full premiums? What do they have to fear about the possibility of requiring that companies of 50 or more employees have some requirement to provide health care for their employees? Can't we have a debate on that issue? Can't we have a rollcall on that issue?

Some will agree. Some will differ. Let the American people make a judgment about how their representatives stand. No, no, not if the majority leader, on behalf of the Republicans, have their way.

This proposal says ''not be in order to offer any legislation, motion, or amendment relative to health care prior to the initiation of the agreement,'' which is sometime just before the August recess, for the next several weeks, and for the rest of this session following completion of this proposed agreement. If we were to proceed with it, we would be absolutely curtailed from any kind of effort to try to address health care for the American people. This could even preclude further consideration of tobacco legislation, or proposals to extend health insurance to uninsured Americans between the ages of 55 and 64, or improvements in Medicare package for senior citizens, or appropriations for the National Institutes of Health and other health programs, or legislation on the privacy of medical records—the list goes on and on.

Many of us believe that as we move on into the millennium, it is going to be the millennium of the life sciences with extraordinary scientific breakthroughs. And the Republican leader wants to silence us from having some opportunity to debate that priority?

Mr. President, it prohibits consideration of any legislation dealing with the problems of the privacy of our medical records, and the dangers that exist in terms of the proliferation of medical records. There are enormously important issues relating to the privacy of medical records that Republicans and Democrats have tried to address. But we are foreclosed from any opportunity to consider that under this proposal.

Mr. President, it often takes, as we all know, many votes to pass legislation important to American families. Rarely can we do so on the first attempt. These arbitrary, unfair restrictions serve only to strengthen the power of the special interests. We have heard where those special interests are. We understand what they are doing at the present time—raising millions of dollars, and going on with these distortions and misrepresentations.

The networks were hardly quiet after the tobacco industry was able to disrupt the kind of successful conclusion of legislation here in the U.S. Senate that would protect our children. The airwaves are polluted again with distortions and millions of dollars in trying to do a similar job on the Patients' Bill of Rights. They are not going to succeed in either one, Mr. President.

It is said that you can fool some of the people all of the time, all of the people some of the time, but not all of the people all of the time.

This unanimous consent request isn't going to fool any of the people any of the time. The American people want patient protections. They deserve them and know parliamentary maneuvers. No public relations campaign is going to allow the Republican leadership to avoid responsibility if this Congress does not pass strong HMO reform legislation this year.

REGULATING THE TENNESSEE VALLEY AUTHORITY

Mr. FORD. Mr. President, I rise to comment on the concerns I have about recent proposals to dramatically change the regulatory structure of the Tennessee Valley Authority. Recently, legislation was introduced to make dramatic changes in the regulatory structure of TVA, starting with the granting of regulatory authority to the Federal Energy Regulatory Commission.

TVA has had remarkably stable rates over the last decade, with only one significant rate increase during this time period. I agreed that TVA has not been run perfectly through the years. However, to consider a substantial regulatory overhaul for this agency at a time when comprehensive electric industry deregulation is right around the corner appears to me to be premature and unwise. Legislation to impose additional regulatory controls at a time when the Congress is beginning to seriously consider significantly less regulation for the rest of the industry seems contradictory to me.

In addition, I have concerns about the impact of such a proposal on the coal industry in my state. I would strongly oppose efforts to impose a new federal regulatory layer that may limit the flexibility of TVA to purchase Kentucky coal. TVA buys over 26 million tons of Kentucky coal per year, which adds $600 million to the economy of my State. TVA is responsible for more than 20 percent of all coal purchases in Kentucky.

I have heard from many Kentuckians who are concerned about this new regulatory proposal. I wish to place my colleagues on notice that I will strongly oppose any such regulatory scheme, and will oppose other overhaul efforts outside of the context of deregulation legislation. It makes no sense to consider two major regulatory changes in such a short period of time.

UTAH JAZZ—WESTERN CONFERENCE NBA CHAMPS

Mr. HATCH. Mr. President, I rise today to congratulate my home team, the Utah Jazz, on their remarkable season and thrilling playoff run. For the second straight year, the Jazz won the NBA's Western Conference in impressive fashion and lost a well-fought series to the Chicago Bulls by the slimmest of margins.

As one of the team's most faithful fans, I share the heartache of the players and coaches, who came so close to reaching their goal only to fall one point short of a seventh game. However, I am confident that Jazz fans everywhere share my feelings of pride in the season that these gutsy, tenacious players gave us to enjoy.

To those players who believe that professional sports have become just another business with big salaries and product licenses, I will simply say that the Utah Jazz personify everything that is good about the game of basketball. The Jazz believe in teamwork, pure fundamentals, courage, and determination.

Basketball fans throughout the country have become enamored with the

Jazz and their old-fashioned work ethic. Often facing younger and more athletic teams, the Jazz have relied on their trademark discipline and teamwork to overwhelm their opponents.

However, it is not just the Jazz's triumphs on the basketball court that are spectacular—such as winning over 76 percent of this season's games and compiling an 11–3 mark through the Western Conference playoffs, punctuated by a 4-game sweep of the formidable Los Angeles Lakers. The examples they set for our youth off the court are just as noteworthy. Many of the players give of their time, talents and money to better our community. They have been unafraid to display to the world that you can be a superstar *and* a good citizen, friend, and father. Our team is made up of high caliber individuals. They have worked hard, believed in each other, and have displayed tremendous poise and dignity throughout a challenging season.

Once again this year, Utahns were privileged to watch the timeless duo of John Stockton and Karl Marlone work their magic.

By flawlessly executing there signature pick-and-roll time and time again, these two basketball legends led the Jazz to a 62-win season that classified as the best record in the NBA this season and included 2 wins and no losses in match-up with the Bulls. In fact, if you take into account every game in which the Jazz and the Bulls faced one another this year, each team won four. So, the way I see it, the Bulls win in Game 6 achieved a draw in the Jazz-Bulls rivalry for the entire '97–'98.

I do want to congratulate the Chicago Bulls on another fine season and a tremendous victory in the Finals. My hat is off to Michael Jordan and the Bulls for a spectacular playoff performance. Michael Jordan's skills and superb performances will be applauded for many years to come. No one can dispute that this team is comprised of very talented players who have excited and entertained basketball fans around the world for most of this decade.

Years from now, as I look back at this Jazz team, I will fondly remember this remarkable season and the joy they brought to all their fans. It has been my pleasure to attend many games at the Delta Center and to join in the cheering and excitement. It has been my honor to represent the state with the classiest team in the NBA.

The Utah Jazz would not have been able to achieve such success without the contributions and talents of some very key people. I commend head coach Jerry Sloan and his staff for the gritty, hard-nosed approach that they have given to the team. Coach Sloan never gave excuses when things went awry and always expected his players to give their best efforts, every minute of every game. He has the complete respect of all of his players—the greatest accolade a coach can receive.

Jazz Owner Larry Miller knew what it would mean for Utah to have its own NBA basketball team. He enabled the Jazz to stay in Salt Lake City. He has displayed great leadership and commitment to the team and the community throughout his many years of owning this team.

Team President Frank Layden has always encouraged, motivated, and commanded respect from the players and the community. His enthusiasm creates community spirit and strengthens conviction in our team.

And Scott Layden's savvy, and superb sense of what makes a champion has continued to propel the Jazz to greater heights. He has always conducted the business of the Jazz with professionalism, and is one of the most highly-respected front office people in the league.

To the players, I offer my congratulations on an exceptional season. Each of these fine individuals—Karl, John, Jeff, Byron, Greg, Antoine, Shandon, Howard, Chris, Adam, Greg, and Jacque—contributed greatly to the success of this team. On behalf of Jazz fans everywhere, I thank you all for taking us on yet another memorable journey to the NBA Finals. Let's do it gain next year.

Mr. President, I am proud of the Jazz and the unique spirit of unity that they have brought to the state of Utah. Win or lose, they act with professionalism and class both on and off the court. They are champions in every sense of the word.

CHANGES TO THE RULES FOR REGULATION OF THE SENATE WING OF THE UNITED STATES CAPITOL

Mr. WARNER. Mr. President, I ask unanimous consent to have printed in the RECORD a committee motion of the Committee on Rules and Administration relating to changes to the Rules for Regulation of the Senate Wing of the United States Capitol.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC, June 18, 1998.

COMMITTEE ON RULES AND ADMINISTRATION

COMMITTEE MOTION

THE COMMITTEE HEREBY adopts the following changes to the Rules for Regulation of the Senate Wing of the United States Capitol.

1. In recognition of the fact that these rules are also applicable to the Senate Office Buildings, the name of these rules is changed to read: ''Rules for Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings.''

2. In recognition of the fact that Rule X addresses the barber shop and bathrooms and is outdated and no longer needed, the text of Rule X is revoked.

3. The following is adopted and substituted for the text of Rule X:

''Smoking is prohibited in all public places and unassigned space within the Senate Wing of the Capitol and the Senate Office Buildings, with the exception of one ventilated smoking area in the Senate Wing of the Capitol and each of the Senate Office Buildings, as designated by the Architect of the Capitol with the approval of the Chairman of the Committee on Rules and Administration. Senators, Chairmen of Committees in consultation with the Ranking Member, the Secretary of the Senate, the Sergeant at Arms, the Architect of the Capitol, the Chaplain, and heads of support organizations assigned space in the Senate Wing of the Capitol or the Senate Office Buildings may each establish smoking policies for all office space assigned to them.''

WENDELL H. FORD,
Ranking Member.
JOHN WARNER,
Chairman.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1677. A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act (Rept. No. 105–218).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

H.R. 1211. A bill for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical Corporation.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 176. A resolution proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week.''

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 104–17 Convention For the Protection of Plants (Exec. Rept. 105–15).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991, and signed by the United States on October 25, 1991 (Treaty Doc. 104–17), subject to the reservation of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) RESERVATION.—The advice and consent of the Senate is subject to the following reservation, which shall be included in the instrument of ratification and shall be binding on the President:

PROTECTION FOR ASEXUALLY REPRODUCED VARIETIES.—Pursuant to article 35(2), the United States will continue to provide protection for asexually reproduced varieties by an industrial property title other than a breeder's right and will not, therefore, apply the terms of this Convention to those varieties.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a ''limited reservations'' proviso, such as that contained in Article 35, has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–4 International Grains Agreement, 1995 (Exec. Rept. 105–16).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Grains Trade Convention and Food Aid Convention constituting the International Grains Agreement, 1995, signed by the United States on June 26, 1995 (Treaty Doc. 105–4), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The advice and consent of the Senate is subject to the following declarations:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–35 Trademark Law Treaty With Regulations (Exec. Rept. 105–17).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Trademark Law Treaty done at Geneva October 27, 1994, with Regulations, signed by the United States on October 28, 1994 (Treaty Doc. 105–35), subject to the declarations of subsection (a), and the proviso of subsection (b).

(a) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a ''limited reservations'' provision, such as that contained in Article 21, has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 104–376 Amendments To the Convention On the International Maritime Organization (Exec. Rept. 105–18).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Amendments to the Convention on the International Maritime Organization, adopted on November 7, 1991, and November 4, 1993 (Treaty Doc. 105–36), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

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. ROBERTS:

S. 2194. A bill to amend the Arms Export Control Act to provide the President with discretionary authority to impose nuclear nonproliferation controls on a foreign country; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2195. A bill to authorize the Secretary of Agriculture to sell or exchange the Gulfport Research Laboratory and other Forest Service administrative sites in the State of Mississippi, to provide for a new research facility, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GORTON (for himself, Mrs. MURRAY, Mr. GRAMS, and Mr. BINGAMAN):

S. 2196. A bill to amend the Public Health Service Act to provide for establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SANTORUM:

S. 2197. A bill to amend the Internal Revenue Code of 1986 to provide an election of a deduction in lieu of a basis increase where indebtedness secured by property has original issue discount and is held by a cash method taxpayer; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2198. A bill to amend title 5, United States Code, to provide for Congressional review of rules establishing or increasing taxes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. BROWNBACK, and Mr. TORRICELLI):

S. Res. 252. A resolution expressing the sense of the Senate regarding a resolution to the Kashmir dispute; to the Committee on Foreign Relations.

By Ms. MOSELEY-BRAUN (for herself and Mr. LEVIN):

S. Con. Res. 104. A concurrent resolution commemorating the 50th anniversary of the integration of the Armed Forces; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS:

S. 2194. A bill to amend the Arms Export Control Act to provide the President with discretionary authority to impose nuclear nonproliferation controls on a foreign country; to the Committee on Foreign Relations.

NUCLEAR NONPROLIFERATION LEGISLATION

● Mr. ROBERTS. Mr. President, today I am introducing a bill that gives the President full discretionary authority to address the nuclear tests recently conducted by India and Pakistan. My bill does not require the severe mandatory sanctions imposed on India and Pakistan be removed. Nuclear proliferation is a deadly serious issue. The actions of India and Pakistan deserve a strong response from the United States and the rest of the world.

Sanctions are only one of several policy tools. Obviously, one of the best policy weapons we have available is hard-nosed diplomacy to prevent such nuclear incidents from occurring in the first place.

The President must have full flexibility to implement a strong foreign policy that addresses the recklessness of Pakistan, India or any other nation that defines the world community. However, the Administration should be able to do so without the constraints of a Congressionally mandated list of sanctions. This flexibility should also include the authority to remove sanctions when appropriate or when in the best interest of the United States.

Under current law, the United States must impose specific and mandatory sanctions on any non-nuclear weapons state that receives or detonates a nuclear device. This mandated action removes the President's authority to custom-tailor sanctions and set them for a specific period of time. These constraints dangerously restrict the President's ability to respond to world events.

My bill provides the Administration with discretionary authority over sanctions placed on nations that practice nuclear proliferation. The President and his diplomatic corp are given the authority to either impose or not impose sanctions. They can decide the degree of sanctions. They can later remove or modify any sanctions. Additionally, the President is required to report his intentions to Congress within 30 days of informing the violating country of the sanctions. If it disagrees, Congress remains free to react legislatively.

This bill represents an important step toward what I hope will be a critical debate regarding U.S. foreign policy. Unilateral sanctions rarely achieve their goals. Instead, they damage U.S. businesses and workers. They diminish U.S. strength and prestige in international affairs. They generate resentment from allies and competitors alike.

I would remind you that we now have in place unilateral sanctions against more than 70 nations representing almost three-fourths of the world's populations. Those are markets lost to the American economy.

Congress and the Administration must now work together to reassess all instances where unilateral sanctions are imposed. This bill represent an excellent step in the right direction.●

By Mr. GORTON (for himself, Mrs. MURRAY, Mr. GRAMS, and Mr. BINGAMAN):

S. 2196. A bill to amend the Public Health Service Act to provide for establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes; to the Committee on Labor and Human Resources.

CARDIAC ARREST SURVIVAL ACT

Mr. GORTON. Mr. President, every day almost 1,000 Americans suffer from Sudden Cardiac Arrest. It can claim the life of a promising young athlete, a friend or family member regardless of age or health. Sudden Cardiac Arrest occurs when the heart's electrical impulses become chaotic causing the heart to stop pumping blood. Tragically, 95 percent of Americans who suffer from sudden cardiac arrest will die. Today, I am introducing a bill that can change that statistic.

We know that quick implementation of ''Chain of Survival''—calling 911, administering CPR and early access to defibrillation can dramatically improve survival rates for victims of Sudden Cardiac Arrest. Unfortunately, early access to defibrillation may be the most critical link in the chain and the most difficult to come by. The Cardiac Arrest Survival Act aims to improve community access to automatic external defibrillators (AEDs), a machine designed to shock the heart and restore its normal rhythm. If every community across America made this easy-to-use technology more readily available, we could increase the survival rate of cardiac arrest and possibly save 250 lives each day and 100,000 lives each year.

My home state of Washington has a long history of encouraging the use of AEDs. King County, Washington boasts one of the highest cardiac arrest survival rates in the nation at 30 percent—far above the national average survival rate of 5 percent. Communities that have improved survival rates have ensured that Emergency Medical Technicians are trained and equipped with automatic external defibrillators. Some communities have located AEDs in public places like sports stadiums, airports and shopping malls, and others have worked to ensure that police and firefighters, often the first to respond to an emergency, are trained and equipped with AEDs.

Although the technology is proven effective, access to defibrillators outside the hospital setting is limited. Patient care and survival suffer from a patchwork of different state laws. Less than half of the nation's Emergency Medical Technicians are even trained and equipped to use AEDs. The Cardiac Arrest Survival Act aims to reduce the number of cardiac arrest fatalities by encouraging a uniform system of state laws and to improve current emergency medical training programs.

The bill asks the National Heart, Lung, and Blood Institute to work on model state legislation that addresses some of the barriers to community access to AEDs such as good samaritan immunity and public placement of these machines. NHLBI will also work with the National Highway Transportation and Safety Administration to update the current medical training curriculum to reflect the improvement in technology. The bill will also coordinate a database to collect information on cardiac arrest from existing databases on emergency care. While the bill is far from mandating anything, I am convinced we can reduce the number of cardiac arrest fatalities by encouraging states to train more people to use AEDs right on the scene in a way that the state of Washington is already doing.

The Cardiac Arrest Survival Act is the Senate companion to a bill introduced by Congressman STEARNS in the House of Representatives that currently has 80 cosponsors. The bill enjoys broad support from more than seventy associations including the American Heart Association, the American Red Cross, the American Academy of Pediatrics, the Congressional Fire Services Institute Advisory Committee with some 45 members, the Washington State Medical Association, the Washington State Hospital Association and a number of other supporters. I am also pleased to be joined by my colleagues Senators MURRAY, GRAMS, and BINGAMAN as original cosponsors of the bill, the full text of which I ask be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2196

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 ''Cardiac Arrest Survival Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 350,000 adults suffer cardiac arrest, usually away from a hospital. More than 95 percent of them will die, in many cases, because lifesaving defibrillators arrive on the scene too late, if at all.

(2) These cardiac arrest deaths occur primarily from occult underlying heart disease and from drownings, allergic or sensitivity reactions, or electrical shocks.

(3) Survival from cardiac arrest requires successful early implementation of a chain of events, the chain of survival which begins when the person sustains a cardiac arrest and continues until the person arrives at the hospital.

(4) A successful chain of survival requires the first person on the scene to take rapid and simple initial steps to care for the patient and to assure the patient promptly enters the emergency medical services system.

(5) The first persons on the scene when an arrest occurs are typically lay persons who are friends or family of the victim, fire services, public safety personnel, basic life support emergency medical services providers, teachers, coaches, and supervisors of sports or other extracurricular activities, providers of day care, school bus drivers, lifeguards, attendants at public gatherings, coworkers, and other leaders within the community.

(6) A coordinated Federal response is necessary to ensure that appropriate and timely lifesaving interventions are provided to persons sustaining nontraumatic cardiac arrest. The Federal response should include, but not be limited to—

(A) significantly expanded research concerning the efficacy of various methods of providing immediate out-of-hospital lifesaving interventions to the nontraumatic cardiac arrest patient;

(B) the development of research-based, nationally uniform, easily learned and well retained model core educational content concerning the use of such lifesaving interventions by health care professionals, allied health personnel, emergency medical services personnel, public safety personnel, and other persons who are likely to arrive immediately at the scene of a sudden cardiac arrest;

(C) an identification of the legal, political, financial, and other barriers to implementing these lifesaving interventions; and

(D) the development of model State legislation to reduce identified barriers and to enhance each State's response to this significant problem.

SEC. 3. NATIONAL INSTITUTES OF HEALTH MODEL PROGRAM ON THE FIRST LINKS IN THE CHAIN OF SURVIVAL.

Section 421 of the Public Health Service Act (42 U.S.C. 285b–3) is amended by adding at the end the following subsection:

''(c) Programs under subsection (a)(1)(E) (relating to emergency medical services and preventive, diagnostic, therapeutic, and rehabilitative approaches) shall include programs for the following:

''(1) The development and dissemination, in coordination with the emergency services guidelines promulgated under section 402(a) of title 23, United States Code, by the Associate Administrator for Traffic Safety Programs, Department of Transportation, of a core content for a model State training program applicable to cardiac arrest for inclusion in appropriate current emergency medical services educational curricula and training programs that address lifesaving interventions, including cardiopulmonary resuscitation and defibrillation. In developing the core content for such program, the Director of the Institute may rely upon the content of similar curricula and training programs developed by national nonprofit entities. The core content of such program—

''(A) may be used by health care professionals, allied health personnel, emergency medical services personnel, public safety personnel, and any other persons who are likely to arrive immediately at the scene of a sudden cardiac arrest (in this subsection referred to as 'cardiac arrest care providers') to provide lifesaving interventions, including cardiopulmonary resuscitation and defibrillation;

''(B) shall include age-specific criteria for the use of particular techniques, which shall include infants and children; and

''(C) shall be reevaluated as additional interventions are shown to be effective.

''(2) The operation of a limited demonstration project to provide training in such core content for cardiac arrest care providers to validate the effectiveness of the training program.

''(3) The definition and identification of cardiac arrest care providers, by personal relationship, exposure to arrest or trauma, occupation (including health professionals), or otherwise, who could provide benefit to victims of out-of-hospital arrest by comprehension of such core content.

''(4) The establishment of criteria for completion and comprehension of such core content, including consideration of inclusion in health and safety educational curricula.

''(5) The identification and development of equipment and supplies that should be accessible to cardiac arrest care providers to permit lifesaving interventions by preplacement of such equipment in appropriate locations insofar as such activities are consistent with the development of the core content and utilize information derived from such studies by the National Institutes of Health on investigation in cardiac resuscitation.

''(6) The development in accordance with this paragraph of model State legislation (or Federal legislation applicable to Federal territories, facilities, and employees). In developing the model legislation, the Director of the Institute shall cooperate with the Attorney General, and may consult with nonprofit private organizations that are involved in the drafting of model State legislation. The model legislation shall be developed in accordance with the following:

''(A) The purpose of the model legislation shall be to ensure—

''(i) access to emergency medical services through consideration of a requirement for public placement of lifesaving equipment; and

''(ii) good samaritan immunity for cardiac arrest care providers; those involved with the instruction of the training programs; and owners and managers of property where equipment is placed.

''(B) In the development of the model legislation, there shall be consideration of requirements for training in the core content and use of lifesaving equipment for State licensure or credentialing of health professionals or other occupations or employment of other individuals who may be defined as cardiac arrest care providers under paragraph (3).

''(7) The coordination of a national database for reporting and collecting information relating to the incidence of cardiac arrest, the circumstances surrounding such arrests, the rate of survival, the effect of age, and whether interventions, including cardiac arrest care provider interventions, or other aspects of the chain of survival, improve the rate of survival. The development of such database shall be coordinated with other existing databases on emergency care that have been developed under the authority of the National Highway Traffic Safety Administration and the Centers for Disease Control and Prevention.''.

By Mr. ASHCROFT:

S. 2198. A bill to amend title 5, United States Code, to provide for Congressional review of rules establishing or increasing taxes; to the Committee on Governmental Affairs.

THE TAXPAYERS' DEFENSE ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce the Taxpayer's Defense Act. Quite simply, this bill prohibits any agency from establishing a tax on the American people.

Mr. President, as we all know, the United States was founded on one simple and fundamental principle—no taxation without representation.

In ''The Second Treatise of Government'', John Locke said, ''if anyone shall claim a power to lay and levy taxes on the people . . . without . . . consent of the people, he thereby . . . subverts the end of government.'' According to Locke, consent required agreement by a majority of the people, ''either by themselves or their representatives chosen by them.'' The Declaration of Independence listed, among the despotic acts of King George, his ''imposing taxes on us without our consent.''

The Boston Tea Party remains the symbol of Americans' opposition to taxation without representation. The Constitutional authority—given only to Congress—to establish federal taxes is clear. Its reasoning also is clear. It is the Congress that represents the people. Only Congress considers and weighs every issue that rises to national importance. While federal agencies consider their own priorities to be paramount, only Congress can determine which goals merit a tax on the American people.

The modern era of restricted federal budgets, however, threatens to erode the essential principle of ''no taxation without representation.'' In many subtle and often hidden ways, federal agencies are receiving from Congress the power to tax.

They tax by adding unnecessary charges to legitimate government user fees. They tax through federal mandates. These taxes pass the cost of government on to the American people—without their knowledge.

The worst example of administrative taxation is the Federal Communications Commission's Universal Service tax. ''Universal service'' is the idea that everyone should have access to affordable telecommunications services. It originated at the beginning of the century when the first national telecommunications service was still being created. This idea was expanded in the Telecommunications Act of 1996, which allowed the FCC to extend universal service funds to provide ''discount telecommunications services'' to schools, libraries, and rural health care facilities.

Most importantly, the Act gave the FCC the power to decide the level of ''contributions''—taxes—that telecommunications companies would have to pay to support universal service. The FCC now determines how much must be collected in taxes that subsidize a variety of ''universal service'' spending programs. Long distance providers pass the costs on to consumers in the form of higher telephone bills. In the first half of 1998, the tax was $625 million, and the Clinton Administration's budget projects it will rise to $10 billion per year. This administrative tax is already out of control.

This is possible because Congress delegated its authority to tax. The FCC is able to collect taxpayer dollars at levels it sets—without approval from Congress or the people. The FCC can defy Congress and the people because it has the power to levy taxes.

Mr. President, some people thought the tax and spend liberals had left Washington. Not so. Washington interest groups who want to feed at this new federal trough already are geared up to accuse the Republic Congress of cutting funding for education and health care if any attempt is made to rein in the FCC. They will frame the issue as a matter of federal entitlements for sympathetic causes and groups.

The most sympathetic group is the American taxpayer, whose money is being taken, laundered through the Washington bureaucracy, and returned for purposes set by unelected Washington bureaucrats. This is why the FCC must be required to get the approval of

Congress before setting future tax rates.

Should tax dollars be used for federal universal service programs and what amounts or should Americans spend what they earn on their own, real, local priorities? Requiring Congress to review any administrative taxes would answer this question.

My bill would create a new section to the Congressional Review Act for mandatory review of certain agency rules. Any rule that establishes or raises a tax would have to be submitted to and receive the approval of Congress before taking effect. In essence, the Act would disable agencies from setting taxes, but would allow them to formulate proposals under existing rulemaking procedures.

Once submitted to Congress, a taxing regulation would be introduced in both the House and Senate by the Majority Leader. The rule would then be subject to expedited procedures, allowing a prompt decision on whether or not to approve a rule. The rule would have to be approved by both Houses and signed by the President.

Congress must not allow a federal agency—unelected and unaccountable federal bureaucrats—to determine the amount of taxes hardworking Americans must pay. The Taxpayers' Defense Act will require Congress to stand up and face the American people when it decides to tax. The cry of ''no taxation without representation'' has gone up in the land before, and today we are hearing it again. It is time that we respond.

ADDITIONAL COSPONSORS

S. 1147

At the request of Mr. WELLSTONE, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 1147, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage.

S. 1251

At the request of Mr. BREAUX, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor 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 New York (Mr. MOYNIHAN) 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. 1423

At the request of Mr. HAGEL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1423, a bill to modernize and improve the Federal Home Loan Bank System.

S. 1647

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1929

At the request of Mrs. HUTCHISON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1929, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 2112

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2112, a bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

S. 2151

At the request of Mr. NICKLES, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. CRAIG), the Senator from Michigan (Mr. ABRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2151, a bill to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the medicare and medicaid programs.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. DODD, the names of the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. SMITH), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE CONCURRENT RESOLUTION 104—COMMEMORATING THE 50TH ANNIVERSARY OF THE INTEGRATION OF THE ARMED FORCES

Ms. MOSELEY-BRAUN (for herself and Mr. LEVIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 104

Whereas 50 years ago on July 28, 1948, President Truman issued Executive Order No. 9981 that stated that it is essential that there be maintained in the Armed Services of the United States the highest standards of democracy, with equality of treatment and opportunity for all those who serve in our country's defense;

Whereas President Truman declared that there shall be equality of treatment and opportunity for all persons in the Armed Services without regard to race, color, religion, or national origin;

Whereas soon after the Executive order was issued American soldiers fighting in Korea led the way to a fully integrated Army;

Whereas after the enactment of the Civil Rights Act of 1964, the Armed Forces resolved to implement the legislation as a new opportunity to provide all members of the Armed Forces with freedom from discrimination within and outside its military communities;

Whereas the efforts of the Armed Forces to ensure the equality of treatment and opportunity for its members contributed significantly to the advancement of that goal for all Americans;

Whereas minorities serve today in senior leadership positions throughout the Armed Forces, as officers, senior noncommissioned officers, and civilian leaders; and

Whereas the Armed Forces have demonstrated a total and continuing commitment to ensuring the equality of treatment and opportunity for all persons in the Total Force, both military and civilian: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the United States Armed Forces for its efforts, leadership, and success in providing equality of treatment and opportunity; and

(2) recognizes the commemoration by the Department of Defense on July 24, 1998, of the 50th anniversary of the integration of the Armed Forces.

SENATE RESOLUTION 252—EXPRESSING THE SENSE OF THE SENATE REGARDING A RESOLUTION TO THE KASHMIR DISPUTE

Mr. HARKIN (for himself, Mr. BROWNBACK, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 252

Whereas the detonation of nuclear explosive devices by India and Pakistan in May of 1998 has underscored the need to reexamine relations between India and Pakistan;

Whereas a spiraling nuclear arms race in South Asia would threaten the national security of the United States, and international peace and security;

Whereas for more than half a century, Pakistan and India have had a dispute involving the Jammu and Kashmir region and tensions remain high;

Whereas three times in the past 50 years, the two nations fought wars against each other, two of these wars directly involving Jammu and Kashmir;

Whereas it is in the interest of United States security and world peace for Pakistan and India to arrive at a peaceful and just settlement of the dispute through talks between the two nations, which takes into account the wishes of the affected population;

Whereas the human rights situation in Jammu and Kashmir continues to deteriorate despite repeated efforts by international human rights groups;

Whereas a resolution to the Jammu and Kashmir dispute would foster economic and social development in the region;

Whereas the United States has a long and important history with both India and Pakistan, and bears a responsibility as a world leader to help facilitate a peaceful resolution to the Jammu and Kashmir dispute; and

Whereas the United States and the United Nations can both play a critical role in helping to resolve the dispute over Jammu and Kashmir and in fostering better relations between Pakistan and India: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should make a high priority the promotion of peace and stability in South Asia, as well as normalization of relations between India and Pakistan;

(2) it is critical for the United States and the world community to give a greater priority to resolving the long-standing dispute between India and Pakistan over the Jammu and Kashmir region;

(3) the United States Permanent Representative to the United Nations should propose to the United Nations Security Council a meeting with the representatives to the United Nations from India and Pakistan for the purpose of discussions about the security situation in South Asia, including regional stability, nuclear disarmament and arms control, and trade;

(4) the United States Permanent Representative to the United Nations should raise the issue of the Jammu and Kashmir dispute within the Security Council and promote the establishment of a United Nations-sponsored mediator for the conflict; and

(5) the President should request India to allow United Nations human rights officials, including the Special Rapporteur on Torture, to visit the Jammu and Kashmir region and to have unrestricted access to meeting with people in that region, including those in detention.

Mr. HARKIN. Mr. President, today I submit a resolution on behalf of myself, Senator BROWNBACK and Senator TORRICELLI, which addresses a critical issue in South Asia. It calls for a peaceful and just settlement of the dispute over Kashmir.

For the better part of half a century, Pakistan and India have had a territorial dispute involving the Jammu and Kashmir region—commonly referred to simply as Kashmir. Three times in the past 50 years, these two nations have fought against one another, two of these wars were over Kashmir. International security experts have long considered South Asia generally, and Kashmir specifically, a ''nuclear flash point.'' These longstanding tensions between Pakistan and India have only worsened with their testing of nuclear weapons last month. It is more important than ever to take a serious look at Pakistan-India relations.

A peaceful resolution to the Kashmir dispute is not only in the interest of the peoples of South Asia, it is also in the interest of the United States. Our nation has had a long and important history with both countries. I think the United states is very aware of the dangers to our own national security, as well as the peace and security of the whole world, if the Kashmir dispute continues without resolution.

Further, a peaceful resolution to this conflict would foster economic and social development of the Kashmir region, as well as the rest of South Asia. It would also curb many of the human rights abuses which continue despite the efforts by many international groups.

As a world leader, we must take the initiative to help negotiate a peaceful and just end to the dispute in the Kashmir region that follows the wishes of those affected. And both the United States and the United Nations can play an important role in finding a resolution to the dispute over Kashmir, and in improving relations between Pakistan and India. While the Administration and the international community have taken several steps to address these problems, more action is required.

This Senate resolution states that resolving the Kashmir dispute should be a top US priority, as well as that of the world community. Furthermore, this resolution asks our Ambassador to the United Nations to call a meeting of the Security Council with representatives from both India and Pakistan for the purpose of discussing security in South Asia. It also advises the Administration to raise the issue of Kashmir with the Security Council and promote the possibility of a UN sponsored mediator for the conflict. Finally, this resolution requests that the President ask the Indian government to allow UN human rights officials to visit the Kashmir region.

I believe the resolution outlines some important next steps for the U.S. to help facilitate a reasonable and just solution to the Kashmir dispute and normalization of relations between India and Pakistan. It is time for the United States Government and the world to act in a productive manner that will help attain stability in South Asia. We cannot turn a blind eye to this long-standing conflict any longer and must seek a peaceful end to this dispute which not only benefits the countries involved, but will ultimately benefit the world.

I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

ROBERTS AMENDMENT NO. 2730

(Ordered to lie on the table.)

Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill (S. 2057) to authorize appropriations for the fiscal year 19099 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:

At the end of subtitle D of title X, add the following:

SEC. ___. PRESIDENTIAL AUTHORITY TO IMPOSE NUCLEAR NONPROLIFERATION CONTROLS.

(a) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—

(1) REPROCESSING TRANSFERS; ILLEGAL EXPORTS.—Section 102(a) of the Arms Export Control Act (22 U.S.C. 2799aa–1(a)) is amended by striking ''no funds'' and all that follows through ''making guarantees,'' and inserting the following: ''the President may suspend or terminate the provision of economic assistance under the Foreign Assistance Act of 1961 (including economic support fund assistance under chapter 4 of part II of that Act) or military assistance, grant military education and training, or peacekeeping assistance under part II of that Act, or the extension of military credits or the making of guarantees under the Arms Export Control Act,''.

(2) TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.—Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) is amended—

(A) in paragraph (1), by striking ''shall forthwith impose'' and inserting ''may impose'';

(B) by striking paragraphs (4), (5), and (7);

(C) by redesignating paragraphs (6) and (8) as paragraphs (4) and (5), respectively; and

(D) by amending paragraph (4) (as redesignated) to read as follows:

''(4) If the President decides to impose any sanction against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform that country and shall impose the sanction beginning 30 days after submitting to Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of that sanction.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by the President before, on, or after the date of enactment of this Act.

MURKOWSKI AMENDMENTS NOS. 2731–2732

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted two amendments intended to be proposed by him to the bill S. 2057, supra; as follows:

AMENDMENT NO. 2731

At the end of subtitle D of title X, add the following:

SEC. .

Notwithstanding any other provision of law:

(a) It is the Sense of the Senate that:

(1) Compliance with the April 29, 2007 deadline for demilitarization of the United States chemical weapons stockpile mandated by the Chemical Weapons Convention is of primary importance;

(2) The Department of Defense and the Department of the Army should make certain that internal command structures are streamlined and that those with immediate responsibility for the chemical weapons demilitarization program have sufficient stature in nature and scope to meet the April 29, 2007 deadline.

(b) OFFICE FOR CHEMICAL WEAPON DEMILITARIZATION.

(1) As Executive Agent for the chemical weapon demilitarization program, the Department of the Army shall facilitate, expedite, and accelerate the disposal of the chemical weapon stockpile in order to comply with the April 29, 2007, mandatory completion date established by the Chemical Weapons Convention.

(2)(A) The Secretary of the Army shall designate or establish one office to provide oversight and policy guidance for all chemical weapons demilitarization, Chemical Weapons Convention, and related issues. This office shall have executing authority and responsibility for the annual Chemical Weapons Demilitarization Appropriation.

(B) The office provided for in this subsection may (i) delegate such authorities and functions to U.S. agencies as are necessary to comply with the April 29, 2007, deadline; and (ii) negotiate and execute such incentive contracts with non-governmental entities as are necessary to comply with the April 29, 2007 deadline.

(C) For budget issues within the purview of the Department of Defense as provided for in section 1412 of PL 99–145 (as amended), the office created by this subsection shall report through the Army Acquisition Executive to the Defense Acquisition Executive.

(D)(i) The position having responsibilities for this office shall be considered a career-reserved position as defined in section 3132(a)(8) of title 5.

(ii) The Secretary of the Army shall assign an officer from the Army Acquisition Corps to act as a military deputy for this office.

(E) The Secretary of the Army may assign such other responsibilities to the office created by this subsection as the Secretary deems appropriate.

(F)(i) The Assembled Chemical Weapons Assessment Program created by PL 104–208 shall continue to report to the Undersecretary of Defense for Acquisition and Technology.

(ii) The office created in this subsection shall transfer such funds to the Assembled Chemical Weapons Assessment as are made available by Congress.

AMENDMENT NO. 2732

At the appropriate place, insert the following;

SEC. .

Notwithstanding any other provision of law:

(a) It is the Sense of the Senate that:

(1) Compliance with the April 29, 2007 deadline for destruction of the United States chemical weapons stockpile mandated by the Chemical Weapons Convention is of primary importance;

(2) The President should request that all federal agencies assist the Department of Defense and the Department of the Army in facilitating, expediting and accelerating the destruction of the United States chemical weapons stockpile; and

(3) The Department of Defense and the Department of the Army should make certain that internal command structures are well-defined and streamlined avoiding unnecessary oversight layers, and that those with immediate responsibility for the chemical weapons demilitarization program have positions sufficient in stature and scope to meet the April 29, 2007 deadline.

(b)(1) The Secretary of the Army shall enter into an Interagency Agreement with the Administrator of the Environmental Protection Agency no later than December 31, 1998, to facilitate, expedite and accelerate all issues and permits necessary to destroy the chemical weapons stockpile as mandated by the Chemical Weapons Convention.

(2) Notwithstanding any other provision of law, the Secretary of the Army may provide such funds or resources to the Environmental Protection Agency as he deems necessary to effectuate the Interagency Agreement provided for in subsection (b)(1).

(3) In its annual Chemical Weapons Demilitarization Report to Congress, the Department of Defense shall provide a detailed explanation of the ongoing status of all federal and state permits needed to destroy the chemical weapons stockpile and the impact of those permits on the program cost and destruction schedule.

GRAMM AMENDMENT NO. 2733

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 130, between lines 11 and 12, insert the following:

SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(B) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(2) The heading of title I of such Act is amended by striking out ''**FOR FEDERAL OFFICE**''.

HUTCHINSON AMENDMENT NO. 2734

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2057, supra; as follows:

Add at the end the following new title:

TITLE —RADIO FREE ASIA

SEC. . SHORT TITLE.

This title may be cited as the ''Radio Free Asia Act of 1998''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February of 1996 the ''Interim Internet Management Rules'', which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the Inernet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Radio Free Asia currently broadcasts only 5 hours a day in the Mandarin dialect and 2 hours a day in Tibetan.

(6) Voice of America currently broadcasts only 10 hours a day in Mandarin and 3½ hours a day in Tibetan.

(7) Radio Free Asia and Voice of America should develop 24-hour-a-day service in Mandarin, Cantonese, and Tibetan, as well as further broadcasting capability in the dialects spoken in the People's Republic of China.

(8) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People's Republic of China in multiple languages, have the capability to immediately establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.

(9) Simultaneous broadcasting on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO FREE ASIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Radio Free Asia'' $30,000,000 for fiscal year 1998 and $22,000,000 for fiscal year 1999.

(2) LIMITATIONS.—

(A) Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $8,000,000 is authorized to be appropriated for one-time capital costs.

(B) Of the funds under paragraph (1), $700,000 is authorized to be appropriated for each such fiscal year for additional personnel to staff Cantonese language broadcasting.

(C) Of the funds under paragraph (1), $100,000 is authorized to be appropriated for

each of the fiscal years 1998 and 1999 for additional personnel to staff Hmong language broadcasting.

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA AND NORTH KOREA.—In addition to such sums as are otherwise authorized to be appropriated for ''International Broadcasting Activities'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''International Broadcasting Activities'' $10,000,000 for fiscal year 1998 and $7,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China and North Korea.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for ''Radio Construction'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''Radio Construction'' $10,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China.

(2) LIMITATION.—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $3,000,000 is authorized to be appropriated to facilitate the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

(d) ALLOCATION.—Of the amounts authorized to be appropriated for ''International Broadcasting Activities'', the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts make available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(e) ALLOCATION OF FUNDS FOR NORTH KOREA.—Of the funds under subsection (b), $2,000,000 is authorized to be appropriated for each fiscal year for additional personnel and broadcasting targeted at North Korea.

SEC. . REPORTING REQUIREMENT.

Not later than 90 days after the date of enactment of this Act, in consultation with the Board of Broadcasting Governors, the President shall prepare and transmit to Congress a report on a plan to achieve continuous broadcasting of Radio Free Asia and Voice of America to the People's Republic of China in multiple major dialects and languages.

SEC. . UTILIZATION OF UNITED STATES INTERNATIONAL BROADCASTING SERVICES FOR PUBLIC SERVICE ANNOUNCEMENTS REGARDING FUGITIVES FROM UNITED STATES JUSTICE.

United States international broadcasting services, particularly the Voice of America, shall produce and broadcast public service announcements, by radio, television, and Internet, regarding fugitives from the criminal justice system of the United States, including cases of international child abduction.

WARNER AMENDMENT NO. 2735

Mr. WARNER proposed an amendment to the motion to recommit the bill, S. 2057, supra; as follows:

At the appropriate place insert:

Title —Forced Abortions in China

SEC. . SHORT TITLE.

This title may be cited as the ''Forced Abortion Condemnation Act''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

SEC. . WAIVER.

The President may waive the requirement contained in section with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

WARNER AMENDMENT NO 2736

Mr. WARNER proposed an amendment to the motion to recommit the bil, S. 2057, supra; as follows:

In the amendment, strike all after ''FORCED'' and insert the following:

ABORTIONS IN CHINA

SEC. . SHORT TITLE.

This title may be cited as the ''Forced Abortion Condemnation Act''.

SEC. . FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not

admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

SEC. . WAIVER.

The President may waive the requirement contained in section _____ with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

(3) This section shall become effective 1 day after enactment.

WARNER AMENDMENT NO. 2737

Mr. WARNER proposed an amendment to amendment No. 2736 proposed by him to the bill, S. 2057, supra; as follows:

At the end of the amendment, add the following:

TITLE ___

SEC. ___. SHORT TITLE.

This title may be cited as the ''Forced Abortion Condemnation Act''.

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

SEC. ___. DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

SEC. ___. WAIVER.

The President may waive the requirement contained in section ____ with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

This title may be cited as the ''Communist China Subsidy Reduction Act of 1998''.

SEC. ___. FINDINGS.

Congress finds that—

(1) the People's Republic of China has enjoyed ready access to international capital through commercial loans, direct investment, sales of securities, bond sales, and foreign aid;

(2) regarding international commercial lending, the People's Republic of China had $48,000,000,000 in loans outstanding from private creditors in 1995;

(3) regarding international direct investment, international direct investment in the People's Republic of China from 1993 through 1995 totaled $97,151,000,000, and in 1996 alone totaled $47,000,000,000;

(4) regarding investment in Chinese securities, the aggregate value of outstanding Chinese securities currently held by Chinese nationals and foreign persons is $175,000,000,000, and from 1993 through 1995 foreign persons invested $10,540,000,000 in Chinese stocks;

(5) regarding investment in Chinese bonds, entities controlled by the Government of the People's Republic of China have issued 75 bonds since 1988, including 36 dollar-denominated bond offerings valued at more than $6,700,000,000, and the total value of long-term Chinese bonds outstanding as of January 1, 1996, was $11,709,000,000;

(6) regarding international assistance, the People's Republic of China received almost $1,000,000,000 in foreign aid grants and an additional $1,566,000,000 in technical assistance grants from 1993 through 1995, and in 1995 received $5,540,000,000 in bilateral assistance loans, including concessional aid, export credits, and related assistance; and

(7) regarding international financial institutions—

(A) despite the People's Republic of China's access to international capital and world financial markets, international financial institutions have annually provided it with more than $4,000,000,000 in loans in recent years, amounting to almost a third of the loan commitments of the Asian Development Bank and 17.1 percent of the loan approvals by the International Bank for Reconstruction and Development in 1995; and

(B) the People's Republic of China borrows more from the International Bank for Reconstruction and Development and the Asian Development Bank than any other country, and loan commitments from those institutions to the People's Republic of China quadrupled from $1,100,000,000 in 1985 to $4,300,000,000 by 1995.

SEC. ___. OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o–1) is amended by adding at the end the following:

''SEC. 1503. OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.

''(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Directors at each international financial institution (as defined in section 1702(c)(2) of the International Financial Institutions Act) to use the voice and vote of the United States to oppose the provision by the institution of concessional loans to the People's Republic of China, any citizen or national of the People's Republic of China, or any entity established in the People's Republic of China.

''(b) CONCESSIONAL LOANS DEFINED.—As used in subsection (a), the term 'concessional loans' means loans with highly subsidized interest rates, grace periods for repayment of 5 years or more, and maturities of 20 years or more.''.

SEC. ___. PRINCIPLES THAT SHOULD BE ADHERED TO BY ANY UNITED STATES NATIONAL CONDUCTING AN INDUSTRIAL COOPERATION PROJECT IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) PURPOSE.—It is the purpose of this section to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China.

(b) STATEMENT OF PRINCIPLES.—It is the sense of Congress that any United States national conducting an industrial cooperation project in the People's Republic of China should:

(1) Suspend the use of any goods, wares, articles, or merchandise that the United States national has reason to believe were mined, produced, or manufactured, in whole or in part, by convict labor or forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrest or internal exile for nonviolent protest or membership in unofficial organizations committed to nonviolence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations or property, and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment; and consult with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to establish a private business enterprise when involved in an industrial cooperation project with the Government of the People's Republic of China or other state entity.

(5) Discourage any Chinese military presence on the premises of any industrial cooperation projects which involve dual-use technologies.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Government of the People's Republic of China of these freedoms to the International Labor Organization's office in Beijing.

(7) Provide the Department of State with information relevant to the Department's efforts to collect information on prisoners for the purposes of the Prisoner Information Registry, and for other purposes.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Government of the People's Republic of China concerns about restrictions on the free flow of information.

(10) Undertake to prevent harassment of workers who, consistent with the United Nations World Population Plan of Action, decide freely and responsibly the number and spacing of their children; and prohibit compulsory population control activities on the premises of the industrial cooperation project.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

(d) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China shall register with the Secretary of State and indicate that the United States national agrees to implement the principles set forth in subsection (b). No fee shall be required for registration under this subsection.

(2) PREFERENCE FOR PARTICIPATION IN TRADE MISSIONS.—The Secretary of Commerce shall consult the register prior to the selection of private sector participants in any form of trade mission to China, and undertake to involve those United States nationals that have registered their adoption of the principles set forth above.

(e) DEFINITIONS.—As used in this section—

(1) the term ''industrial cooperation project'' refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than $25,000; and

(2) the term ''United States national'' means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, or other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

SEC. ___. PROMOTION OF EDUCATIONAL, CULTURAL, SCIENTIFIC, AGRICULTURAL, MILITARY, LEGAL, POLITICAL, AND ARTISTIC EXCHANGES BETWEEN THE UNITED STATES AND CHINA.

(a) EXCHANGES BETWEEN THE UNITED STATES AND CHINA.—Agencies of the United States Government which engage in educational, cultural, scientific, agricultural, military, legal, political, and artistic exchanges shall endeavor to initiate or expand such exchange programs with regard to China.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a federally chartered not-for-profit organization should be established to fund exchanges between the United States and China through private donations.

SEC. ___. CONGRESSIONAL STATEMENT OF POLICY.

It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China. As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed. The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. ___. PROHIBITION ON USE OF FUNDS FOR THE PARTICIPATION OF CERTAIN CHINESE OFFICIALS IN CONFERENCES, EXCHANGES, PROGRAMS, AND ACTIVITIES.

(a) PROHIBITION.—Notwithstanding any other provision of law, for fiscal years after fiscal year 1997, no funds appropriated or otherwise made available for the Department of State, the United States Information Agency, and the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation of nationals of the People's Republic of China described in paragraphs (1) and (2) in conferences, exchanges, programs, and activities:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Buddhist Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops' Conference.

(E) The Chinese Protestant ''Three Self'' Patriotic Movement.

(F) The China Christian Council.

(G) The Chinese Taoist Association.

(H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who carried out or directed the carrying out of any of the following policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b) CERTIFICATION.—

(1) Each Federal agency subject to the prohibition of subsection (a) shall certify in writing to the appropriate congressional committees no later than 120 days after the date of enactment of this Act, and every 90 days thereafter, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

(c) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. ___. CERTAIN OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION.

(a) REQUIREMENT.—Notwithstanding any other provision of law, any national of the People's Republic of China described in section ___(a)(2) (except the head of state, the head of government, and cabinet level ministers) shall be ineligible to receive visas and shall be excluded from admission into the United States.

(b) WAIVER.—The President may waive the requirement in subsection (a) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees (as defined in section ___(c)) containing a justification for the waiver.

SEC. ___. SUNSET PROVISION.

Sections ___ and ___ shall cease to have effect 4 years after the date of the enactment of this Act.

THURMOND AMENDMENT NO. 2738

Mr. THURMOND proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. REDUCTIONS IN FISCAL YEAR 1998 AUTHORIZATIONS OF APPROPRIATIONS FOR DIVISION A AND DIVISION B AND INCREASES IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) TOTAL REDUCTION.—Notwithstanding any other provision in this division, amounts authorized to be appropriated under other provisions of this division are reduced in accordance with subsection (b) by the total

amount of $421,900,000 in order to reflect savings resulting from revised economic assumptions.

(b) DISTRIBUTION OF REDUCTION.—

(1) PROCUREMENT.—Amounts authorized to be appropriated for procurement under title I are reduced as follows:

(A) ARMY.—For the Army:

(i) AIRCRAFT.—For aircraft under section 101(1), by $4,000,000.

(ii) MISSILES.—For missiles under section 101(2), by $4,000,000.

(iii) WEAPONS AND TRACKED COMBAT VEHICLES.—For weapons and tracked combat vehicles under section 101(3), by $4,000,000.

(iv) AMMUNITION.—For ammunition under section 101(4), by $3,000,000.

(v) OTHER PROCUREMENT.—For other procurement under section 101(5), by $9,000,000.

(B) NAVY AND MARINE CORPS.—For the Navy, Marine Corps, or both the Navy and Marine Corps:

(i) AIRCRAFT.—For aircraft under section 102(a)(1), by $22,000,000.

(ii) WEAPONS.—For weapons, including missiles and torpedoes, under section 102(a)(2), by $4,000,000.

(iii) SHIPBUILDING AND CONVERSION.—For shipbuilding and conversion under section 102(a)(3), by $18,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 102(a)(4), by $12,000,000.

(v) MARINE CORPS PROCUREMENT.—For procurement for the Marine Corps under section 102(b), by $2,000,000.

(vi) AMMUNITION.—For ammunition under section 102(c), by $1,000,000.

(C) AIR FORCE.—For the Air Force:

(i) AIRCRAFT.—For aircraft under section 103(1), by $23,000,000.

(ii) MISSILES.—For missiles under section 103(2), by $7,000,000.

(iii) AMMUNITION.—For ammunition under section 103(3), by $1,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 103(4), by $17,500,000.

(D) DEFENSE-WIDE ACTIVITIES.—For the Department of Defense for Defense-wide activities under section 104, by $5,800,000.

(E) CHEMICAL DEMILITARIZATION PROGRAM.—For the destruction of lethal chemical agents and munitions and of chemical warfare material under section 107, by $3,000,000.

(2) R D T & E.—Amounts authorized to be appropriated for research, development, test, and evaluation under title II are reduced as follows:

(A) ARMY.—For the Army under section 201(1), by $10,000,000.

(B) NAVY.—For the Navy under section 201(2), by $20,000,000.

(C) AIR FORCE.—For the Air Force under section 201(3), by $39,000,000.

(D) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 201(4), by $26,700,000.

(3) OPERATION AND MAINTENANCE.—Amounts authorized to be appropriated for operation and maintenance under title III are reduced as follows:

(A) ARMY.—For the Army under section 301(a)(1), by $24,000,000.

(B) NAVY.—For the Navy under section 301(a)(2), by $32,000,000.

(C) MARINE CORPS.—For the Marine Corps under section 301(a)(3), by $4,000,000.

(D) AIR FORCE.—For the Air Force under section 301(a)(4), by $31,000,000.

(E) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 301(a)(6), by $17,600,000.

(F) ARMY RESERVE.—For the Army Reserve under section 301(a)(7), by $2,000,000.

(G) NAVAL RESERVE.—For the Naval Reserve under section 301(a)(8), by $2,000,000.

(H) AIR FORCE RESERVE.—For the Air Force Reserve under section 301(a)(10), by $2,000,000.

(I) ARMY NATIONAL GUARD.—For the Army National Guard under section 301(a)(11), by $4,000,000.

(J) AIR NATIONAL GUARD.—For the Air National Guard under section 301(a)(12), by $4,000,000.

(K) ENVIRONMENTAL RESTORATION, ARMY.—For Environmental Restoration, Army under section 301(a)(15), by $1,000,000.

(L) ENVIRONMENTAL RESTORATION, NAVY.—For Environmental Restoration, Navy under section 301(a)(16), by $1,000,000.

(M) ENVIRONMENTAL RESTORATION, AIR FORCE.—For Environmental Restoration, Air Force under section 301(a)(17), by $1,000,000.

(N) ENVIRONMENTAL RESTORATION, DEFENSE-WIDE.—For Environmental Restoration, Defense-wide under section 301(a)(18), by $1,000,000.

(O) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—For Drug Interdiction and Counter-drug Activities, Defense-wide under section 301(a)(21), by $2,000,000.

(P) MEDICAL PROGRAMS, DEFENSE.—For Medical Programs, Defense under section 301(a)(23), by $36,000,000.

(4) MILITARY CONSTRUCTION, ARMY.—Amounts authorized to be appropriated for military construction, Army, under title XXI by section 2104(a) are reduced by $5,000,000, of which $3,000,000 shall be a reduction of support of military family housing under section 2104(a)(5)(B).

(5) MILITARY CONSTRUCTION, NAVY.—Amounts authorized to be appropriated for military construction, Navy, under title XXII by section 2204(a) are reduced by $5,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2204(a)(5)(A); and

(B) $3,000,000 shall be a reduction of support of military family housing under section 2204(a)(5)(B).

(6) MILITARY CONSTRUCTION, AIR FORCE.—Amounts authorized to be appropriated for military construction, Air Force, under title XXIII by section 2304(a) are reduced by $4,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2304(a)(5)(A); and

(B) $2,000,000 shall be a reduction of support of military family housing under section 2304(a)(5)(B).

(7) MILITARY CONSTRUCTION, DEFENSE AGENCIES.—Amounts authorized to be appropriated for military construction, Defense Agencies, under title XXIV by section 2404(a) are reduced by $6,300,000, of which $5,000,000 shall be a reduction of defense base closure and realignment under section 2404(a)(10), of which—

(A) $1,000,000 shall be a reduction of defense base closure and realignment, Army;

(B) $2,000,000 shall be a reduction of defense base closure and realignment, Navy; and

(C) $2,000,000 shall be a reduction of defense base closure and realignment, Air Force.

(8) NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.—Amounts authorized to be appropriated for contributions to the North Atlantic Treaty Organization Security Investment program under title XXV by section 2502 are reduced by $1,000,000.

(c) PROPORTIONATE REDUCTIONS WITHIN ACCOUNTS.—The amount provided for each budget activity, budget activity group, budget subactivity group, program, project, or activity under an authorization of appropriations reduced by subsection (b) is hereby reduced by the percentage computed by dividing the total amount of that authorization of appropriations (before the reduction) into the amount by which that total amount is so reduced.

(d) INCREASE IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.—

(1) OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount authorized to be appropriated by section 301(a)(11), as reduced by subsection (b)(3)(I), is increased by $120,000,000.

(2) OTHER DEFENSE PROGRAMS, DEPARTMENT OF ENERGY.—The amount authorized to be appropriated by section 3103 is increased by $20,000,000, which amount shall be available for verification and control technology under paragraph (1)(C) of that section.

BIDEN AMENDMENT NO. 2739

Mr. LEVIN (for Mr. BIDEN) 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. INCREASED HAZARDOUS DUTY PAY FOR AERIAL FLIGHT CREWMEMBERS IN PAY GRADES E–4 TO E–9.

(a) RATES.—The table in section 301(b) of title 37, United States Code, is amended by striking out the items relating to pay grades E–4, E–5, E–6, E–7, E–8, and E–9, and inserting in lieu thereof the following:

''E–9	240
E–8	240
E–7	240
E–6	215
E–5	190
E–4	165''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

FORD (AND OTHERS) AMENDMENT NO. 2740

Mr. LEVIN (for himself, Mr. FORD, Mr. BOND, Mr. LOTT, Mr. STEVENS, and Mr. GRASSLEY) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title III, insert the following:

SEC. ____. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) PROCUREMENT OF EQUIPMENT.—Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out ''and leasing of equipment'' and inserting in lieu thereof ''and equipment, and the leasing of equipment,''.

(b) TRAINING AND READINESS.—Subsection (b)(2) of such section is amended to read as follows:

''(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

''(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying

those costs shall be available for making the reimbursements.''.

(c) ASSISTANCE TO YOUTH AND CHARITABLE ORGANIZATIONS.—Subsection (b)(3) of such section is amended to read as follows:

''(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

''(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

''(B) in the case of services, the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

''(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.''.

(d) DEFINITION OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Subsection (i)(1) of such section is amended by inserting after ''drug interdiction and counter-drug law enforcement activities'' the following: '', including drug demand reduction activities,''.

THURMOND AMENDMENT NO. 2741

Mr. THURMOND proposed an amendment to the bill, S. 2057, supra; as follows:

On page 264, strike out line 17 and insert in lieu thereof the following:

striking out the second, third, and fourth sentences and inserting in lieu thereof the following: ''Any such Federal entity which proposes to so relocate shall notify the NTIA, which in turn shall notify the Commission, before the auction concerned of the marginal costs anticipated to be associated with such relocation or with modifications necessary to accommodate prospective licensees. The Commission in turn shall notify potential bidders of the estimated relocation or modification costs based on the geographic area covered by the proposed licenses before the auction.'';

On page 266, strike out line 7 and insert in lieu thereof the following:

trum.

''(E) IMPLEMENTATION PROCEDURES.—The NTIA and the Commission shall develop procedures for the implementation of this paragraph, which procedures shall include a process for resolving any differences that arise between the Federal Government and commercial licensees regarding estimates of relocation or modification costs under this paragraph.

''(F) INAPPLICABILITY TO CERTAIN RELOCATIONS.—With the exception of spectrum located at 1710–1755 Megahertz, the provisions of this paragraph shall not apply to Federal spectrum identified for reallocation in the first reallocation report submitted to the President and Congress under subsection (a).''.

(d) REPORTS ON COSTS OF RELOCATIONS.—The head of each department or agency of the Federal Government shall include in the annual budget submission of such department or agency to the Director of the Office of Management and Budget a report assessing the costs to be incurred by such department or agency as a result of any frequency relocations of such department or agency that are anticipated under section 113 of the National Telecommunications Information Administration Organization Act (47 U.S.C. 923) as of the date of such report.

FEINSTEIN AMENDMDNT NO. 2472

Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment 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.''.

THURMOND (AND LEVIN) AMENDMENT NO. 2743

Mr. THURMOND (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 296, in the table following line 10, strike out the item relating to Fort Dix, New Jersey.

On page 296, in the table following line 10, strike out the item relating to Camp Dawson, West Virginia.

On page 296, in the table following line 10, strike out ''$627,007,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$604,681,000''.

On page 298, line 19, strike out ''$2,005,630,000'' and insert in lieu thereof ''$1,983,304,000''.

On page 298, line 22, strike out ''$539,007,000'' and insert in lieu thereof ''$516,681,000''.

On page 302, in the table following line 23, strike out the item relating to Naval Air Station, Atlanta, Georgia.

On page 302, in the table following line 23, strike out ''$39,310,000'' in the amount column of the item relating to Naval Shipyard, Pearl Harbor, Hawaii, and insert in lieu thereof ''$11,400,000''.

On page 302, in the table following line 23, insert after the item relating to Navy Public Works Center, Pearl Harbor, Hawaii, the following new items:

Fleet and Industrial Supply Center, Pearl Harbor	$9,730,000
Naval Station, Pearl Harbor	$18,180,000

On page 302, in the table following line 23, strike out ''$446,984,000'' in the amount column of the item relating to the total and insert in lieu thereof ''$442,884,000''.

On page 305, line 16, strike out ''$1,741,121,000'' and insert in lieu thereof ''$1,737,021,000''.

On page 305, line 19, strike out ''$433,484,000'' and insert in lieu thereof ''$429,384,000''.

On page 307, in the table following line 16, strike out the item relating to McChord Air Force Base, Washington.

On page 307, in the table following line 16, strike out ''$469,265,000'' in the amount column in the item relating to the total and inserting in lieu thereof ''$465,865,000''.

On page 310, line 17, strike out ''$1,652,734,000'' and insert in lieu thereof ''$1,649,334,000''.

On page 310, line 21, strike out ''$469,265,000'' and insert in lieu thereof ''$465,865,000''.

On page 320, line 25, strike out ''$95,395,000'' and insert in lieu thereof ''$108,990,000''.

On page 321, line 1, strike out ''$107,378,000'' and insert in lieu thereof ''$116,109,000''.

On page 321, line 3, strike out ''$15,271,000'' and insert in lieu thereof ''$19,371,000''.

On page 321, line 8, strike out ''$20,225,000'' and insert in lieu thereof ''$23,625,000''.

KEMPTHORNE (AND OTHERS) AMENDMENT NO. 2477

Mr. THURMOND (for himself, Mr. KEMPTHORNE, Mr. CLELAND, and Mr. AKAKA) proposed an amendment to the bill, S. 2057, supra; as follows:

Beginning on page 108, strike out line 21 and all that follows through ''(b) APPLICABILITY OF WAIVER.—'' on page 109, line 4, and insert in lieu thereof the following:

SEC. 530. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED-SERVICE CROSS.—Subsection (a) applies to award of the Distinguished-Service Cross of the Army as follows:

(1) To Isaac Camacho of El Paso, Texas, for extraordinary heroism in actions at Camp Hiep Hoa in Vietnam on November 24, 1963, while serving as a member of the Army.

(2) To Bruce P. Crandall of Mesa, Arizona, for extraordinary heroism in actions at Landing Zone X-Ray in Vietnam on November 14, 1965, while serving as a member of the Army.

(3) To Leland B. Fair of Jessieville, Arkansas, for extraordinary heroism in actions in the Philippine Islands on July 4, 1945, while serving as a member of the Army.

(c) DISTINGUISHED-SERVICE MEDAL.—Subsection (a) applies to award of the Distinguished-Service Medal of the Army to Richard P. Sakakida of Fremont, California, for exceptionally meritorious service while a prisoner of war in the Philippine Islands from May 7, 1942, to September 14, 1945, while serving as a member of the Army.

(d) DISTINGUISHED FLYING CROSS.—

WARNER AMENDMENT NO. 2745

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike out section 1012, and insert in lieu thereof the following:

SEC. 1012. LONG-TERM CHARTER OF THREE VESSELS IN SUPPORT OF SUBMARINE RESCUE, ESCORT, AND TOWING.

(a) AUTHORITY.—The Secretary of the Navy may to enter into one or more long-term

charters in accordance with section 2401 of title 10, United States Code, for three vessels to support the rescue, escort, and towing of submarines.

(b) VESSELS.—The vessels that may be chartered under subsection (a) are as follows:

(1) The Carolyn Chouest (United States official number D102057).

(2) The Kellie Chouest (United States official number D1038519).

(3) The Dolores Chouest (United States official number D600288).

(c) CHARTER PERIOD.—The period for which a vessel is chartered under subsection (a) may not extend beyond October 1, 2004.

(d) FUNDING.—The funds used for charters entered into under subsection (a) shall be funds authorized to be appropriated under section 301(a)(2).

MCCAIN AMENDMENT NO. 2746

Mr. THURMOND (for Mr. MCCAIN) 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. DIVING DUTY SPECIAL PAY FOR DIVERS HAVING DIVING DUTY AS A NONPRIMARY DUTY.

(a) ELIGIBILITY FOR MAINTAINING PROFICIENCY.—Section 304(a)(3) of title 37, United States Code, is amended to read as follows:

''(3) either—

''(A) actually performs diving duty while serving in an assignment for which diving is a primary duty; or

''(B) meets the requirements to maintain proficiency as described in paragraph (2) while serving in an assignment that includes diving duty other than as a primary duty.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

COATS AMENDMENT NO. 2747

Mr. THURMOND (for Mr. COATS) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title I, add the following:

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN AIRCRAFT PROGRAMS.

Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for the procurement of the following aircraft:

(1) The AV–8B aircraft.

(2) The E–2C aircraft.

(3) The T–45 aircraft.

WARNER AMENDMENT NO. 2748

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 14, line 16, reduce the amount by $15,895,000.

On page 29, line 2, increase the amount by $15,895,000.

THURMOND (AND OTHERS) AMENDMENT NO. 2749

Mr. THURMOND (for himself, Mr. LEVIN, Mr. SANTORUM, and Mr. LIEBERMAN) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 347, below line 23, add the following:

SEC. 2833. MODIFICATION OF AUTHORITY RELATING TO DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIREMENTS.—Subsection (c) of section 2892 of the National Defense Authorization for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 590; 10 U.S.C. 2805 note) is amended to read as follows:

''(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall establish procedures for the review and approval of requests from Department of Defense laboratories for construction under the program.

''(2) The laboratories at which construction may be carried out under the program may not include Department of Defense laboratories that are contractor-owned.''.

(b) REPORT.—Subsection (d) of that section is amended to read as follows:

''(d) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendation regarding the desirability of making the authority set forth under subsection (b) permanent.''.

(c) EXTENSION.—Subsection (g) of that section is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 2003''.

LEVIN AMENDMENT NO. 2750

Mr. LEVIN proposed an amendment to the bill, S. 2057, supra; as follows:

On page 196, between lines 18 and 19, insert the following:

SEC. 908. REDESIGNATION OF DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING AS DIRECTOR OF DEFENSE TECHNOLOGY AND COUNTERPROLIFERATION AND TRANSFER OF RESPONSIBILITIES.

(a) REDESIGNATION.—Subsection (a) of section 137 of title 10, United States Code, is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(b) DUTIES.—Subsection (b) of such section 137 is amended to read as follows:

''(b) The Director of Defense Technology and Counterproliferation shall—

''(1) except as otherwise prescribed by the Secretary of Defense, perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition and Technology may prescribe;

''(2) advise the Secretary of Defense on matters relating to nuclear energy and nuclear weapons;

''(3) serve as the Staff Director of the Joint Nuclear Weapons Council under section 179 of this title; and

''(4) perform such other duties as the Secretary of Defense may prescribe.''.

(c) ABOLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 of such title is repealed.

(d) CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended as follows:

(A) In section 5315, by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof the following:

''Director of Defense Technology and Counterproliferation''.

(B) In section 5316, by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.''.

(2) Title 10, United States Code, is amended as follows:

(A) In section 131(b), by striking out paragraph (6) and inserting in lieu thereof the following:

''(6) Director of Defense Technology and Counterproliferation.''.

(B) In section 138(d), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(C) In section 179(c)(2), by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(D) In section 2350a(g)(3), by striking out ''Deputy Director, Defense Research and Engineering (Test and Evaluation)'' and inserting in lieu thereof ''Undersecretary of Defense for Acquisition and Technology''.

(E) In section 2617(a), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(F) In section 2902(b), by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Director of Defense Technology and Counterproliferation.''.

(3) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(4) The National Defense Authorization Act for Fiscal Year 1994 is amended as follows:

(A) In section 802(a) (10 U.S.C. 2358 note), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(B) In section 1605(a)(5), (22 U.S.C. 2751 note) by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(e) CLERICAL AMENDMENTS.—(1) The section heading of section 137 of title 10, United States Code, is amended to read as follows:

''§ 137. Director of Defense Technology and Counterproliferation''.

(2) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking out the item relating to section 137 and inserting in lieu thereof the following:

''137. Director of Defense Technology and Counterproliferation.'';

and

(B) by striking out the item relating to section 142.

THURMOND AMENDMENT NO. 2751

Mr. THURMOND proposed an amendment to the bill, S. 2057, supra; as follows:

On page 160, beginning on line 9, strike out ''amount'' and all that follows through ''section 3202(1)'' on line 17, and insert in lieu thereof the following:

'''amounts were charged.

''(B) For amounts relating to sales for unofficial travel, deposit in nonappropriated fund accounts available for morale, welfare, and recreation programs.

''(c) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1)''.

WARNER AMENDMENT NO. 2752

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of title VIII, add the following:

SEC. 812. PLAN FOR RAPID TRANSITION FROM COMPLETION OF SMALL BUSINESS INNOVATION RESEARCH INTO DEFENSE ACQUISITION PROGRAMS.

(a) PLAN REQUIRED.—Not later than February 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for facilitating the rapid transition into Department of Defense acquisition programs of successful first phase and second phase activities under the Small Business Innovation Research program under section 9 of the Small Business Act (15 U.S.C. 638).

(b) CONDITIONS.—The plan submitted under subsection (a) shall—

(1) be consistent with the Small Business Innovation Research program and with recent acquisition reforms that are applicable to the Department of Defense; and

(2) provide—

(A) a high priority for funding the projects under the Small Business Innovation Research program that are likely to be successful under a third phase agreement entered into pursuant to section 9(r) of the Small Business Act (15 U.S.C. 638(r)); and

(B) for favorable consideration, in the acquisition planning process, for funding projects under the Small Business Innovation Research program that are subject to a third phase agreement described in subparagraph (A).

LIEBERMAN AMENDMENT NO. 2753

Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title II, add the following:

SEC. 219. NATO ALLIANCE GROUND SURVEILLANCE CONCEPT DEFINITION.

Amounts authorized to be appropriated under subtitle A are available for a NATO alliance ground surveillance concept definition that is based on the Joint Surveillance Target Attack Radar System (Joint STARS) Radar Technology Insertion Program (RTIP) sensor of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 201(1), $6,400,000.

(2) Of the amount authorized to be appropriated under section 201(3), $3,500,000.

WARNER AMENDMENT NO. 2754

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S 2057, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 634. SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (d).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code (or chapter 67 of such title as in effect before October 5, 1994), but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) MANNER OF MAKING ELECTIONS.—

(1) IN GENERAL.—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Except as provided in paragraph (2), any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(2) ELECTION MUST BE VOLUNTARY.—An election under this section is not effective unless the person making the election declares the election to be voluntary. An election to participate in the Survivor Benefit Plan under this section may not be required by any court. An election to participate or not to participate in the Survivor Benefit Plan is not subject to the concurrence of a spouse or former spouse of the person.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period is the one-year period beginning on March 1, 1999.

(e) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(f) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(g) PREMIUMS FOR OPEN ENROLLMENT ELECTION.—

(1) PREMIUMS TO BE CHARGED.—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(A) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(B) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(C) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(2) PREMIUMS TO BE CREDITED TO RETIREMENT FUND.—Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(h) DEFINITIONS.—In this section:

(1) The term ''Survivor Benefit Plan'' means the program established under subchapter II of chapter 73 of title 10, United States Code.

(2) The term ''Supplemental Survivor Benefit Plan'' means the program established under subchapter III of chapter 73 of title 10, United States Code.

(3) The term ''retired pay'' includes retainer pay paid under section 6330 of title 10, United States Code.

(4) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given those terms in section 101 of title 37, United States Code.

(5) The term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

THOMPSON (AND OTHERS) AMENDMENTS NOS. 2755–2757

Mr. THURMOND (for Mr. THOMPSON, for himself, Mr. GLENN, Mr. THURMOND, Mr. LEVIN, Mr. SANTORUM, and Mr. LIEBERMAN) proposed three amendments to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2755

At the end of title VIII, add the following:

SEC. 812. SENIOR EXECUTIVES COVERED BY LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) DEFENSE CONTRACTS.—Section 2324(l)(5) of title 10, United States Code, is amended to read as follows:

''(5) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and other organizational segment of the contractor.''.

(b) NON-DEFENSE CONTRACTS.—Section 306(m)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(m)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and other organizational segment of the contractor.''.

(c) CONFORMING AMENDMENT.—Section 39(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 435(c)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most

highly compensated employees in management positions at each home office and other organizational segment of the contractor.''.

AMENDMENT NO. 2756

Beginning on page 162, strike out line 23 and all that follows through ''that clarify'' on page 163, line 2, and insert in lieu thereof the following:

''or subsection (b)(1)(B) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b), from the requirements for submission of certified cost or pricing data under that section.

''(c) COMMERCIAL PRICING REGULATIONS.—(1) The Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to clarify''.

AMENDMENT NO. 2757

At the end of title VIII, add the following:

SEC. 812. SEPARATE DETERMINATIONS OF EXCEPTIONAL WAIVERS OF TRUTH IN NEGOTIATION REQUIREMENTS FOR PRIME CONTRACTS AND SUBCONTRACTS.

(a) DEFENSE PROCUREMENTS.—Section 2306a(a)(5) of title 10, United States Code, is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

(b) NON-DEFENSE PROCUREMENTS.—Section 304A(a)(5) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(a)(5)) is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the executive agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

DEWINE (AND INHOFE) AMENDMENT NO. 2758

Mr. THURMOND (for Mr. DEWINE, for himself and Mr. INHOFE) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of title VII, add the following:

SEC. . PROFESSIONAL QUALIFICATIONS OF PHYSICIANS PROVIDING MILITARY HEALTH CARE.

(a) REQUIREMENT FOR UNRESTRICTED LICENSE.—Section 1094(a)(1) of title 10, United States Code, is amended by adding at the end the following: ''In the case of a physician, the physician may not provide health care as a physician under this chapter unless the current license is an unrestricted license that is not subject to limitation on the scope of practice ordinarily granted to other physicians for a similar specialty by the jurisdiction that granted the license.''.

(b) SATISFACTION OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

''§ 1094a. Continuing medical education requirements: system for monitoring physician compliance

''The Secretary of Defense shall establish a mechanism for ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician satisfies the continuing medical education requirements applicable to the physician.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1094a. Continuing medical education requirements: system for monitoring physician compliance.''.

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on October 1, 1998.

(2) The system required by section 1094a of title 10, United States Code (as added by subsection (b)), shall take effect on the date that is three years after the date of the enactment of this Act.

GRASSLEY AMENDMENT NO. 2759

Mr. THURMOND (for Mr. GRASSLEY) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike out section 1055, and insert in lieu thereof the following:

SEC. 1055. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) MILITARY DEPENDENTS.—Subsection (a) of section 2164 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by adding at the end of paragraph (2), as so designated, the following: ''The Secretary may also permit a dependent of a member of the armed forces to enroll in such a program if the dependent is residing in such a jurisdiction, whether on or off a military installation, while the member is assigned away from that jurisdiction on a remote or unaccompanied assignment under permanent change of station orders.''.

(b) EMPLOYEE DEPENDENTS.—Subsection (c)(2) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) The Secretary may extend the enrollment of a dependent referred to in subparagraph (A) in the program for more than five consecutive school years if the Secretary determines that the dependent is eligible under paragraph (1), space is available in the program, and adequate arrangements are made for reimbursement of the Secretary for the costs to the Secretary of the educational services provided for the dependent. An extension shall be for only one school year, but the Secretary may authorize a successive extension each year for the next school year upon making the determinations required under the preceding sentence for that next school year.''.

(c) CUSTOMS SERVICE EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) Subsection (c) of such section is further amended by adding at the end the following:

''(4)(A) A dependent of a United States Customs Service employee who resides in Puerto Rico but not on a military installation may enroll in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico.

''(B) Notwithstanding the limitation on duration of enrollment set forth in paragraph (2), a dependent described in subparagraph (A) who is enrolled in an education program described in that subparagraph may be removed from the program only for good cause (as determined by the Secretary). No requirement under that paragraph for reimbursement of the Secretary for the costs of educational services provided for the dependent shall apply with respect to the dependent.

''(C) In the event of the death in the line of duty of an employee described in subparagraph (A), a dependent of the employee may remain enrolled in an educational program described in that subparagraph until—

''(i) the end of the academic year in which the death occurs; or

''(ii) the dependent is removed for good cause (as so determined).''.

(2) The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and apply to academic years beginning on or after that date.

ROBERTS AMENDMENT NO. 2760

Mr. THURMOND (for Mr. ROBERTS) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place in title XXVIII, insert the following:

SEC. 28__. REPORT AND REQUIREMENT RELATING TO ''1 PLUS 1 BARRACKS INITIATIVE''.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to Congress a report on the costs and benefits of implementing the initiative to build single occupancy barracks rooms with a shared bath, the so-called ''1 plus 1 barracks initiative''.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A justification for the initiative referred to in subsection (a), including a description of the manner in which the initiative is designed to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(2) A description of the experiences of the military departments with the retention of first-term enlisted members of the Armed Forces, including—

(A) a comparison of such experiences before implementation of the initiative with such experiences after implementation of the initiative; and

(B) an analysis of the basis for any change in retention rates of such members that has arisen since implementation of the initiative.

(3) Any information indicating that the lack of single occupancy barracks rooms with a shared bath has been or is the basis of the decision of first-term members of the Armed Forces not to reenlist in the Armed Forces.

(4) Any information indicating that the lack of such barracks rooms has hampered recruitment for the Armed Forces or that the construction of such barracks rooms would substantially improve recruitment.

(5) The cost for each Armed Force of implementing the initiative, including the amount of funds obligated or expended on the initiative before the date of enactment of this Act and the amount of funds required to be expended after that date to complete the initiative.

(6) The views of each of the Chiefs of Staff of the Armed Forces regarding the initiative and regarding any alternatives to the initiative having the potential of assuring the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(7) A cost-benefit analysis of the initiative.

(c) LIMITATION ON FY 2000 FUNDING REQUEST.—The Secretary of Defense may not

submit to Congress any request for funding for the so-called ''1 plus 1 barracks initiative'' in fiscal year 2000 unless the Secretary certifies to Congress that further implementation of the initiative is necessary in order to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

GRAHAM (AND OTHERS) AMENDMENT NO. 2761

Mr. LEVIN (for Mr. GRAHAM, for himself, Mr. DEWINE, and Mr. GRASSLEY) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title III, add the following:

SEC. 334. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense—

(1) to treat the international drug interdiction and counter-drug activities of the department as a military operation other than war, thereby elevating the priority given such activities under the policy to the next priority below the priority given to war under the policy and to the same priority as is given to peacekeeping operations under the policy; and

(2) to allocate the assets of the department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

SANTORUM AMENDMENT NO. 2762

Mr. THURMOND (for Mr. SANTORUM) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of title VIII, add the following:

SEC. 812. FIVE-YEAR AUTHORITY FOR SECRETARY OF THE NAVY TO EXCHANGE CERTAIN ITEMS.

(a) BARTER AUTHORITY.—The Secretary of the Navy may enter into a barter agreement to exchange trucks and other tactical vehicles for the repair and remanufacture of ribbon bridges for the Marine Corps in accordance with section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), except that the requirement for items exchanged under that section to be similar items shall not apply to the authority under this subsection.

(b) PERIOD OF AUTHORITY.—The authority to enter into agreements under subsection (a) and to make exchanges under any such agreement is effective during the 5-year period beginning on October 1, 1998, and ending at the end of September 30, 2003.

GRAHAM AMENDMENT NO. 2763

Mr. LEVIN (for Mr. GRAHAM) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of title IX, add the following:

SEC. 908. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) FUNDING FOR CENTER FOR HEMISPHERIC DEFENSE STUDIES.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

''§ 2166. National Defense University: funding of component institution

''Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2166. National Defense University: funding of component institution.''.

(b) CONFORMING AMENDMENT.—Section 1050 of title 10, United States Code, is amended by inserting ''Secretary of Defense or the'' before ''Secretary of a military department''.

GORTON (AND MURRAY) AMENDMENT NO. 2764

Mr. THURMOND (for Mr. GORTON for hismelf, and Mrs. MURRAY) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title XXXI, insert the following:

SEC. 3137. COST-SHARING FOR OPERATION OF THE HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING FACILITY, RICHLAND, WASHINGTON.

(a) AUTHORITY.—The Secretary of Energy may enter into partnership arrangements with Federal and non-Federal entities to share the costs of operating the Hazardous Materials Management and Emergency Response training facility authorized under section 3140 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3088). Such arrangements may include the exchange of equipment and services.

COVERDELL AMENDMENT NO. 2765

Mr. THURMOND (for Mr. COVERDELL) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike out section 529, and insert in lieu thereof the following:

SEC. 529. PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTING IN THE ARMED FORCES.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to assess whether the Armed Forces could better meet recruiting requirements by treating GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces. The Secretary of each military department shall administer the pilot program for the armed force or armed forces under the jurisdiction of the Secretary.

(b) ELIGIBLE RECIPIENTS.—(1) Under the pilot program, a person shall be treated as having graduated from high school with a high school diploma for the purpose described in subsection (a) if the person—

(A) has completed a general education development program while participating in the National Guard Challenge Program and is a GED recipient; or

(B) is a home school diploma recipient and provides a transcript demonstrating completion of high school to the military department involved under the pilot program.

(2) For the purposes of this section, a person is a GED recipient if the person, after completing a general education development program, has obtained certification of high school equivalency by meeting State requirements and passing a State approved exam that is administered for the purpose of providing an appraisal of the person's achievement or performance in the broad subject matter areas usually required for high school graduates.

(3) For the purposes of this section, a person is a home school diploma recipient if the person has received a diploma for completing a program of education through the high school level at a home school, without regard to whether the home school is treated as a private school under the law of the State in which located.

(c) ANNUAL LIMIT ON NUMBER.—Not more than 1,250 GED recipients, and not more than 1,250 home school diploma recipients, enlisted by an armed force in any fiscal year may be treated under the pilot program as having graduated from high school with a high school diploma.

(d) PERIOD FOR PILOT PROGRAM.—The pilot program shall be in effect for five fiscal years beginning on October 1, 1998.

(e) REPORT.—(1) Not later than February 1, 2004, the Secretary of Defense shall submit a report on the pilot program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2)(A) The report shall include the assessment of the Secretary of Defense, and any assessment of any of the Secretaries of the military departments, regarding the value of, and any necessity for, authority to treat GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces.

(B) The Secretary shall also set forth in the report, by armed force for each fiscal year of the pilot program, a comparison of the performance of the persons who enlisted in that armed force during the fiscal year as GED or home school diploma recipients treated under the pilot program as having graduated from high school with a high school diploma with the performance of the persons who enlisted in that armed force during the same fiscal year after having graduated from high school with a high school diploma, with respect to the following:

(i) Attrition.

(ii) Discipline.

(iii) Adaptability to military life.

(iv) Aptitude for mastering the skills necessary for technical specialties.

(v) Reenlistment rates.

(f) REFERENCE TO NATIONAL GUARD CHALLENGE PROGRAM.—The National Guard Challenge Program referred to in this section is a program conducted under section 509 of title 32, United States Code.

(g) STATE DEFINED.—In this section, the term ''State'' has the meaning given that term in section 509(*l*)(1) of title 32, United States Code.

GORTON AMENDMENT NO. 2766

Mr. THURMOND (for Mr. GORTON) proposed an amendment to the bill, S. 2957, supra; as follows

On page 59, below line 20, add the following:

SEC. 328. SENSE OF SENATE REGARDING OIL SPILL PREVENTION TRAINING FOR PERSONNEL ON BOARD NAVY VESSELS.

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

(1) There have been six significant oil spills in Puget Sound, Washington, in 1998, five at Puget Sound Naval Shipyard (including three from the U.S.S. Kitty Hawk, one from the U.S.S. Carl Vinson, and one from the U.S.S. Sacramento) and one at Naval Station Everett from the U.S.S. Paul F. Foster.

(2) Navy personnel on board vessels, and not shipyard employees, were primarily responsible for a majority of these oil spills at Puget Sound Naval Shipyard.

(3) Oil spills have the potential to damage the local environment, killing microscopic

organisms, contributing to air pollution, harming plants and marine animals, and increasing overall pollution levels in Puget Sound.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Navy should take immediate action to significantly reduce the risk of vessel oil spills, including the minimization of fuel oil transfers, the assurance of proper training and qualifications of all Naval personnel in occupations that may contribute to or minimize the risk of shipboard oil spills, and the improvement of liaison with local authorities concerning oil spill prevention and response activities.

REID AMENDMENT NO. 2767

Mr. LEVIN (for Mr. REID) proposed an amendment to the bill, S. 2957, supra; as follows

In section 201(2), strike out ''$8,199,102,000'' and insert in lieu thereof ''$8,204,102,000''.

In section 102(b), strike out ''$915,558,000'' and insert in lieu thereof ''$910,558,000''.

MACK AMENDMENT NO. 2768

Mr. THURMOND (for Mr. MACK) proposed an amendment to the bill, S. 2957, supra; as follows

On page 342, below line 22, add the following:

SEC. 2827. EXPANSION OF LAND CONVEYANCE AUTHORITY, EGLIN AIR FORCE BASE, FLORIDA.

Section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95–356; 92 Stat. 587), as amended by section 2826 of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2123), is further amended by striking out ''and a third parcel containing forty-two acres'' and inserting in lieu thereof '', a third parcel containing forty-two acres, a fourth parcel containing approximately 3.43 acres, and a fifth parcel containing approximately 0.56 acres''.

ALLARD (AND CAMPBELL) AMENDMENT NO. 2769

Mr. THURMOND (for Mr. ALLARD, for himself and Mr. CAMPBELL) proposed an amendment to the bill, S. 2957, supra; as follows

On page 342, below line 22, add the following:

SEC. 2827. CONVEYANCE OF WATER RIGHTS AND RELATED INTERESTS, ROCKY MOUNTAIN ARSENAL, COLORADO, FOR PURPOSES OF ACQUISITION OF PERPETUAL CONTRACTS FOR WATER.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey any and all interest of the United States in the water rights and related rights at Rocky Mountain Arsenal, Colorado, described in subsection (b) to the City and County of Denver, Colorado, acting through its Board of Water Commissioners.

(b) COVERED WATER RIGHTS AND RELATED RIGHTS.—The water rights and related rights authorized to be conveyed under subsection (a) are the following:

(1) Any and all interest in 300 acre rights to water from Antero Reservoir as set forth in Antero Reservoir Contract No. 382 dated August 22, 1923, for 160 acre rights; Antero Reservoir Contract No. 383 dated August 22, 1923, for 50 acre rights; Antero Reservoir Contract No. 384 dated October 30, 1923, for 40 acre rights; Antero Reservoir Contract No. 387 dated March 3, 1923, for 50 acre rights; and Supplemental Contract No. 382–383–384–387 dated July 24, 1932, defining the amount of water to be delivered under the 300 acre rights in the prior contracts as 220 acre feet.

(2) Any and all interest in the 305 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Fitzsimons Army Medical Center and currently subject to cost assessments pursuant to Denver Water Department contract #001990.

(3) Any and all interest in the 2,603.55 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Rocky Mountain Arsenal in Adams County, Colorado, and currently subject to cost assessments by the Denver Water Department, including 680 acre rights transferred from Lowry Field to the Rocky Mountain Arsenal by the October 5, 1943, agreement between the City and County of Denver, acting by and through its Board of Water Commissioners, and the United States of America.

(4) Any and all interest in 4,058.34 acre rights of water not currently subject to cost assessments by the Denver Water Department.

(5) A new easement for the placement of water lines approximately 50 feet wide inside the Southern boundary of Rocky Mountain Arsenal and across the Reserve Center along the northern side of 56th Avenue.

(6) A permanent easement for utilities where Denver has an existing temporary easement near the southern and western boundaries of Rocky Mountain Arsenal.

(c) CONSIDERATION.—(1) The Secretary of the Army may make the conveyance under subsection (a) only if the Board of Water Commissioners, on behalf of the City and County of Denver, Colorado—

(A) enters into a permanent contract with the Secretary of the Army for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal; and

(B) enters into a permanent contract with the Secretary of the Interior for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal National Wildlife Refuge, Colorado.

(2) Section 2809(e) of title 10, United States Code, shall not operate to limit the term of the contract entered into under paragraph (1)(A).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary of the Army may not make the conveyance authorized by subsection (a) until the execution of the proposed agreement provided for under subsection (c) between the City and County of Denver, Colorado, acting through its Board of Water Commissioners, the South Adams County Water and Sanitation District, the United States Fish and Wildlife Service, and the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

MURRAY (AND OTHERS) AMENDMENT NO. 2770

Mr. LEVIN (for Mrs. MURRAY for herself, Mr. KEMPTHORNE, Mr. WYDEN, and Mr. SMITH or Oregon) proposed an amendment to the bill, S. 2957, supra; as follows

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. HANFORD HEALTH INFORMATION NETWORK.

Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by section 3102, $2,500,000 shall be available for activities relating to the Hanford Health Information Network established pursuant to the authority in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834), as amended by section 3138(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3087).

THURMOND (AND BINGAMAN) AMENDMENTS NOS. 2771–2772

Mr. THURMOND (for himself and Mr. BINGAMAN) proposed two amendments to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2771

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

AMENDMENT NO. 2772

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2001.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

GRAMS (AND D'AMATO) AMENDMENT NO. 2773

Mr. THURMOND (for Mr. GRAMS, for himself and Mr. D'AMATO) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, insert:

SECTION 1. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 1999''.

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''and 1998'' and inserting ''1998, and 1999''.

THURMOND AMENDMENT NO. 2774

Mr. THURMOND proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. BUDGETING FOR CONTINUED PARTICIPATION OF UNITED STATES FORCES IN NATO OPERATIONS IN BOSNIA AND HERZEGOVINA.

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

(1) Funding levels in the Department of Defense budget have not been sufficient to pay for the deployment of United States ground combat forces in Bosnia and Herzegovina that began in fiscal year 1996.

(2) The Department of Defense has used funds from the operation and maintenance accounts of the Armed Forces to pay for the operations because the funding levels included in the defense budgets for fiscal years 1996 and 1997 have not been adequate to maintain operations in Bosnia and Herzegovina.

(3) Funds necessary to continue United States participation in the NATO operations in Bosnia and Herzegovina, and to replace operation and maintenance funds used for the operations, have been requested by the President as supplemental appropriations in fiscal years 1996 and 1997. The Department of Defense has also proposed to reprogram previously appropriated funds to make up the shortfall for continued United States operations in Bosnia and Herzegovina.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) The discretionary spending limit established for the defense category for fiscal year 1998 in the Balanced Budget and Emergency Deficit Control Act of 1985 does not take into account the continued deployment of United States forces in Bosnia and Herzegovina after June 30, 1998. Therefore, the President requested emergency supplemental appropriations for the Bosnia and Herzegovina mission through September 30, 1998.

(6) Amounts for operations in Bosnia and Herzegovina were not included in the original budget proposed by the President for the Department of Defense for fiscal year 1999.

(7) The President requested $1,858,600,000 in emergency appropriations in his March 4, 1998 amendment to the fiscal year 1999 budget to cover the shortfall in funding in the fiscal year 1999 for the costs of extending the mission in Bosnia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should include in the budget for the Department of Defense that the President submits to Congress under section 1105(a) of title 31, United States Code, for each fiscal year sufficient amounts to pay for any proposed continuation of the participation of United States forces in NATO operations in Bosnia and Herzegovina for that fiscal year; and

(2) amounts included in the budget for that purpose should not be transferred from amounts that would otherwise be proposed in the budget of any of the Armed Forces in accordance with the future-years defense program related to that budget, or any other agency of the Executive Branch, but, instead, should be an overall increase in the budget for the Department of Defense.

SEC. 1065. NATO PARTICIPATION IN THE PERFORMANCE OF PUBLIC SECURITY FUNCTIONS OF CIVILIAN AUTHORITIES IN BOSNIA AND HERZEGOVINA.

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

(1) The North Atlantic Treaty Organization (NATO) has approved the creation of a multi-national specialized unit of gendarmes- or para-military police composed of European security forces to help promote public security in Bosnia and Herzegovina as a part of the post-June 1998 mission for the Stabilization Force (SFOR) authorized under the United Nations Security Council Resolution 1088 (December 12, 1996).

(2) On at least four occasions, beginning in July 1997, the Stabilization Force (SFOR) has been involved, pursuant to military annex 1(A) of the Dayton Agreement, in carrying out missions for the specific purpose of detaining war criminals, and on at least one of those occasions United States forces were directly involved in carrying out the mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States forces should not serve as civil police in Bosnia and Herzegovina.

(c) REQUIREMENT FOR REPORT.—The President shall submit to Congress, not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

SNOWE (AND CLELAND) AMENDMENT NO. 2775

Mr. THURMOND (for Ms. SNOWE, for herself and Mr. CLELAND) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. SUBMISSION OF REPORT ON OBJECTIVES OF A CONTINGENCY OPERATION WITH FIRST REQUEST FOR FUNDING THE OPERATION.

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

(1) On May 3, 1994, the President issued Presidential Decision Directive 25 declaring that American participation in United Nations and other peace operations would depend in part on whether the role of United States forces is tied to clear objectives and an endpoint for United States participation can be identified.

(2) Between that date and mid-1998, the President and other executive branch officials have obligated or requested appropriations of approximately $9,400,000,000 for military-related operations throughout Bosnia and Herzegovina without providing to Congress, in conjunction with the budget submission for any fiscal year, a strategic plan for such operations under the criteria set forth in that Presidential Decision Directive.

(3) Between November 27, 1995, and mid-1998 the President has established three deadlines, since elapsed, for the termination of United States military-related operations throughout Bosnia and Herzegovina.

(4) On December 17, 1997, the President announced that United States ground combat forces would remain in Bosnia and Herzegovina for an unknown period of time.

(5) Approximately 47,880 United States military personnel (excluding personnel serving in units assigned to the Republic of Korea) have participated in 14 international contingency operations between fiscal years 1991 and 1998.

(6) The 1998 posture statements of the Navy and Air Force included declarations that the pace of military operations over fiscal year 1997 adversely affected the readiness of nondeployed forces, personnel retention rates, and spare parts inventories of the Navy and Air Force.

(b) INFORMATION TO BE REPORTED WITH FUNDING REQUEST.—Section 113 of title 10, United States Code, is amended by adding at the end the following:

''(*l*) INFORMATION TO ACCOMPANY INITIAL FUNDING REQUEST FOR CONTINGENCY OPERATION.—Whenever the President submits to Congress a request for appropriations for costs associated with a contingency operation that involves, or likely will involve, the deployment of more than 500 members of the armed forces, the Secretary of Defense shall submit to Congress a report on the objectives of the operation. The report shall include a discussion of the following:

''(1) What clear and distinct objectives guide the activities of United States forces in the operation.

''(2) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the endpoint of the operation.''.

ROBB (AND SANTORUM) AMENDMENT NO. 2776

Mr. THURMOND (for Mr. ROBB, for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

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

(1) Officials of the Department of Defense are critically dependent on the science and technology laboratories and test and evaluation centers, of the department—

(A) to exploit commercial technology for unique military purposes;

(B) to develop advanced technology in precise areas;

(C) to provide the officials with objective advice and counsel on science and technology matters; and

(D) to lead the decisionmaking that identifies the most cost-effective procurements of military equipment and services.

(2) The laboratories and test and evaluation centers are facing a number of challenges that, if not overcome, could limit the productivity and self-sustainability of the laboratories and centers, including—

(A) the declining funding provided for science and technology in the technology base program of the Department of Defense;

(B) difficulties experienced in recruiting, retaining, and motivating high-quality personnel; and

(C) the complex web of policies and regulatory constraints that restrict authority of managers to operate the laboratories and centers in a businesslike fashion.

(3) Congress has provided tools to deal with the changing nature of technological development in the defense sector by encouraging closer cooperation with industry and university research and by authorizing demonstrations of alternative personnel systems.

(4) A number of laboratories and test and evaluation centers have addressed the challenges and are employing a variety of innovative methods, such as the so-called ''Federated Lab Concept'' undertaken at the Army Research Laboratory, to maintain the high quality of the technical program, to provide a challenging work environment for researchers, and to meet the high cost demands of maintaining facilities that are equal or superior in quality to comparable facilities anywhere in the world.

(b) COMMENDATION.—Congress commends the Secretary of Defense for the progress made by the science and technology laboratories and test and evaluation centers to achieve the results described in subsection (a)(4) and encourages the Secretary to take the actions necessary to ensure continued progress for the laboratories and test and evaluation centers in developing cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(c) PILOT PROGRAM.—(1) In conjunction with the plan for restructuring and revitalizing the science and technology laboratories and test and evaluation centers of the Department of Defense that is required by section 906 of this Act, the Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation center, of each military department with authority for the following:

(A) To explore innovative methods for quickly, efficiently, and fairly entering into cooperative relationships with universities and other private sector entities with respect to the performance of research and development functions.

(B) To waive any restrictions on the demonstration and implementation of such methods that are not required by law.

(C) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

(3) In selecting the laboratories and centers for participation in the pilot program, the Secretary shall consider laboratories and centers where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory and center for a period of three years beginning not later than March 1, 1999.

(d) REPORTS.—(1) Not later than March 1, 1999, the Secretary of Defense shall submit a report on the implementation of the pilot program to Congress. The report shall include the following:

(A) Each laboratory and center selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory or center.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory or center in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of the laboratory or center in the pilot program. The report shall contain the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at the laboratory or center under the pilot program.

GRAMM (AND MCCAIN) AMENDMENT NO. 2777

Mr. THURMOND (for Mr. GRAMM, for himself and Mr. MCCAIN) proposed an amendment to the bill, S 2057, supra; as follows:

On page 130, between lines 11 and 12, insert the following:

SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(B) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(2) The heading of title I of such Act is amended by striking out **"FOR FEDERAL OFFICE"**.

WARNER AMENDMENT NO. 2778

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title II, add the following:

SEC. 232. REVIEW OF PHARMACOLOGICAL INTERVENTIONS FOR REVERSING BRAIN INJURY.

(a) REVIEW AND REPORT REQUIRED.—The Assistant Secretary of Defense for Health Affairs shall review research on pharmacological interventions for reversing brain injury and, not later than March 31, 1999, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) The potential for pharmacological interventions for reversing brain injury to reduce mortality and morbidity in cases of head injuries incurred in combat or resulting from exposures to chemical weapons or agents.

(2) The potential utility of such interventions for the Armed Forces.

(3) A conclusion regarding whether funding for research on such interventions should be included in the budget for the Department of Defense for fiscal year 2000.

BOND (AND OTHERS) AMENDMENT NO. 2779

Mr. THURMOND (for Mr. BOND for himself, Mr. SHELBY, Mr. COVERDELL, and Mr. FAIRCLOTH) proposed three amendments to the bill, S. 2057, supra; as follows:

On page 157, strike out line 7 and insert the following:

(h) ADDITIONAL REQUIREMENTS RELATING TO FEHBP DEMONSTRATION PROJECT.—(1) Notwithstanding subsection (a)(2), the Secretary shall commence the demonstration project under subsection (d) on July 1, 1999.

(2) Notwithstanding subsection (c), the Secretary shall carry out the demonstration project under subsection (d) in four separate areas, of which—

(A) two shall meet the requirements of subsection (c)(1)(A); and

(B) two others shall meet the requirements of subsection (c)(1)(B).

(3)(A) Notwithstanding subsection (f), the Secretary shall provide for an annual evaluation of the demonstration project under subsection (d) that meets the requirements of subsection (f)(2).

(B) The Comptroller shall review each evaluation provided for under subparagraph (A).

(C) Not later than September 15 in each of 2000 through 2004, the Secretary shall submit a report on the results of the evaluation under subparagraph (A) during such year, together with the evaluation, to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(D) Not later than December 31 in each of 2000 through 2004, the Comptroller General shall submit a report on the results of the review under subparagraph (B) during such year to the committees referred to in subparagraph (C).

(i) DEFINITIONS.—In this section:

LEVIN (AND THURMOND) AMENDMENT NO. 2780

Mr. LEVIN (for himself and Mr. THURMOND) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title II, insert the following:

SEC. 219. NATO COMMON-FUNDED CIVIL BUDGET.

Of the amount authorized to be appropriated by section 201(1), $750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

At the end of subtitle B of title III, insert the following:

SEC. 314. NATO COMMON-FUNDED MILITARY BUDGET.

Of the amount authorized to be appropriated by section 30(a)(1), $227,377,000 shall be available for contributions for the common-funded Military Budget of NATO.

At the end of subtitle A of title X, insert the following:

SEC. 1014. AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR NATO COMMON-FUNDED BUDGETS.

(a) TOTAL AMOUNT.—Contributions are authorized to be made in fiscal year 1999 for the common-funded budgets of NATO, out of funds available for the Department of Defense for that purpose, in the total amount that is equal to the sum of (1) the amounts of the unexpended balances, as of the end of fiscal year 1998, of funds appropriated for fiscal years before fiscal year 1999 for payments for such budgets, (2) the amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 314, (3) the amount authorized to be appropriated under section 201(1) that is available for contribution for the NATO common-funded civil budget under section 219, and (4) the total amount of the contributions authorized to be made under section 2501.

(b) DEFINITION.—In this section, the term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of NATO (and any successor or additional account or program of NATO).

LEVIN AMENDMENT NO. 2781

Mr. LEVIN proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. REPORTS ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY.

(a) REQUIREMENT FOR REPORTS.—The Secretary of Defense shall submit to the congressional defense committees in accordance with this section reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance that would enable the Western European Union (WEU), with the consent of the NATO Alliance, to assume the political control and strategic direction of NATO assets and capabilities made available by the Alliance.

(b) REPORTS TO BE SUBMITTED.—The reports required to be submitted under subsection (a) are as follows:

(1) An initial report, submitted not later than December 15, 1998, that contains a discussion of the actions taken, and the plans for future actions, to build the European Security and Defense Identity, together with the matters required under subsection (c).

(2) A semiannual report on the progress made toward establishing the European Security and Defense Identity, submitted not later than March 15 and December 15 of each year after 1998.

(c) CONTENT OF REPORTS.—The Secretary shall include in each report under this section the following:

(1) A discussion of the arrangements between NATO and the Western European Union for the release, transfer, monitoring, return, and recall of NATO assets and capabilities.

(2) A discussion of the development of such planning and other capabilities by the Western European Union that are necessary to provide political control and strategic direction of NATO assets and capabilities.

(3) A discussion of the development of terms of reference for the Deputy Supreme Allied Commander, Europe, with respect to the European Security and Defense Identity.

(4) A discussion of the arrangements for the assignment or appointment of NATO officers to serve in two positions concurrently (commonly referred to as ''dual-hatting'').

(5) A discussion of the development of the Combined Joint Task Force (CJTF) concept, including lessons-learning from the NATO-led Stabilization Force in Bosnia.

(6) Identification within the NATO Alliance of the types of separable but not separate capabilities, assets, and support assets for Western European Union-led operations.

(7) Identification of separable but not separate headquarters, headquarters elements, and command positions for command and conduct of Western European Union-led operations.

(8) The conduct by NATO, at the request of and in coordination with the Western European Union, of military planning and exercises for illustrative missions.

(9) A discussion of the arrangements between NATO and the Western European Union for the sharing of information, including intelligence.

(10) Such other information as the Secretary considers useful for a complete understanding of the establishment of the European Security and Defense Identity within the NATO Alliance.

(d) TERMINATION OF SEMIANNUAL REPORTING REQUIREMENT.—No report is required under subsection (b)(2) after the Secretary submits under that subsection a report in which the Secretary states that the European Security and Defense Identity has been fully established.

NAZI WAR CRIMES DISCLOSURE ACT

DEWINE (AND LEAHY) AMENDMENT NO. 2782

Mr. WARNER (for DEWINE, for himself and Mr. LEAHY) proposed an amendment to the bill (S. 1379) to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nazi War Crimes Disclosure Act''.

SEC. 2. ESTABLISHMENT OF NAZI WAR CRIMINAL RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section the term—

(1) ''agency'' has the meaning given such term under section 551 of title 5, United States Code;

(2) ''Interagency Group'' means the Nazi War Criminal Records Interagency Working Group established under subsection (b);

(3) ''Nazi war criminal records'' has the meaning given such term under section 3 of this Act; and

(4) ''record'' means a Nazi war criminal record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall establish the Nazi War Criminal Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Director of the Holocaust Museum, the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 3 of this Act—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Nazi war criminal records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on the Judiciary of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 3. REQUIREMENT OF DISCLOSURE OF RECORDS REGARDING PERSONS WHO COMMITTED NAZI WAR CRIMES.

(a) NAZI WAR CRIMINAL RECORDS.—For purposes of this Act, the term ''Nazi war criminal records'' means classified records or portions of records that—

(1) pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government established with the assistance or cooperation of the Nazi government of Germany; or

(D) any government which was an ally of the Nazi government of Germany; or

(2) pertain to any transaction as to which the United States Government, in its sole discretion, has grounds to believe—

(A) involved assets taken from persecuted persons during the period beginning on March 23, 1933, and ending on May 8, 1945, by, under the direction of, on behalf of, or under authority granted by the Nazi government of Germany or any nation then allied with that government; and

(B) such transaction was completed without the assent of the owners of those assets or their heirs or assigns or other legitimate representatives.

(b) RELEASE OF RECORDS.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Nazi War Criminal Records Interagency Working Group shall release in their entirety Nazi war criminal records that are described in subsection (a).

(2) EXCEPTION FOR PRIVACY, ETC.—An agency head may exempt from release under paragraph (1) specific information, that would—

(A) constitute a clearly unwarranted invasion of personal privacy;

(B) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(C) reveal information that would assist in the development or use of weapons of mass destruction;

(D) reveal information that would impair United States cryptologic systems or activities;

(E) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(F) reveal actual United States military war plans that remain in effect;

(G) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(H) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;

(I) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(J) violate a treaty or international agreement.

(3) APPLICATION OF EXEMPTIONS.—

(A) IN GENERAL.—In applying the exemptions listed in subparagraphs (B) through (J) of paragraph (2), there shall be a presumption that the public interest in the release of Nazi war criminal records will be served by disclosure and release of the records. Assertion of such exemption may only be made when the agency head determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary of the Senate and the Committee on Government Reform and Oversight of the House of Representatives. The exemptions set forth in paragraph (2) shall constitute the only authority pursuant to which an agency head may exempt records otherwise subject to release under paragraph (1).

(B) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption listed in subparagraphs (B) through (I) of paragraph (2) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(4) LIMITATION ON APPLICATION.—This subsection shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of that office.

(c) INAPPLICABILITY OF NATIONAL SECURITY ACT OF 1947 EXEMPTION.—Section 701(a) of the National Security Act of 1947 (50 U.S.C. 431) shall not apply to any operational file, or any portion of any operational file, that constitutes a Nazi war criminal record under section 3 of this Act.

SEC. 4. EXPEDITED PROCESSING OF FOIA REQUESTS FOR NAZI WAR CRIMINAL RECORDS.

(a) EXPEDITED PROCESSING.—For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any requester of a Nazi war criminal record shall be deemed to have a compelling need for such record.

(b) REQUESTER.—For purposes of this section, the term ''requester'' means any person who was persecuted in the manner described under section 3(a)(1) of this Act who requests a Nazi war criminal record.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

SMITH AMENDMENT NO. 2783

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. ISSUANCE OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.

Section 2301(a) of title 38, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(3) deceased individual who—

''(A) was serving as a member of the Selected Reserve (as described in section 10143 of title 10) at the time of death;

''(B) had served at least one enlistment, or the period of initial obligated service, as a member of the Selected Reserve and was discharged from service in the Armed Forces under conditions not less favorable than honorable; or

''(C) was discharged from service in the Armed Forces under conditions not less favorable than honorable by reason of a disability incurred or aggravated in line of duty during the individual's initial enlistment, or period of initial obligated service, as a member of the Selected Reserve.''.

THOMAS (AND ENZI) AMENDMENTS NOS. 2784–2785

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted two amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2784

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term ''entity controlled by a foreign government'' has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term ''veterans memorial object'' means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

AMENDMENT NO. 2785

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term ''entity controlled by a foreign government'' has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term ''veterans memorial object'' means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces;

(C) caused, or contributed to bringing about, the death in combat or combat-related duties of members of the United States Armed Forces; and

(D) was brought to the United States from abroad as a memorial of combat abroad.

HUTCHISON AMENDMENTS NOS. 2786–2787

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted two amendments intended to be proposed by her to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2786

On page 222, below line 21, add the following:

SEC. 1031. REPORT ON REDUCTION OF INFRASTRUCTURE COSTS AT BROOKS AIR FORCE BASE, TEXAS.

(a) REQUIREMENT.—Not later than December 31, 1998, the Secretary of Defense shall, in consultation with the Secretary of the Air Force, submit to the congressional defense committees a report on means of reducing significantly the infrastructure costs at Brooks Air Force Base, Texas, while also maintaining or improving the support for Department of Defense missions and personnel provided through Brooks Air Force Base.

(b) ELEMENTS.—The report shall include the following:

(1) A description of any barriers (including barriers under law and through policy) to improved infrastructure management at Brooks Air Force Base.

(2) A description of means of reducing infrastructure management costs at Brooks Air Force Base through cost-sharing arrangements and more cost-effective utilization of property.

(3) A description of any potential public partnerships or public-private partnerships to enhance management and operations at Brooks Air Force Base.

(4) An assessment of any potential for expanding infrastructure management opportunities at Brooks Air Force Base as a result of initiative considered at the Base or at other installations.

(5) An analysis (including appropriate data) on current and projected costs of the ownership or lease of Brooks Air Force Base under a variety of ownership or leasing scenarios, including the savings that would accrue to the Air Force under such scenarios and a schedule for achieving such savings.

(6) Any recommendations relating to reducing the infrastructure costs at Brooks Air Force Base that the Secretary considers appropriate.

AMENDMENT NO. 2787

On page 342, below line 22, add the following:

SEC. 2827. CONVEYANCE OF UTILITY SYSTEMS, LONE STAR ARMY AMMUNITION PLANT, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey all right, title, and interest of the United States in and to any utility system, or part thereof, including any real property associated with such system, at the Lone Star Army Ammunition Plant, Texas, to the redevelopment authority for the Red River Army Depot, Texas, in conjunction with the disposal of property at the Depot under 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).

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit or otherwise limit the Secretary from conveying any utility system referred to in that subsection under any other provision of law, including section 2688 of title 10, United States Code.

(c) UTILITY SYSTEM DEFINED.—In this section, the term ''utility system'' has the meaning given that term in section 2688(g) of title 10, United States Code.

ADDITIONAL STATEMENTS

THE NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT OF 1998

● Mr. DODD. Mr. President, with this week's defeat of S. 1415, the National Tobacco Policy and Youth Smoking Reduction Act of 1998, the Senate has for the time being lost a unique opportunity to create a better future for our nation's children. Cloaked in a procedural vote, the Republican leadership of this body voted to override the will of a majority of our colleagues and scuttle an historic effort to protect our children from the ravages of tobacco. In the end, a determined minority of Republican Senators was more responsible to the wishes of the tobacco industry than the need's of America's children.

Preventing the devastation that tobacco wreaks on our children was the impetus for the considerable work that went into the drafting of this bill over the past several months. It is also the reason why many of us have been willing to devote a significant portion of the Senate's time—almost four weeks—to this cause.

We know that ninety-five percent of all adult smokers begin smoking as children. An estimated 3,000 youth start to smoke each day—a number that has been increasing for the last five years. One thousand of those children will die early as a result of taking up this deadly habit. Provisions in this legislation would have reduced by two-thirds the number of children who smoke.

Those who voted to abandon this effort have chosen to allow our children to continue purchasing over 256 million packs of cigarettes per year, providing over $500 million in revenues to tobacco companies. They have chosen to do nothing to prevent sickness and death that are certain to befall millions of children who become addicted to tobacco.

This bill would have been a tremendous step in the right direction. As originally drafted it would have comprehensively addressed the epidemic of youth smoking by funding anti-smoking campaigns and smoking cessation programs, reducing the ability of young people to buy cigarettes, and limiting the ability of tobacco manufacturers to market to children. There were also a number of other improvements offered to the bill during debate on the floor, which I was proud to support.

In particular, I was pleased to see two amendments incorporated into the bill that would have provided strong disincentives for tobacco manufacturers to continue to market to America's children. The first provision would have ensured that tobacco companies would be penalized if they marketed to children by denying them the ability to claim a tax deduction for those advertising expenses. A second amendment would require the tobacco industry to pay stiffer lookback penalties if youth smoking reduction targets were not met.

Public health and economic experts agree that the cornerstone of any effort to reduce youth smoking is a steep increase in the price of tobacco over a short time. That is why I strongly supported an amendment to increase the price of cigarettes by $1.50 per pack, the minimum amount of increase that experts agree is needed to reduce youth smoking. This price increase would have reduced the number of children smoking by 60% in one year, kept 2.7 million kids from starting smoking, and would have saved 800,000 lives. While I was disappointed that the proposal was defeated, I was encouraged that a majority of the Senate resoundingly rejected an attempt to strip from the bill the original $1.10 per pack increase—one of the bill's strongest weapons against youth smoking.

I was also proud to support a provision that would have improved the quality of child care and made it more affordable and accessible to all Americans. By setting aside for child care 50 percent of the federal portion of tobacco funds going to states, this provision would have provided a solid foundation and a concrete committment to the future health and safety of our children.

There were also a number of amendments to this legislation which I opposed out of concern that they would have significantly weakened its impact. First, I was unable to support an amendment that would have denied tobacco manufacturers any limitation on annual liabilities. Like the Administration, I believe that some limitations on liability were necessary in order to maximize our chances of passing a bill that would actually succeed in curbing youth smoking. Without such provisions, members of the industry were prepared to argue that their First Amendment rights were violated. They would have tied the legislation up in courts for decades, while leaving America's children unprotected.

Several amendments concerning limits on lawyers fees were also considered as part of the debate on this bill. While the lowest proposed limit would have perhaps inadvertently limited access by individuals to attorneys willing to take their cases, I supported subsequent amendments which offered less onerous limitations on the amount attorneys can charge to bring suit against the misdeeds of the tobacco industry.

I was troubled by efforts of some Members to divert the funds dedicated in this bill for public health purposes. For instance, while I have been a staunch supporter of anti-drug legislation, I was unable to support an amendment that would have gutted anti-tobacco public health programs in the bill in favor of poorly crafted anti-drug provisions. This amendment would have diverted public education funds to private-school vouchers for victims of school violence. A main flaw in this concept is that it offers assistance only after a student has been victimized, but does nothing to prevent crimes against children before they happen. This amendment would have also overridden the collective bargaining rights of employees of the Customs Service, undermining a successful anti-drug program developed through cooperative labor-management relations. It would have also barred Federal funds and limited non-federal funds for needle exchange programs—programs that have effectively helped control the spread of the deadly AIDS virus in our communities. Not surprisingly, this amendment was opposed by several law enforcement entities.

In contrast, the Democratic alternative, which I did support, would not have jeopardized funding for public health. This alternative would have included tough money laundering provisions, not present in the Coverdell amendment, which would have provided critical assistance to law enforcement to combat drug problems. Rather than weakening the Customs Service, it would have increased the drug interdiction budget for the agency as well as for the Coast Guard and the Department of Defense, using general revenues. In addition, the Democratic alternative would have created financial incentives for states to report on and improve the safety of schools.

I also felt compelled to vote against the marriage penalty amendment offered by the Republicans because, in my view, the amendment did not provide targeted relief to those who need it most. In fact, 60 percent of the tax cut in the provision would have gone to couples who currently enjoy a marriage bonus. Moreover, this amendment was a costly measure—costing 50 percent more in the first 10 years than the Democratic alternative that was offered, which I was pleased to support. In addition, the Republican amendment would have been partially funded

in the out-years by tapping into the projected budget surplus, potentially leaving fewer funds available for long-term Social Security reform.

The Democratic alternative to this amendment would have reduced the marriage penalty in the tax code by a much greater extent than the Republican proposal for most couples with incomes below $60,000. Indeed, this amendment was carefully targeted and would cut the marriage tax penalty more for a greater number of families. Furthermore, this proposal would have cost far less than the Republican proposal, while preserving the capacity of the tobacco bill to fulfill its fundamental purposes: cutting youth smoking, recompensing states and tobacco farmers, and improving the medical knowledge about the treatment of tobacco-related illnesses.

Mr. President, this was not a perfect bill. However, even with its flaws, it would have marked a dramatic step forward in the effort to protect children from the dangers of smoking. I was disappointed by its demise. But I firmly believe that its defeat is only a temporary one. The health of our children is simply too important for this Congress to ignore. I look forward to working with colleagues on both sides of the aisle in the days to come to address this critical issue.●

TRIBUTE TO ADITI GARG OF NEW HAMPSHIRE, 1998 DISCOVER CARD STATE TRIBUTE AWARD SCHOLARSHIP RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to commend Aditi Garg of New Hampshire for receiving the Discover Card State Tribute Award Scholarship for 1998.

Established in 1992, the Discover Card Tribute Award program honors outstanding high school juniors and seniors across the United States and overseas schools. The Tribute Award Program honors excellence in community service, leadership, special talents, unique endeavors and obstacles overcome. Of nearly 11,000 students nationwide who applied this year, only those who most exemplify these characteristics receive the scholarships. Winners may use their scholarships for any type of post-high school education or training.

Gold, silver, bronze and merit State Tribute Award scholarships are awarded in three categories of study: Arts and Humanities, Trade and Technical or Science, Business and Technology. Due to her outstanding written statement, Aditi received a silver award in the category of Science, Business and Technology Studies.

It is no wonder Aditi is one of the recipients of such a competitive award. She is a member of the National Honor Society at her high school in Salem, New Hampshire. She is also a member of the varsity tennis team, studies Indian classical dance and enjoys her volunteer work at Holy Family Hospital in Methuen, Massachusetts. Both in school and in the greater society, Aditi stands out as a model student and citizen.

I wish to congratulate Aditi for all of her accomplishments, and especially for being a distinguished recipient of the Discover Card State Tribute Award. It is an honor to represent Aditi Garg in the United States Senate.●

AN AUTHENTIC AMERICAN HERO IN OUR MIDST

● Mr. KERRY. Mr. President, those of us who serve with our distinguished colleague from Ohio, Senator JOHN GLENN, have long known him to be a very special American. We have had the privilege of working with someone who, in his Senate service that might be characterized as his third career, has demonstrated his capability as an accomplished statesman and politician. He has capably provided strong leadership to the committees on which he has served, notably including but certainly not limited to his work as Chairman and Ranking Member of the Committee on Governmental Affairs in fields as diverse as counterproliferation and government efficiency.

JOHN GLENN's public service, of course, follows his other two careers—most recently as a very successful businessman in our free enterprise economy, and, of course, as an accomplished military pilot with a distinguished record culminating in the distinction of being the first American to orbit the earth in space as one of the original seven Mercury astronauts.

This fall, Senator GLENN expects to return to space to participate in important experiments concerning the effects of space travel on senior citizens. In some ways to those of us who know him well, and watch the pace at which he works and his amazing capacity for the nearly interminable activity that consumes the lives of our nation's elected officials, it is difficult for us to see him as a senior citizen. But the calendar tells us that Senator GLENN is well into his 70's—and, in fact, will see his 77th birthday very soon. We wish him well, and, once again, many years after the first time our nation held its breath and offered him our prayers and best wishes, we will do so again later this year when he and his fellow Discovery crew members board the shuttle for the flight in which he will serve as a crew member.

On Tuesday night of this week, we colleagues in the Senate honored Senator GLENN, and met his fellow crew members, at a dinner in the Capitol. On that occasion, the Senate Democratic Leader TOM DASCHLE delivered remarks in honor of JOHN GLENN. Because Senator DASCHLE's remarks eloquently and succinctly captured much about JOHN GLENN that I believe others should know, I ask that those remarks be printed in the RECORD.●

REMARKS BY SENATE DEMOCRAT LEADER TOM DASCHLE HONORING JOHN GLENN, AN OLD-FASHIONED AMERICAN HERO

Every time I hear John talk about wanting to go back up into space to study the effects of space flight on aging bodies I think, ''Right. What does he know about aging bodies?'' John Glenn is the only person I know who can do pushups with one hand and salute the flag with the other at the same time.

So, I appointed a task force to investigate the real reasons John wants to blast back into space. Tonight, I'm releasing their report. Here are the top three reasons, in Letterman style:

Number three: It turns out, he left his billfold up there the first trip.

Number two: Before he leaves Congress, he wants to pioneer the ultimate CODEL.

And reason number one: He wants to explore places to send Ken Starr on his next assignment.

Actually, the reason John is going back into space is the same reason he's doing practically everything in his life. It is, quite simply, to serve his country.

We are here tonight to pay tribute to an old-fashioned American hero, and to thank Annie, and all the Glenn children and grandchildren, for sharing so much of John with America for so long.

About two years ago, Linda and I had the privilege of flying to China with several other members, including John and Annie. During the flight, we were able to persuade John to recollect that incredible mission aboard Friendship 7.

He told us about losing all communication during re-entry, about having to guide his spacecraft manually during the most critical point in re-entry, about seeing pieces of his spacecraft splitting off in a big fireball.

We all huddled around him with our eyes wide open. No one said a word. Listening to him, I felt the same awe I had felt when I was 14 years old, sitting in a classroom in Aberdeen, South Dakota, watching TV accounts of that flight.

I feel that inspiration now, when I think about what will be the next chapter in the life of this amazing man.

A lot of people tend to think of two John Glenns: Colonel John Glenn, the astronaut-hero; and Senator John Glenn. The truth is, there is only John Glenn—the patriot.

Love for his country is what sent John into space. It's what brought him to Washington, and compelled him to work so diligently over all these years in the Senate. As he said, when he announced that he would not seek re-election: Despite all our problems—despite our sometimes inefficient bureaucracies . . . or any of the other problems we love to complain about, America—this grand experiment in democracy—this ongoing work in progress—is still the greatest nation in the history of the world and still a shining beacon of hope and opportunity.

People who have been there say you see the world differently from space. You see the ''big picture.'' You see how small and interconnected our planet is. Perhaps it's because he came to the Senate with that perspective that John has fought so hard against nuclear proliferation. As a Wall Street Journal reporter wrote recently, ''He has been the Senate scold who lectured everybody who would listen, and some who wouldn't, about the need to stop the spread of nuclear arms.''

I don't know about that ''Senate scold'' part. But I do know that America is lucky that John Glenn went up the first time and gained that perspective. And the country is very lucky that he is going up again. And those of us who are his colleagues are the luckiest of all, for having had the chance to serve with, and be inspired by him, between his two trips.●

TRIBUTE TO SUSAN WOOD OF NEW HAMPSHIRE 1998 DISCOVER CARD STATE TRIBUTE AWARD SCHOLARSHIP RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to commend Susan Wood of New Hampshire for receiving the Discover Card State Tribute Award Scholarship for 1998.

Established in 1992, the Discover Card Tribute Award program honors outstanding high school juniors and seniors across the United States and overseas schools. The Tribute Award Program honors excellence in community service, leadership, special talents, unique endeavors and obstacles overcome. Of nearly 11,000 students nationwide who applied this year, only those who most exemplify these characteristics receive the scholarships. Winners may use their scholarships for any type of post-high school education or training.

Gold, silver, bronze and merit State Tribute Award scholarships are awarded in three categories of study: Arts and Humanities, Trade and Technical or Science, Business and Technology. Due to her outstanding written statement, Susan received a silver award in the category of Trade and Technical Studies.

It is no wonder Susan is one of the recipients of such a competitive award. She is a long-standing member of 4H on the National Level and has served as President of her local chapter. Through 4H, she has volunteered for many community service projects. As a member of an equestrian team, Susan has displayed her leadership qualities by competing successfully, riding in the Eastern States Fair competitions. She is also a member of the Junior National Honor Society at her high school in West Swanzey, New Hampshire. Susan shines as a model student, athlete and citizen.

I wish to congratulate Susan for all of her accomplishments, and especially for being a distinguished recipient of the Discover Card State Tribute Award. It is an honor to represent Susan Wood in the United States Senate.●

ACKNOWLEDGING THE EXCELLENT WORK OF HEATHER MACLAUGHLIN AND ALAN JOHNSTON

● Mr. WELLSTONE. Mr. President, I rise today to acknowledge the excellent work of two musicians from Minnesota. On June 4, Heather MacLaughlin and Alan Johnston performed at the Kennedy Center. These two are not only excellent musicians, but they are teachers and leaders as well.

Ms. MacLaughlin is one of the Twin Cities' leading collaborative pianists. She has performed with the Minnesota Orchestra and St. Paul Chamber Orchestra and her performances have been aired on both Minnesota and National Public Radio. She is a recipient of the prestigious McKnight Artist Fellowship award with violinist Leslie Shank. This award will allow the two performers to record the Bartok Sonatas for violin and piano and showcase their talents to a national audience.

Mr. Johnston is the founder of the Minneapolis Guitar Quartet (MGC) which is nationally recognized for its excellence. The MGC has performed throughout the United States and on the nationally syndicated radio program St. Paul Sunday Morning. In addition, they have also represented the United States abroad, performing in South America and Spain.

On June 4, these two outstanding performers were invited to showcase their talents here in our nation's capital at the Kennedy Center for the Performing Arts. Through this performance the people of Washington benefitted from the talent that we in Minnesota have already been exposed to.

MacLaughlin and Johnston carry on the tradition of great performers who share their knowledge with others so that they, too, may realize their potential. Both are teachers at the MacPhail Center for the Arts in Minneapolis. The MacPhail Center was founded by Minneapolis Symphony member William S. MacPhail in 1907. It has grown out of its humble beginnings of four teachers and 82 students into the second largest community music school in the country. Its 125 instructors teach in over 40 instrument areas, and the school has exceptional programs in Early Childhood Arts and in Suzuki Talent Education.

We in Minnesota are proud of our strong arts community and of the tradition that the Twin Cities area is developing as a center for artistic and cultural expression. The MacPhail Center has made an enormous contribution to the study and enjoyment of music in our community. I am pleased to congratulate the MacPhail Center as well as Heather MacLaughlin and Alan Johnston.●

TRIBUTE TO SARA D. MCLAUGHLIN OF NEW HAMPSHIRE, 1998 DISCOVER CARD STATE TRIBUTE AWARD SCHOLARSHIP RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to commend Sara McLaughlin of New Hampshire for receiving the Discover Card State Tribute Award Scholarship for 1998.

Established in 1992, the Discover Card Tribute Award program honors outstanding high school juniors and seniors across the United States and overseas schools. The Tribute Award Program honors excellence in community service, leadership, special talents, unique endeavors and obstacles overcome. Of nearly 11,000 students nationwide who applied this year, only those who most exemplify these characteristics receive the scholarships. Winners may use their scholarships for any type of post-high school education or training.

Gold, silver, bronze and merit State Tribute Award scholarships are awarded in three categories of study: Arts and Humanities, Trade and Technical or Science, Business and Technology. Due to her outstanding written statement, Sara received a gold award in the category of Science, Business and Technology Studies.

It is no wonder Sara is one of the recipients of such a competitive award. The many activities in which she participates at Gilford Middle High School in Gilford, New Hampshire, include Students Against Drunk Driving, multiple drama productions and Student Council, where she was appointed vice president for two consecutive years. Sara is also a New England ranked competitive swimmer. In addition, she finds time to participate in the ''Big Brother, Big Sister'' program and Interact Society, a local community service group. She currently holds a ranking of third in her academic class, and aspires to study medicine in the coming years. Sara's many accomplishments and involvements easily illustrate her importance as a model student, leader and citizen in society.

I wish to congratulate Sara for all of her accomplishments, and especially for being a distinguished recipient of the Discover Card State Tribute Award. It is an honor to represent Sara D. McLaughlin in the United States Senate.●

WEST VIRGINIA'S 135TH ANNIVERSARY

● Mr. ROCKEFELLER. Mr. President, I would like to pause for a moment to recognize the achievements of the great state of West Virginia, a land of rugged beauty, vast natural and mineral resources, and a hard-working citizenry. The people of West Virginia celebrate these qualities every day, but today is a special occasion when we celebrate West Virginia's 135th anniversary. It was June 20, 1863 when West Virginia rose from the pain of a house divided and took its place as the nation's 35th state.

The patriotism and commitment to freedom that led West Virginia to split from Virginia in this country's darkest hour have defined the state's history since then. West Virginia was the first state to institute Rural Free Delivery of mail, and its miners led the way in the progressive labor movements of the early 1900's. A leading producer of coal and steel, West Virginia and its people were essential to this nation's wartime economy.

West Virginia's economy continues to expand into the 21st Century. The state is now on track to become a major producer of everything from automobile engines to aircraft to telemarketing services. In addition, more tourists than ever flock to West Virginia's mountains and valleys for their scenic beauty, recreation opportunities, and friendly folk. West Virginia offers skiing in the winter, blazing colors in the fall, hiking and water sports

in the spring and summer, and treasures like historic Harpers Ferry year-round.

I am proud to represent West Virginia in this distinguished body. I hope my colleagues will join me in celebrating West Virginia's 135th year in the Union, and that they and their constituents can gain inspiration from West Virginia's motto, Mountaineers Are Always Free.●

TRIBUTE TO ANDREA L. ALDRICH OF NEW HAMPSHIRE, 1998 DISCOVER CARD STATE TRIBUTE AWARD SCHOLARSHIP RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to commend Andrea Aldrich of New Hampshire for receiving the Discover Card State Tribute Award Scholarship for 1998.

Established in 1992, the Discover Card Tribute Award program honors outstanding high school juniors and seniors across the United States and overseas schools. The Tribute Award Program honors excellence in community service, leadership, special talents, unique endeavors, and obstacles overcome. Of nearly 11,000 students nationwide who applied this year, only those who most exemplify these characteristics receive the scholarships. Winners may use their scholarships for any type of post-high school education or training.

Gold, silver, bronze and merit State Tribute Award scholarships are awarded in three categories of study: Arts and Humanities, Trade and Technical or Science, Business and Technology. Due to her outstanding written statement, Andrea received a gold award in the category of Trade and Technical Studies.

It is no wonder Andrea is one of the recipients of such a competitive award. A member of National Honor Society, student council, a peer mediator, and captain of the varsity cheerleading team at Plymouth Regional High School in Plymouth, New Hampshire, Andrea has proven her leadership abilities in varying experiences.

In addition, she has found the time to improve the community around her in many ways. In 1995, a self-initiated community service program was begun by Andrea in order to assist underprivileged school-age children in obtaining school supplies. This program, entitled ''School Collectibles,'' has been so successful that it led to Andrea's receiving a bronze 1997 Prudential Spirit of Community Award in New Hampshire. In order to extend her services beyond the state, Andrea paid her own way to Philadelphia to volunteer at St. Francis' Soup Kitchen for an entire April school vacation. She has long been involved in theater productions at school, and has been a dancer for many years. Andrea's generosity, leadership skills and talent in theater illustrate only some of the outstanding characteristics that make her a model citizen and a well-rounded, motivated person.

I wish to congratulate Andrea for all of her accomplishments, and especially for being a distinguished recipient of the Discover Card State Tribute Award. It is an honor to represent Andrea L. Aldrich in the United States Senate.●

FISCAL YEAR 1999 ENERGY/WATER APPROPRIATIONS BILL

● Mr. MCCAIN. Mr. President, I voted in favor of this bill, the FY 1999 Energy/Water Appropriations bill. There is much to support in the bill.

In particular, it provides essential resources to preserve and maintain our nation's waterways, support safe and efficient cleanup of nuclear waste, and promote more constructive utilization of our energy resources. And while the bill increases spending for these items over last year's level, the overall spending provided in this bill is more than $350 million less than the amount requested by the Administration.

However, as elected officials, we bear no greater responsibility than to ensure that the American people's hard-earned tax dollars are utilized in the most prudent fashion for essential government functions and services. Open and fair consideration of federal expenditures is the cornerstone of maintaining public confidence in their government.

I fully realize the daunting task faced by the Appropriations Committee in allocating limited funds among diverse, competing interests and priorities. Yet I am disappointed when the decisions on priorities reflect not national priorities, but parochial and political priorities.

As we begin the appropriations season with consideration of the FY 1999 Energy/Water Appropriations bill, I am once again astounded at the volume and creativity of the shortcuts that the Congress uses to circumvent the normal, merit-based review of spending decisions.

This bill includes over $920 million for hundreds of earmarks in both bill and report language. These are earmarks for projects that are unrequested, unauthorized, and location-specific, and that have not been considered in the appropriate merit-based review process. It also contains earmarks for vaguely stated projects for which only a cursory explanation, or none at all, is provided to the Senate.

Mr. President, I prepared a list of objectionable provisions in this bill, which totalled 19 pages. This list is available on my website at http://www.senate.gov/mccain.

Let me take just a moment to bring to my colleagues' attention some of the most egregious provisions in this legislation:

An earmark of an additional $3.9 million for maintaining outdoor recreation facilities at Ponce de Leon, Florida. It is somewhat hard to imagine what types of facilities in a single location require nearly $4 million in maintenance per year.

An earmark of $200,000 for feasibility studies along the Alabama River below the Claiborne Lock and Dam to determine measures necessary to improve the navigation channel in order for projects along the river to realize their full economic potential.

Certainly, it would be unfortunate if the businesses located along this stretch of the Alabama River were hindered in any way from economic success by virtue of the condition of the navigation channel. However, would it not be reasonable to expect those businesses and local communities to contribute at least to studying possible improvements to enhance their operations?

An earmark of $8 million to initiate a general reevaluation report to determine the feasibility of further deepening the Miami Harbor Channel in Florida and providing reimbursement to local sponsors. Mind you, this is not $8 million to deepen the channel—it is simply to study the feasibility of deepening the channel. And this $8 million is not necessarily the full amount that will be required to complete that study and, of course, to reimburse local sponsors of the project.

An earmark of an additional $5 million in the flood control account for construction at the Louisiana State Penitentiary. Unfortunately, the committee report sheds no light on what type of construction is involved, nor does it provide any justification for an increase of $5 million above a request of just $400,000.

An additional $2.3 million earmarked in a line item entitled ''Project modification for improvement of the environment'' for the Lower Hamm Creek, Washington, restoration project. This seems to be a start-to-finish sort of add-on; the report language states this funding is to be used to ''complete plans and specifications, and initiate and complete construction'' of the project. Let's hope there is not another add-on next year.

An earmarked add-on of $5 million for the Alaska Power Administration, for which no funding was requested. This entity is in the process of being sold to the State of Alaska, but this bill requires the taxpayers to spend $5 million, in addition to the $2.5 million already spent, to repair or replace a cable prior to the sale.

And finally, with all due respect to my colleague from Alaska, the Chairman of the Appropriations Committee, I must question the earmark of $20 million to establish a new commission, called the Denali Commission. This commission is established to prepare a comprehensive plan to spur Alaska's economic growth. I have several concerns about this supposedly temporary commission. Why are all Americans required to contribute to the preparation of this study, which will benefit only Alaska? Will this commission follow the same costly footsteps as the Appalachian Regional Commission, which

was established as a temporary entity and, 30 years later, will receive $67 million more from taxpayers across America?

Mr. President, this is the kind of behind-the-scenes sidestepping of the checks and balances on federal spending that continues to undermine the public's trust in their elected officials. The practice of earmarking projects based on parochial, rather than national, interests is one of the principal reasons the public holds the Congress in low esteem.

Ironically, Mr. President, the Committee admonishes the Administration for ''inappropriate uses of appropriations'' in its report language. Yet, this bill endorses, in fact, mandates inappropriate spending to the tune of $920 million.

I had thought that we were making positive progress in eliminating wasteful and unnecessary spending from the legislative process. Unfortunately, the earmarks and set-asides in this bill greatly exceed the level in last year's Energy/Water Appropriations bill. Last year, the Senate earmarked $312 million in its version of the bill. This bill earmarks $920 million, which is nearly three times the amount of earmarks in last year's bill.

Mr. President, is it any wonder that Americans continue to express a sense of cynicism about government?

Mr. President, I urge my colleagues on both sides of the aisle and in both Houses to work harder to curb our habit of funneling resources to provincial ventures. Serving the public good must continue to be our mandate, and we can only live up to that charge by keeping the process free of unfair and unnecessary spending that further burdens the American taxpayer.●

FIFTEENTH ANNIVERSARY OF THE CONGRESS-BUNDESTAG YOUTH EXCHANGE PROGRAM

● Mr. LUGAR. Mr. President, it is my pleasure today to recall that fifteen years ago, the U.S. Congress and the Bundestag of the Federal Republic of Germany resolved to establish and cosponsor the Congress-Bundestag Youth Exchange Program (CBYX). This decision was in recognition of the longstanding ties of friendship between the peoples of Germany and the United States, in particular the special sense of partnership that existed, and still exists, between our two legislatures, and the importance of continuing to build and strengthen that relationship.

Our common aim was to make a lasting and substantial contribution to the peace of the world by making it possible for young people from our two countries, regardless of their means, to spend a school year abroad, learning about the other country's culture and way of life through extended first-hand experience. We recognized then, and we should reaffirm now, that this kind and quality of people-to-people exchange is crucial to building and maintaining understanding between nations.

Since June of 1983, over 11,000 young people from Germany and the U.S. have participated in this exchange. Perhaps more importantly, German and American families have hosted these 11,000 participants, taking them into their homes and communities, forming enduring friendships, and nurturing their ability to see the world through another's eyes. The earliest of these participants are mature adults now, many of them assuming positions of leadership in their communities, their horizons forever broadened in their youth by their experience in the Congress-Bundestag Youth Exchange.

Citizens like these are the foundation upon which the close partnership between Germany and the U.S. ultimately rests. As we look forward to even greater unity among the nations of a Europe that will soon include countries once separated by the Iron Curtain and we recognize the leading role that Germany plays in that process, the importance of this partnership is abundantly clear. The success of the CBYX program over the past fifteen years forms one of the essential elements of this bond, and we should do whatever we can to ensure the program's future.

Threfore, on the occasion of the fifteenth anniversary of this remarkable program, I extend very special greetings on behalf of the United States Senate to our fellow legislators in the German Bundestag. I sincerely hope that the Congress-Bundestag Youth Exchange Program continues to strengthen the deep ties of friendship and understanding between our two peoples.●

TRIBUTE TO TOM A. ROGERS OF NEW HAMPSHIRE, 1998 DISCOVER CARD STATE TRIBUTE AWARD SCHOLARSHIP RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to commend Tom A. Rogers of New Hampshire for receiving the Discover Card State Tribute Award Scholarship for 1998.

Established in 1992, the Discover Card Tribute Award program honors outstanding high school juniors and seniors across the United States and overseas schools. The Tribute Award Program honors excellence in community service, leadership, special talents, unique endeavors and obstacles overcome. Of nearly 11,000 students nationwide who applied this year, only those who most exemplify these characteristics receive the scholarships. Winners may use their scholarships for any type of post-high school education or training.

Gold, silver, bronze and merit State Tribute Award scholarships are awarded in three categories of study: Arts and Humanities, Trade and Technical or Science, Business and Technology. Due to his outstanding written statement, Tom received a bronze award in the category of Science, Business and Technology Studies.

It is no wonder Tom is one of the recipients of such a competitive award. A member of National Honor Society, and currently ranked first in his academic class, Tom is nothing short of a model student for all of his peers. In addition, he is a member of the Math Team, Outing Club and the Cross Country Team at Farmington High School in Farmington, New Hampshire. Due to his stellar academic achievements, Tom participates in University of New Hampshire's ''Project Search,'' a lecture series designed to allow advanced students across the state meet one another and discuss various topics of importance. All of the activities in which Tom participates illustrate his integral role as a member of his community.

I wish to congratulate Tom for all of his accomplishments, and especially for being a distinguished recipient of the Discover Card State Tribute Award. It is an honor to represent Tom A. Rogers in The United States Senate.●

TRIBUTE TO MICHELLE K. FRANKE OF NEW HAMPSHIRE, 1998 DISCOVER CARD STATE TRIBUTE AWARD SCHOLARSHIP RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to commend Michelle K. Franke of New Hampshire for receiving the Discover Card State Tribute Award Scholarship for 1998.

Established in 1992, the Discover Card Tribute Award program honors outstanding high school juniors and seniors across the United States and overseas schools. The Tribute Award Program honors excellence in community service, leadership, special talents, unique endeavors and obstacles overcome. Of nearly 11,000 students nationwide who applied this year, only those who most exemplify these characteristics receive the scholarships. Winners may use their scholarships for any type of post-high school education or training.

Gold, silver, bronze and merit State Tribute Award scholarships are awarded in three categories of study: Arts and Humanities, Trade and Technical or Science, Business and Technology. Due to her outstanding written statement, Michelle received a bronze award in the category of Arts and Humanities Studies.

It is no wonder Michelle is one of the recipients of such a competitive award. Throughout the past three years, Michelle's activities have included the National Honor Society, track team, cross country running team, poetry club and drama club at Kennett High School in Conway, New Hampshire. She has represented her school and community at the Summer Institute for the Gifted, the Teen Institute, the Teen Leadership Conference and the World Affairs Seminar. Michelle is also a volunteer at the public library and at a local nursing home.

In addition, Michelle will be traveling to Poland this summer for the purpose of meeting with Polish teens and helping them with their English proficiency. This trip illustrates Michelle's commitment not only to her immediate community, but to all of humanity. Not only is Michelle incredibly active within the community, but she has also maintained outstanding grades, and she is currently ranked second in her academic class. Michelle continuously shines as a model student and citizen.

I wish to congratulate Michelle for all of her accomplishments, and especially for being a distinguished recipient of the Discover Card State Tribute Award. It is an honor to represent Michelle K. Franke in the United States Senate.●

TRIBUTE TO GRAZIELLA G. MATTY OF NEW HAMPSHIRE, 1998 DISCOVER CARD STATE TRIBUTE AWARD SCHOLARSHIP RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to commend Graziella G. Matty of New Hampshire for receiving the Discover Card State Tribute Award Scholarship for 1998.

Established in 1992, the Discover Card Tribute Award program honors outstanding high school juniors and seniors across the United States and overseas schools. The Tribute Award Program honors excellence in community service, leadership, special talents, unique endeavors and obstacles overcome. Of nearly 11,000 students nationwide who applied this year, only those who most exemplify these characteristics receive the scholarships. Winners may use their scholarships for any type of post-high school education or training.

Gold, silver, bronze and merit State Tribute Award scholarships are awarded in three categories of study: Arts and Humanities, Trade and Technical or Science, Business and Technology. Due to her outstanding personal statement, Graziella received a silver award in the category of Arts and Humanities Studies.

It is no wonder Graziella is one of the recipients of such a competitive award. As a member of the National Honor Society, captain of the Debate Team, and ambassador for the Hugh O'Brian Youth Foundation, she has demonstrated her leadership abilities continuously at Salem High School in Salem, New Hampshire. Graziella has also displayed a marked interest in archaeology by excelling in an archaeologic methods collegiate level course at Plymouth State College, and she was named the ''New Hampshire Archaeology Rookie of the Year'' in 1997.

In addition, Graziella finds time to participate in the Model UN and play soccer for the varsity team. In various facets of her school life and greater community, Graziella has successfully illustrated her importance as a model student and citizen.

I wish to congratulate Graziella for all of her accomplishments, and especially for being a distinguished recipient of the Discover Card State Tribute Award. It is an honor to represent Graziella G. Matty in The United States Senate.●

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF SUSAN MOLLWAY

Mr. WARNER. As in executive session, I ask unanimous consent that on Monday, June 22, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of Calendar No. 596, the nomination of Susan Mollway. I further ask unanimous consent there be 2 hours for debate equally divided between the chairman and ranking member of the Judiciary Committee. I finally ask unanimous consent that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, and following that vote the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

50TH ANNIVERSARY OF THE INTEGRATION OF THE ARMED FORCES

Mr. WARNER. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 104 introduced earlier today by Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Con. Res. 104) commemorating the 50th anniversary of the Armed Forces.

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

Ms. MOSELEY-BRAUN. Mr. President, I am honored today to offer a resolution that celebrates the 50 year anniversary of the integration of the U.S. Armed Forces. This resolution commemorates that historic day, July 28, 1948, when this country took a bold new step toward ensuring that our Armed Services reflected the tenets of democracy that this country stands for.

Dr. Martin Luther King once said that the Declaration of Independence was a Declaration of Intent. By that he meant that the commitments of that eternal document, when written, did not at the time apply to all Americans, but only to some of them. Women are excluded altogether, native Americans and poor had less rights than landowners, and blacks were counted as three-fifths of a person. And yet, the vision and the truth of the principles set forth in the Declaration and Constitution of this great country have been the bedrock foundation of the patriotism of all Americans over time, no matter their condition at the time of its crafting, and no matter how difficult the struggle for equality and realization of that intent.

''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.''

The rights so eloquently articulated in the Declaration defined in the Constitution could only be established, and later defended, by a strong military. Our armed forces, indeed all Americans, owe a debt of gratitude to President Truman, who fifty years ago strengthened our military and our society by issuing Executive Order No. 9981 thereby integrating the U.S. Armed Forces.

Americans of African descent were eager to defend the ideal and the promise of this noble experiment in self-government from the very beginning. During the Revolutionary War, more than 5,000 free blacks fought to establish these United States of America. Rhode Island had a black battalion, and African-American men and women served in units from the various states as laborers, spies, nurses, cavalry, and infantrymen. During the Civil War, Harriet Tubman served as a union spy, a volunteer nurse, and a freedom fighter. So often was she in the field, that some soldiers affectionately dubbed her ''General Tubman.''

In no military conflict were Americans of African descent unwilling to offer their very lives to the service of their country, no matter the condition of their citizenship. My own grandfather served in the Army in World War 1, and I have vague recollections of stories of the experiences he had in France during that world-shaping cataclysm. He left, and returned to an America of Jim Crow apartheid, but was proud to have done his part to preserve freedom. His service, and that of others was founded on their sincere love of America, and their belief in its ideals. He believed in the Declaration of Intent, and was prepared to give his life in behalf of its promise.

Continuing that tradition, my father served in World War II. Up until World War II, enlistment of Americans of African descent had been limited, but one year after Pearl Harbor, there were approximately 400,000 African Americans in the Army. By the end of the war, there were more than 150,000 in the Navy. In 1948, Harry Truman moved the Declaration of Intent closer to reality when he integrated the armed forces. He made it possible for Americans of color to participate as Americans in defense of the ideal liberty. By Executive Order 9981, he was able to breath life into the promise of equality, and in so doing gave added honor to the valor and commitment of all Americans.

In all branches of the military service, the decision to end the divisions

based on color and race allowed this country to tap the talents of 100% of her people, and in so doing, expand and strengthened the pool of talent in defense of the liberties of us all.

The audacity of Truman's decision and his vision, were controversial at the time, but the wisdom of it paved the way not only or a winning military, but a nation's opportunity to live up to its promise. The valor of many of those who served was overlooked or downplayed at the time, as the nation undertook the slow adjustment to the change Truman encouraged. We are just now, after a Shaw University study and the reexamination of some of their contributions, acknowledging the role and heroism of some of those soldiers. Just last year, the President awarded medals of honor to seven black Americans for their valor in World War II.

Truman recognized the value of diversity. It lay not only in the singular talent and contributions of some, but in the collective vigor of the whole. Our great nation has been forged by the sacrifice of Americans of every stripe, by the values which define us as one people. The military services have led the country in providing opportunities for excellence, and the defense of our country has benefitted from that leadership. Excellence and honor, valor and patriotism are values which bring us together as Americans, and shape our national character. Truman's decision made us a ''More Perfect Nation'' and continues to this day to be a shinning example of leadership.

I urge my colleagues to join me in sponsoring this resolution, and in doing so celebrating the diversity of our nation's Armed Forces.

Mr. WARNER. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD at the appropriate place as if read.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Con. Res. 104), with its preamble, reads as follows:

Whereas 50 years ago on July 28, 1948, President Truman issued Executive Order No. 9981 that stated that it is essential that there be maintained in the Armed Services of the United States the highest standards of democracy, with equality of treatment and opportunity for all those who serve in our country's defense;

Whereas President Truman declared that there shall be equality of treatment and opportunity for all persons in the Armed Services without regard to race, color, religion, or national origin;

Whereas soon after the Executive order was issued American soldiers fighting in Korea led the way to a fully integrated Army;

Whereas after the enactment of the Civil Rights Act of 1964, the Armed Forces resolved to implement the legislation as a new opportunity to provide all members of the Armed Forces with freedom from discrimination within and outside its military communities;

Whereas the efforts of the Armed Forces to ensure the equality of treatment and opportunity for its members contributed significantly to the advancement of that goal for all Americans;

Whereas minorities serve today in senior leadership positions throughout the Armed Forces, as officers, senior non-commissioned officers, and civilian leaders; and

Whereas the Armed Forces have demonstrated a total and continuing commitment to ensuring the equality of treatment and opportunity for all persons in the Total Force, both military and civilian: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the United States Armed Forces for its efforts, leadership, and success in providing equality of treatment and opportunity; and

(2) recognizes the commemoration by the Department of Defense on July 24, 1998, of the 50th anniversary of the integration of the Armed Forces.

NAZI WAR CRIMES DISCLOSURE ACT

Mr. WARNER. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 323, S. 1379.

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

The legislative clerk read as follows:

A bill (S. 1379) to amend section 552 of title V, United States Code and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[SEC. 4. EXPEDITED PROCESSING OF REQUESTS FOR NAZI WAR CRIMINAL RECORDS.

[(a) DEFINITIONS.—In this section, the term—

[(1) ''Nazi war criminal record'' has the meaning given the term under section 552(h)(1) of title 5, United States Code (as added by section 2(a)(2) of this Act); and

[(2) ''requester'' means any person who was persecuted in the manner described under section 552(h)(1)(A) of title 5, United States Code (as added by section 2(a)(2) of this Act), who requests a Nazi war criminal record.

[(b) EXPEDITED PROCESSING.—For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any requester of a Nazi war criminal record shall be deemed to have a compelling need for such record.

[SEC. 5. EFFECTIVE DATE.

[The amendments made by this Act shall apply to requests under section 552 of title 5, United States Code (known as Freedom of Information Act requests) received by an agency after the expiration of the 90-day period beginning on the date of enactment of this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nazi War Crimes Disclosure Act''.

SEC. 2. ESTABLISHMENT OF NAZI WAR CRIMINAL RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section the term—

(1) ''agency'' has the meaning given such term under section 551 of title 5, United States Code;

(2) ''Interagency Group'' means the Nazi War Criminal Records Interagency Working Group established under subsection (b);

(3) ''Nazi war criminal records'' has the meaning given such term under section 3 of this Act; and

(4) ''record'' means a Nazi war criminal record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall establish the Nazi War Criminal Records Interagency Working Group.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group the heads of agencies who the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 3 of this Act—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all Nazi war criminal records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

SEC. 3. REQUIREMENT OF DISCLOSURE OF RECORDS REGARDING PERSONS WHO COMMITTED NAZI WAR CRIMES.

(a) NAZI WAR CRIMINAL RECORDS.—For purposes of this Act, the term ''Nazi war criminal records'' means records or portions of records that—

(1) pertain to the activities of any person with respect to which the United States Government, in its sole discretion, has grounds to believe—

(A) occurred, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with—

(i) the Nazi government of Germany;

(ii) any government in any area occupied by the military forces of the Nazi government of Germany;

(iii) any government established with the assistance or cooperation of the Nazi government of Germany; or

(iv) any government which was an ally of the Nazi government of Germany; and

(B) involved the ordering, incitement, assistance, or other participation in the persecution of any person because of race, religion, national origin, or political opinion; or

(2) pertain to any transaction as to which the United States Government, in its sole discretion, has grounds to believe—

(A) involved assets taken from persecuted persons during the period beginning on March 23, 1933, and ending on May 8, 1945, by, under the direction of, on behalf of, or under authority granted by the Nazi government of Germany or any nation then allied with that government; and

(B) such transaction was completed without the assent of the owners of those assets or their

heirs or assigns or other legitimate representatives.

(b) RELEASE OF RECORDS.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Nazi War Criminal Records Interagency Working Group shall release in their entirety Nazi war criminal records that are described in subsection (a).

(2) EXCEPTION FOR PRIVACY, ETC.—An agency head may exempt from release under paragraph (1) specific information, that would—

(A) constitute a clearly unwarranted invasion of personal privacy;

(B) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(C) reveal information that would assist in the development or use of weapons of mass destruction;

(D) reveal information that would impair United States cryptologic systems or activities;

(E) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(F) reveal actual United States military war plans that remain in effect;

(G) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(H) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;

(I) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(J) violate a statute, treaty, or international agreement.

(3) APPLICATION OF EXEMPTIONS.—In applying the exemptions listed in subparagraphs (B) through (J) of paragraph (2), there shall be a presumption that the public interest in the release of Nazi war criminal records will be served by disclosure and release of the records. Assertion of such exemption may only be made when the agency head determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Senate Committee on the Judiciary.

(4) LIMITATION ON APPLICATION.—This subsection shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of that office.

(c) INAPPLICABILITY OF NATIONAL SECURITY ACT OF 1947 EXEMPTION.—Section 701 of the National Security Act of 1947 (50 U.S.C. 431) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) Subsection (a) shall not apply to any operational file, or any portion of any operational file, that constitutes a Nazi war criminal record under section 3 of the Nazi War Crimes Disclosure Act.''.

SEC. 4. EXPEDITED PROCESSING OF FOIA REQUESTS FOR NAZI WAR CRIMINAL RECORDS.

(a) EXPEDITED PROCESSING.—For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any requester of a Nazi war criminal record shall be deemed to have a compelling need for such record.

(b) REQUESTER.—For purposes of this section, the term ''requester'' means any person who was persecuted in the manner described under section 3(a)(1)(B) of this Act who requests a Nazi war criminal record.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

AMENDMENT NO. 2782

Mr. WARNER. Senator DEWINE and Senator LEAHY have a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DEWINE, for himself and Mr. LEAHY, proposes an amendment numbered 2782.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nazi War Crimes Disclosure Act''.

SEC. 2. ESTABLISHMENT OF NAZI WAR CRIMINAL RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section the term—

(1) ''agency'' has the meaning given such term under section 551 of title 5, United States Code;

(2) ''Interagency Group'' means the Nazi War Criminal Records Interagency Working Group established under subsection (b);

(3) ''Nazi war criminal records'' has the meaning given such term under section 3 of this Act; and

(4) ''record'' means a Nazi war criminal record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall establish the Nazi War Criminal Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Director of the Holocaust Museum, the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 3 of this Act—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Nazi war criminal records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on the Judiciary of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 3. REQUIREMENT OF DISCLOSURE OF RECORDS REGARDING PERSONS WHO COMMITTED NAZI WAR CRIMES.

(a) NAZI WAR CRIMINAL RECORDS.—For purposes of this Act, the term ''Nazi war criminal records'' means classified records or portions of records that—

(1) pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government established with the assistance or cooperation of the Nazi government of Germany; or

(D) any government which was an ally of the Nazi government of Germany; or

(2) pertain to any transaction as to which the United States Government, in its sole discretion, has grounds to believe—

(A) involved assets taken from persecuted persons during the period beginning on March 23, 1933, and ending on May 8, 1945, by, under the direction of, on behalf of, or under authority granted by the Nazi government of Germany or any nation then allied with that government; and

(B) such transaction was completed without the assent of the owners of those assets or their heirs or assigns or other legitimate representatives.

(b) RELEASE OF RECORDS.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Nazi War Criminal Records Interagency Working Group shall release in their entirety Nazi war criminal records that are described in subsection (a).

(2) EXCEPTION FOR PRIVACY, ETC.—An agency head may exempt from release under paragraph (1) specific information, that would—

(A) constitute a clearly unwarranted invasion of personal privacy;

(B) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(C) reveal information that would assist in the development or use of weapons of mass destruction;

(D) reveal information that would impair United States cryptologic systems or activities;

(E) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(F) reveal actual United States military war plans that remain in effect;

(G) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(H) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;

(I) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(J) violate a treaty or international agreement.

(3) APPLICATION OF EXEMPTIONS.—

(A) IN GENERAL.—In applying the exemptions listed in subparagraphs (B) through (J) of paragraph (2), there shall be a presumption that the public interest in the release of Nazi war criminal records will be served by disclosure and release of the records. Assertion of such exemption may only be made when the agency head determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary of the Senate and the Committee on Government Reform and Oversight of the House of Representatives. The exemptions set forth in paragraph (2) shall constitute the only authority pursuant to which an agency head may exempt records otherwise subject to release under paragraph (1).

(B) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption listed in subparagraphs (B) through (I) of paragraph (2) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(4) LIMITATION ON APPLICATION.—This subsection shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of that office.

(c) INAPPLICABILITY OF NATIONAL SECURITY ACT OF 1947 EXEMPTION.—Section 701(a) of the National Security Act of 1947 (50 U.S.C. 431) shall not apply to any operational file, or any portion of any operational file, that constitutes a Nazi war criminal record under section 3 of this Act.

SEC. 4. EXPEDITED PROCESSING OF FOIA REQUESTS FOR NAZI WAR CRIMINAL RECORDS.

(a) EXPEDITED PROCESSING.—For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any requester of a Nazi war criminal record shall be deemed to have a compelling need for such record.

(b) REQUESTER.—For purposes of this section, the term ''requester'' means any person who was persecuted in the manner described under section 3(a)(1) of this Act who requests a Nazi war criminal record.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

Mr. DEWINE. Mr. President, I am very pleased that the Senate is about to pass S. 1379, the Nazi War Crimes Disclosure Act. I introduced this legislation along with my friend from New York, Senator MOYNIHAN, and fifteen of my colleagues on November 5 of last year. Our Judiciary Committee Chairman, Senator HATCH, and the Ranking Member, Senator LEAHY, strongly support this bill. Indeed, I want to thank Senator LEAHY and his staff for their tireless work in helping to bring this legislation to the floor. As an authority on the Freedom of Information Act, or ''FOIA'' (pronounced FOYA), Senator LEAHY has made very useful suggestions that I have incorporated into the substitute. These changes satisfy privacy concerns raised by FOIA and Privacy Act professionals. Finally, I want to underscore that we would not be here today without Senator MOYNIHAN and his staff. He has brought to our work the unique insights on the classification system that he gained as chairman of the Commission on Protecting and Reducing Government Secrecy Classification.

The Nazi War Crimes Disclosure Act represents what I hope will be the culmination of work begun in the last Congress to release U.S. government-held records of Nazi war criminals, the Nazi Holocaust and the trafficking of Nazi-held assets.

Just two years ago, we celebrated the 50th anniversary of the end of the Second World War, and with it, the end of the Nazis' death grip on an entire continent. Since that time, searingly detailed accounts of the Nazi Holocaust have provided more and more evidence of the true magnitude of the atrocities that were committed.

We have learned so much. Yet, if the last few years are any indication, we still have a great deal more to learn.

After the fall of communist rule, Russia and several former Soviet-bloc nations opened volumes of secret files on Nazi war crimes. Argentina has cooperated in the public release of its files. British government records are being declassified and made available for public scrutiny. And over the course of last year, Swiss banks and the Swiss government have been under intense international pressure to make a full accounting of unclaimed funds belonging to Holocaust victims, as well as Nazi assets that may have once belonged to Holocaust victims.

Mr. President, here at home, our own government has been gradually making records available about what it knew of Nazi-related activities and atrocities. Last year, a government-conducted study revealed new information about what the U.S. Government knew regarding the transfer and flow of funds held by Nazi officials. This report found that the U.S. government was aware that the Nazi mint took gold stolen from European central banks and melted it together with gold obtained in horrible fashion—gold obtained from tooth-fillings, wedding bands and other items seized from death-camp victims.

Mr. Chairman, the photos I have on display are several aerial U.S. intelligence photographs taken in 1944 of Auschwitz, with prisoners being led to the gas chambers. These pictures were discovered by photo analysts from the Central Intelligence Agency in 1978. They confirm what we had heard from the Polish underground that a ''death camp'' did in fact exist at Auschwitz. They also demonstrated that our government had photographs of these camps as these atrocities were occurring.

These pictures tell a grisly story. How many more such pictures or documents exist? With the legislation before us, we intend to answer that question.

Both Congress and the President have taken action to promote the release of government-held records during this tragic era. On April 17, 1995, the President issued an executive order calling for the release of national security data and information older than 25 years. Late in the 104th Congress, thanks to the tireless efforts of my friend from New York, Senator MOYNIHAN, and Representative CAROLYN MALONEY and several others, we passed a sense of the Congress resolution, which stated that all U.S. Government agencies should make public any records in its possession about individuals who are alleged to have committed Nazi war crimes. The President agreed, noting that learning the remaining secrets about the Holocaust is clearly in the public interest.

The Nazi War Crimes Disclosure Act is designed to put the concerns expressed by the last Congress into strong action. First, the bill would allow for expedited processing of FOIA requests of survivors of Nazi persecution. These individuals are growing older every day, and the time remaining for them to obtain answers to the questions that have troubled them for five decades will soon come to an end. We owe it to those who suffered—and to those who seek to prevent future genocides—to disclose fully and completely all the records in the United States on this issue.

Second, the bill would establish the Nazi War Criminal Records Interagency Working Group. This Working Group would to the greatest extent possible locate, identify, inventory, declassify and make available for the public all Nazi war records held by the United States. This means that all materials would be required to be released in their entirety unless a Federal agency head concludes that the release of all or part of these records would compromise privacy or national security interests. The agency head must notify Congress of any determination to not release records. Thus, we in the Senate would be in a position to review the material being withheld to ensure that it was being done for valid reasons consistent with this legislation.

The Director of the Holocaust Museum, the Archivist of the United States, and the Historian of the Department of State are specifically appointed to sit on the task force because of their unique expertise on this subject. Further, to help the interagency

group complete its task, the President is authorized to appoint the head of any other Agency and up to three additional people with expertise on this subject who can assist with the identification and disclosure of relevant documents.

This pro-active search is necessary, because a full government search and inventory has never been completed. For example, some documents that surfaced this spring were found among materials related to Southeast Asia.

Our bill is targeted toward two classes of Nazi-related materials: First, war crimes information regarding Nazi persecutions; and two, any information related to transactions involving assets of Holocaust and other Nazi victims.

In summary, what we are trying to do with this bill is strike a clear balance among our government's legitimate national security interests, the legitimate privacy interests of individuals, and the people's desire to know the truth about Nazi atrocities. These records, once released, will be held in a repository at the National Archives.

Let me enumerate several changes which we have made since the bill was unanimously reported out by the full Judiciary Committee last March:

Section 3(b)3(B) was revised to make clear that the standard of judicial deference currently accorded to agency classification decisions under exemption (b)(1) of the FOIA applies to exemption decisions rendered by Heads of Agency's making a withholding decision under Section 3(b). As the Committee of Conference recognized when exemption (b)(1) was amended in 1974, executive departments responsible for national defense and foreign policy matters have unique insights into what possible adverse effects might occur as a result of public disclosure of a particular classified record. Accordingly, it is expected that federal courts, in reviewing a decision by an Agency head that disclosure and release of a Nazi War Record would be harmful to a specific interest identified in an exemption herein, will accord substantial weight to an agency's affidavit or other submission concerning the record in question.

Records held by the Office of Special Investigations (OSI) of the Department of Justice are specifically exempted. Nonetheless, because of the substantial expertise at OSI, it can reasonably be expected that OSI will be asked to assist with the review of records held by other agencies. OSI is currently engaged in an effort to close ongoing investigations and prosecutions of alleged war criminals. Thus, to ensure that the high priority investigations continue and all relevant documents found during the search are quickly reviewed for declassification, my colleagues and I have asked the Appropriations Committee to provide a small increase of $2 million in OSI's budget to enable the staff to take on and complete both of these tasks.

Section 2(b)(1) has been revised to extend the life of the interagency group from one to three years in recognition of the fact that there are extensive document holdings that must be reviewed. The bulk of this work should be done in the first year. The three year life of the Working Group cannot become an excuse to proceed slowly.

This bill not only addresses the acts of Nazi War Criminals, but also addresses those who transferred, sold or otherwise disposed of assets involuntarily taken from persecuted persons by, under the direction of, or on behalf of, or under the authority of the former Nazi Government of Germany or any nation then allied with that government.

This bill is a bipartisan effort to ensure the Federal Government has done all it can to ensure Holocaust victims and their families can obtain the answers they need.

The clock is running, and time is running out for so many victims of the Holocaust. They, and history itself, deserve to know as much as possible about this tragic chapter in the story of humanity.

I thank my colleagues for their strong support for this legislation.

Mr. HATCH. Mr. President, as an original cosponsor of S. 1379, the Nazi War Crimes Disclosure Act, I am very pleased that the Senate is about to pass this important piece of legislation. I congratulate Senator DEWINE and Senator LEAHY for their bipartisan effort in drafting a bill which addresses the legitimate concerns of federal agencies which will be subject to this legislation, while at the same time ensuring that the original intent and purpose of the law is carried out. Passage of the Nazi War Crimes Disclosure Act will facilitate the speedy gathering and release of documents in the possession of the government which relate to the persecution of, and theft of assets from, the many millions of victims of Nazi atrocities.

Our government has an obligation to locate, and make public, documents in the government's possession which shed light on Nazi war criminals, their nefarious allies, and their crimes. Over the fifty-three years since the defeat of Germany and its cohorts, and the discovery of the atrocities committed in the name of Naziism, we have learned a great deal about the organization, operation, and financial structure of that regime. However, recent revelations concerning the acts of certain Swiss banks in the laundering of Holocaust victims' assets show us how much more there is to learn.

By passing this bill, we are providing a means of access to information that will be of invaluable assistance in providing answers to those seeking to learn about the past. But just as importantly, by studying that information and learning the lessons of history, we can help ensure that such actions will never be repeated in the future.

Mr. MOYNIHAN. Mr. President, today the Senate takes an important step in the search to unfold the events of the holocaust by adopting the Nazi War Crimes Disclosure Act. This bill requires the disclosure of classified information, currently held by the United States government, regarding individuals who participated in Nazi war crimes, and stolen assets of the victims of Nazi war crimes. The bill also requires a government-wide search of records to ensure the release of as many relevant documents as possible.

Researchers seeking information on Nazi war criminals and the assets of their victims will have unprecedented access to relevant materials in the possession of the United States government, which until now have remained classified. It is my view that these documents have been held far too long. Well beyond the time when their disclosure might have posed a threat to national security—if indeed such disclosure ever did.

While reviewing relevant material for declassification, officials will be required to maintain a strong presumption that relevant material should be declassified. This is based on the ''balancing test'' included in the bill which presumes that the public interest in the release of Holocaust records outweighs the damage to national security that might reasonably be expected to result from disclosure. This provision is in keeping with the Report of the Commission on Protecting and Reducing Government Secrecy which recommended that such a balancing test be applied in all classification decisions.

With the passing of time it becomes ever more important to document Nazi war crimes, lest the enormity of those crimes be lost to history. The greater access which this legislation provides will add clarity to this subject. I applaud those researchers who continue to pursue this important work. Those who suffered from the Holocaust are reaching the end of their life-span. We owe it to them to make available as much information about that terrible period as possible. This is our solemn task.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing this important legislation, the ''Nazi War Crimes Disclosure Act,'' S. 1379. Last year, Congress passed a resolution calling upon federal agencies to make public any records in their possession about individuals who are alleged to have committed Nazi war crimes. I agree with the original sponsors of this bill, Senators MOYNIHAN, DEWINE, KOHL, D'AMATO, DODD and HATCH, who said in a Dear Colleague letter in October, 1997, that this bill ''would put last year's words into action.''

The substitute amendment we consider today requires creation of an interagency working group to collect and release classified Nazi war crime records within one year, and gives Nazi war crime victims expedited access to these records under the Freedom of Information Act (FOIA). These victims

are growing older and we should ensure that if they are interested in seeing these records, their requests should be honored as speedily as possible.

I first became aware of this bill when I testified in June 1996 at a hearing before the House Government Reform and Oversight Committee (GRO). That hearing focused on my Electronic FOIA amendments, which were enacted later that year, and the Nazi War Crimes Disclosure Act, H.R. 1281, which had been introduced by that Committee's Ranking Member, Representative CAROLYN MALONEY.

Moving oral testimony and written statements were presented at that hearing about the need for full disclosure by federal agencies about what our government knew, and when, about Nazi atrocities and the criminals who committed those atrocities. Rabbi Marvin Hier (the Dean and Founder of the Simon Wiesenthal Center), the Jewish Community Relations Council, the Anti-Defamation League, the Orthodox Union, the American Jewish Committee, and others, committed to teaching the lessons of the Holocaust expressed their strong support for full disclosure of Nazi war crime records. War Crimes Disclosure Act, Health Information Privacy Protection Act, and S. 1090, Electronic Freedom of Information Improvement Act of 1995: Hearing on H.R. 1281 and S. 1090 before the Subcomm. on Government Management, Information, and Technology of the House Comm. on Government Reform and Oversight, 104th Cong., 2d Sess. 17–30 (1996).

To the extent that records pertaining to Nazi war criminals remain classified over fifty years since the end of the war, we should take action to disclose those records. No Nazi war criminal should be protected by government secrecy rules. This is what happened with government records pertaining to Kurt Waldheim: the Central Intelligence Agency withheld critical information from researchers about Waldheim's collaboration with the Nazis, even as other government agencies were placing him on the list of individuals forbidden to enter our country because of suspected war crimes. Moreover, an extensive Justice Department report on Waldheim completed in 1987 was then kept secret for six long years, before Attorney General Reno, in response to a FOIA lawsuit, released the document in 1994. The United States government should not help Nazi war criminals keep their past crimes secret. This bill is an important step to ensure our government does not.

Senator DEWINE and I worked closely on a substitute amendment to this bill that was offered in the Judiciary Committee and favorably reported on March 5, 1998, with the unanimous backing of Committee Members. Further refinements to the bill are reflected in the Manager's amendment considered by the Senate today to address the legitimate concerns raised by the Department of Justice, our intelligence agencies, press associations and others who use the FOIA regularly, as well as those who have a personal stake and interest in full disclosure of Nazi War crime records.

The bill calls for the Nazi War Criminal Records Interagency Working Group to be created by the President shortly after enactment and authorizes this Group to operate for three years. The Working Group will include as members the Director of the Holocaust Museum, the Historian of the Department of State, the Archivist of the United States, and heads of agencies selected by the President. In addition, the President may select from the private sector up to three other persons whom he considers appropriate to assist in completely and effectively carrying out the functions of the Interagency Group.

The Interagency Group is tasked under the bill with locating, identifying, inventorying, recommending for declassification and making available to the public at the National Archives and Records Administration all classified Nazi War criminal records in the possession of federal agencies, and submit to Congress, including to the Senate Committee on the Judiciary and the House Committee on GRO, a report describing its activities. While the bill requires that these tasks be completed within one year, the Interagency Group is authorized for a full three years in the event that certain of these tasks require additional time. The bill also authorizes the appropriation of any necessary funds.

The original Senate bill defined the records of suspected Nazis subject to disclosure so broadly that it could conceivably have covered many irrelevant records, such as social security records, medical records or tax records, even though such records may have had nothing to do with the person's possible activities as a Nazi. This raised certain privacy issues as well as concerns about the burden on federal agencies to collect, review and disclose records, which had no bearing on the person's activities as a Nazi or our government's knowledge of that person's war crimes.

The Manager's amendment addresses these concerns by limiting the records subject to disclosure to classified Nazi war criminal records and retaining an exemption for those records, or parts thereof, that would ''constitute a clearly unwarranted invasion of personal privacy.''

The bill now defines ''Nazi war criminal records'' as those classified records or portions of records pertaining to persons who, from March 23, 1933 through May 8, 1945, under the direction or in association with the Nazis ordered, incited, assisted or otherwise participated in the persecution of any person on account of their race, religion, national origin or political opinion, as well as to any transaction involving the assets of those persecuted persons when the transaction involved assets taken without their consent or the consent of their heirs. Determination of the classified records that fall within the scope of the bill is given to the ''sole discretion'' of the agencies in possession of the records.

The original bill would have amended the FOIA with a new section of Nazi war crime records containing ten newly-created exemptions separate from those under the current FOIA. I have spent many years fighting for more openness in government. I was very concerned that creating these new exemptions might set a dangerous precedent—though entirely unintentional on the part of the original sponsors—of expanding FOIA exemptions. At a minimum, these new exemptions would have created confusion about how the current FOIA exemptions were to be interpreted and applied. These concerns about the new exemptions have been resolved by taking the work of the Interagency Group out of the FOIA and making its activities the subject of a free standing law.

The Interagency Group is required to release the classified Nazi war criminal records covered by the bill in their entirety, subject to ten enumerated exemptions. The first exemption in section 3(b)(2)(A) of the bill is for records or parts thereof that ''constitute a clearly unwarranted invasion of personal privacy.'' This is the same standard used in the sixth exemption of the Freedom of Information Act (FOIA, 5 U.S.C. 552(b)(6)). In the FOIA context, the phrase enunciates a policy of a balancing of interests between the protection of an individual's private affairs from unnecessary public scrutiny, and the preservation of the public's right to government records. Committee reports underlying the original FOIA of 1966 indicate that the exemption is to protect ''intimate'' or ''personal'' details in files such as those maintained by the Veterans Administration (now the Department of Veterans Affairs), the Department of Health, Education, and Welfare (now the Department of Health and Human Services and the Department of Education), and the Selective Service System. As with the other FOIA exemptions, the personal privacy exception in the FOIA is permissively applied, and it has come to be understood that the balancing of interests tilts in favor of disclosure.

Transferring the FOIA experience to the use of the same phrase in exemption (A) of the Nazi War Crimes Disclosure Act, it is the intent that the same balancing of interests—between the protection of an individual's private affairs from unnecessary public scrutiny and the preservation of the public's right to government records—occur when the disclosure of Nazi war criminal records is under consideration. The exemption may be used to protect intimate or personal details, such as an individual's medical history, marital status, legitimacy of children, family fights or domestic affairs, and sexual inclination or associations. While the

right to privacy of deceased persons is not entirely settled, we expect the Department of Justice and other agencies to follow the majority rule that death extinguishes a person's privacy rights. Indeed, I note that ''[t]he Department of Justice has long followed this rule as a matter of policy.'' U.S. Dep't of Justice, Freedom of Information Act Guide & Privacy Act Overview, September 1997.

Thus, the personal privacy exemption in the bill is to be permissively applied, and the balancing of interests tilts in favor of disclosure.

Likewise, the balancing of the other Nazi War Crimes Disclosure Act exemptions tilts in favor of disclosure. Section 3(b)(3)(A) of the bill states that, in applying exemptions (B) through (J), ''there shall be a presumption that the public interest in the release of Nazi war criminal records will be served by disclosure and release of the records.'' The bill conditions exercise of all the exemptions, including the privacy exemption in section 3(b)(2)(A), by an agency head on a determination that the disclosure and release would be harmful to a specific interest identified in the exemption. To facilitate oversight of this legislation, an agency head who makes this determination is required to report the application of the exemption promptly to the appropriate Committees of the Congress, including the Senate Committee on the Judiciary and the House Committee on GRO.

The original bill contained a presumption that public disclosure of the Nazi war crime records outweighs national security interests. The Department of Justice questioned whether this provision, and others, raised separation of powers concerns by encroaching on the Presidential prerogative to decide what records and information should be classified to protect national security. The presumption was modified during Committee consideration of the bill simply to make clear that the public interest would be served by disclosure and release of the subject records.

The bill does not provide a blanket exemption for classified material, but instead lists a number of particular national security concerns that could warrant nondisclosure. The Justice Department may continue to have constitutional separation of powers concerns that the bill substitutes congressional rules for the President's executive order on the classification of documents. This would be unfortunate and unjustified.

The 1997 Report of the Commission on Protecting and Reducing Government Secrecy Classification (hereafter, the ''1997 Report''), at page 15, notes that the security classification system is ''an area in which the President and the Congress 'may have concurrent authority, or in which its distribution is uncertain,'' citing *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 637 (1952). Moreover, Congress has prescribed standards to govern elements of classification and declassification in other contexts, including the Atomic Energy Act of 1954, the National Security Act of 1947, and the Assassination Records Collection Act of 1992, which the 1997 Report explains ''established broad standards for the declassification of records concerning the assassination of President Kennedy.''

''The classification . . . systems are no longer trusted by many inside and outside the Government.'' 1997 Report, at page XXI. This is particularly true with respect to classified Nazi war crimes records since, at least in the case of Kurt Waldheim, government secrecy rules were used to shield what our government knew about his Nazi collaboration from public view for too many years. I agree with the comment in the 1997 Report that ''by allowing for a fuller understanding of the past, [greater openness] provides opportunities to learn lessons from what has gone before—making it easier to resolve issues concerning the Government's past actions and helping prepare for the future.''

The bill makes clear, in section 3(b)(3)(A), that the enumerated exemptions shall constitute the only authority whereby an agency head may exempt records subject to this Act from release. This provision clarifies legislative intent that, in the case of Nazi war criminal records only, no other protective authority is controlling except the enumerated exemptions. Thus, the exemptions in section 3(b)(2) take precedence over the protective provisions of statutes such as the Privacy Act (5 U.S.C. 552a), the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)), and the Central Intelligence Agency Act (50 U.S.C. 403g). Indeed, section 3(c) of the bill, expressly waives the operational file exemption contained in section 701 of the National Security Act of 1947. The amendment also eliminates the application of the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)(1)–(9)); it also overrides the privacy protections of all other statues, in favor of the privacy exemption set forth in section 3(b)(2)(A). These waivers of other statutory protections and, most particularly those waivers of the National Security Act provisions, recognize the extraordinary and unique nature of the Nazi war criminal records. These records warrant this special treatment so that the United States may lead and fully participate in the growing international movement to open to public scrutiny official records on the conduct of particular governments and institutions during World War II.

In addition to the enumerated exemptions, the bill exempts from disclosure the records of the Office of Special Investigations (OSI) of the Department of Justice, which continues to investigate, prosecute and extradite suspected Nazi war criminals. Concerns about the impact of this bill on the work of OSI were raised by the Department of Justice, and others, at the original House hearing on this bill in 1996. This bill addresses those concerns and will do nothing to undermine the critical work of this section. Moreover, Senators DEWINE and I, and others, have requested that funding for OSI be increased to ensure adequate personnel are available to handle any increased workload due to the passage of this legislation.

While the number of arrests of suspected Nazi war criminals may be dwindling, some are still on the loose, as we so dramatically witnessed by the arrest in Germany just a few short months ago, in March 1998, of a man identified in news reports as Alfons Goetzfried. This suspected Nazi war criminal was a former low-ranking Gestapo officer who apparently acknowledged in prior statements personally shooting to death 500 people, including women and children, at a death camp in Poland in November 1943. The work of the OSI continues to be of vital importance.

Judicial review of agency determinations to apply the exemptions and the operations of the Interagency Group will be available under the Administrative Procedure Act. We appreciate, however, that executive agencies responsible for national defense and foreign policy matters have unique insights into the adverse effects that might occur as a result of the inappropriate public disclosure of a particular classified record. Accordingly, we expect that federal courts, in reviewing determinations by agency heads that disclosure and release of a record covered by this bill would be harmful to a specific interest identified in an exemption, will accord substantial weight to the agency's affidavit or other submission concerning the status of the disputed record. Indeed, the bill makes this expectation explicit in section 3(b)(3)(B), which states that in applying the exemptions in paragraphs (3)(b)(2)(B) through (I) dealing with specific national defense and foreign policy information, the standard of review is the same as applied to the withholding of records under the FOIA for properly classified matters.

Finally, section 4 of the bill provides for the expedited processing of FOIA requests for Nazi war criminal records by any Holocaust victims, as provided in section 552(a)(6)(E) of title 5, United States Code. We expect that any withholding of requested records due to their classified nature, under section (b)(1) of the FOIA, will be highly limited once the Working Group has been able to perform its work.

It has been a pleasure to work with Senator DEWINE on this matter in the Judiciary Committee, and with Senator MOYNIHAN and others on reaching a consensus on this important bill. This legislation is long overdue, and I urge its prompt enactment.

Mr. WARNER. I ask unanimous consent the amendment be agreed to, the bill be considered read a third time and

passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The Amendment (No. 2782) was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 1379), as amended, was considered read the third time and passed.

REMOVAL OF INJUNCTION OF SECRECY

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 19, 1998, by the President of the United States:

Treaty With Estonia on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 105–52).

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

Mr. WARNER. I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 2, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activity more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including ''white-collar'' crime and drug-trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking the testimony or statements of persons; providing documents, records, and articles of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 19, 1998.*

Mr. WARNER. Mr. President, that concludes the matters on behalf of the distinguished majority leader and the Democratic leader. Therefore, the Chair, I am sure, will soon recognize the distinguished Senator from North Dakota for purposes of a presentation to the Senate for a period not to exceed 15 minutes.

ORDERS FOR MONDAY, JUNE 22, 1998

Mr. WARNER. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, June 22. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of S. 2057, the Department of Defense authorization bill.

I now ask unanimous consent that at 3 p.m. on Monday, the Senate proceed as under the previous order into executive session for the consideration of Executive Calendar No. 596.

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

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will reconvene on Monday at 12 noon and resume the defense authorization bill. It is hoped that Members will come to the floor to offer and debate amendments on the defense bill under short time agreements. As ordered, at 3 o'clock, the Senate will begin 2 hours of debate on the nomination of Susan Mollway to be a U.S. district judge. It is expected that the first vote of Monday's session will occur at 5 p.m. on the confirmation of that nomination.

The Senate may have an additional rollcall vote on Monday on or in relation to a pending amendment to the defense authorization bill. Therefore, the next rollcall votes will occur at 5 p.m. on Monday, June 22.

As a reminder to all Members, a cloture motion was filed today to the DOD bill. The cloture vote will occur on Tuesday, June 23, hopefully before 12 noon. Under rule XXII, Senators have until 1 p.m. on Monday to file first-degree amendments.

The majority leader would like to remind all Members that the Independence Day recess is fast approaching. Cooperation of all Members will be necessary for the Senate to complete work on many important items, including the defense authorization bill, the appropriations bills, the Higher Education Act, the conference report on the Coverdell education bill, and any other legislative or executive items that may be cleared for action.

ORDER FOR ADJOURNMENT

Mr. WARNER. 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 following the remarks of our distinguished colleague, Senator DORGAN, for up to 15 minutes.

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

The Chair recognizes the Senator from North Dakota.

SOLID FARM POLICY

Mr. DORGAN. Mr. President, I had not intended to come to the floor to make a few comments today until I read a story about a press conference that was held in the Senate here yesterday by some Senators about farm policy. A group of Senators held a press conference on farm policy of this country and said, ''We've got a good, solid farm policy. The problem is not the farm bill. The problem is the farm bill is not being implemented properly.''

We have a good, solid farm policy? Are they kidding? What planet are they living on if they think we have a good, solid farm policy? What we have is a new farm policy written by people who don't know much about farming and it is called the Agricultural Market Transition Act, and what it is transitioning is family farmers straight out of business.

Farm families are going broke in our State in record numbers. In fact, there are more auction sales of family farmers this year than ever before, and they have had so many auction sales of family farmers in North Dakota that they have had to call auctioneers out of retirement to handle the sales.

There is a lot more than statistics about losing these farmers. Farmers plant a seed in the spring and then hope it will grow. They hope it doesn't hail and insects don't come and the crop doesn't get diseased. And if it does come above the ground and then eventually if they escape all those weather disasters, they harvest in the fall and they hope maybe they will get a decent price for their crop.

These families struggle hard, they work hard and they risk everything they have. Guess what? This current farm policy is a mess. We have prices that are in the tank for grain, and family farmers out there, who are raising grain and trying to take it to the market these days, discover that they have lost their shirts. And then we have people saying that we have a good, solid farm policy.

I had a farm meeting in North Dakota and a fellow stood up. He was a big rugged fellow, kind of a husky build. He had kind of a black beard. He stood up and he started speaking. He

said, ''My granddad farmed, my dad farmed, and I farmed for 23 years.'' Then he got tears in his eyes and his chin began to quiver, and he said, ''The problem is, I can't continue anymore.'' That is more than just losing a business. That is losing their life's dream. And, now, we have people who say we have a good, solid farm policy.

I didn't vote for this previous farm bill that was passed a couple of years ago. There were people involved in writing that who wouldn't know a dairy cow from a Dairy Queen. The fact is, they don't know much about farming. I would counsel them, if they think it is a good farm policy: Go buy yourself a farm. Go buy yourself a farm, take your suit off and gas up the tractor and plant a crop. Then risk your money and hope all summer you are able to harvest, and when you do, then truck it to the elevator and sell it for $3 a bushel after you put $5 a bushel into raising it.

Then add up your bank balance, and then ask yourself if you think it is good farm policy? Ask yourself, after you have lost your shirt and lost your suit and lost your savings, ask yourself whether you think it is a good farm policy.

Of course it is not a good farm policy. The fact is, the little guy is going broke; the big guys are getting rich. I am talking about the folks who take the product off the farm and they haul it and they process it. They take that grain and they puff it and they crisp it, they do everything with it. The miller and grocery manufacturers and everybody else are all making money. But it is the person out there who is trying to run a family farm who is not doing well.

I find it interesting, the people who do not seem to care much about that are the same people around here who bellow every day about being profamily. Nobody in politics in this town is profamily if they are not willing to stand up and be profamily farmer, in my judgment.

Let me show a chart that demonstrates part of the problem in my State, the State of North Dakota. This area here, the red area, means that these folks have had a disaster declaration every single year for 5 years in a row, weather related. One third of our counties, you can't do much about that. That is not a family farm's fault. These are weather-related disasters, 5 years in a row, every year. The orange one-half our counties is 4 out of 5; the yellow two-thirds of our counties have had disasters 3 out of 5 years.

In addition to having the weather problem—here is what has happened to the price of wheat. It has fallen like an elevator, straight down. The price of wheat was up here when the Freedom to Farm bill or the Market Transition Act was passed. Here is the price of wheat now at a five-year low.

Here is what happened to net income to North Dakota farmers, according to the U.S. Department of Labor statistics. North Dakota's net farm income dropped 98 percent for family farmers. That is 98 percent. They virtually lost all of their income. What has happened to those family farmers out there struggling with grain prices that are terrible, and with weather problems?

The price of a tractor goes up, as you can see. The price of a combine goes up. The price of fertilizer goes up. The price of diesel fuel goes up. So their income goes down, way down, and all the prices they pay for their input go up.

Then what has happened to the folks who take that grain and do something with it? Bread profits, the price of a bushel of wheat goes from $5.50 to $3. Do you think you see lower bread prices in the grocery store? You don't. What happens is the profits for the folks who are making bread go right here.

These folks who constructed the farm policy that we have in this country today called this ''Market Transition Act''; that is, transitioning family farmers right off the family farm. They said, ''We don't need a price support anymore for family farmers. Let them take their own risks, and if the market price for grain is dropping, too bad. Tough luck.'' So they set up a circumstance where you end up having no deficiency payments. They put, instead, a declining payment, which at the end of 7 years phases out and goes to zero.

It is interesting, at the press conference yesterday that was held by some Senators, they said the problem is we cannot retreat. The rest of the world is not going to retreat. The fact is, in much of the rest of the world they understand family farmers are important and they have policies that try to support and help family farmers and keep them on the farm. It is this country that has decided, as a matter of policy by the majority party in this Congress, that family farmers really don't matter very much. Oh, giant agrifactories will farm the land from California to Maine, I suppose. They don't seem to care who farms the land, because they think family farmers don't matter.

They say, ''We can fix all this. First of all, the policy is sound, and we can fix it. We will fix it with fast track, fast track trade authority.''

Gosh, there is a new idea. Fast track trade authority. We send an American trade negotiator up to Canada to negotiate with Canada; send him to Mexico to negotiate with Mexico; send him to Geneva to negotiate GATT. We had an $11 billion trade deficit with Canada and we negotiated with them and it went from an $11 billion deficit to a $23 billion deficit. Does anybody think that is going to help family farmers? And, incidentally, the trade deficit with Canada is exacerbated by a flood of Canadian grain coming to our border, undercutting our grain. It is unfairly subsidized. Nobody seems to be willing to do much about it.

We have a $2 billion surplus with Mexico, negotiate a treaty, and the surplus goes to a huge deficit, $15 billion deficit. It doesn't look like that is progress to me.

Do you want to see how the Mexican trade agreement works? Look at it through the eye of a potato. Try to take a potato across the Mexican border, a raw potato. You can't do that very easily, but you can see french fries coming north. Or how about a bean? How about a bean going across the Mexican border? Do you think we can export unlimited quantities of beans? I am sorry, no, our negotiator said no, we don't care much about beans.

What about beer? Do you like Mexican beer? You can buy plenty of it in the United States. You like American beer, in Mexico? I am sorry, you will have great trouble finding it because our negotiators, in my judgment, did an incompetent job in negotiating the trade agreement with Canada and Mexico.

And, yes, GATT. When I say the GATT agreement, do you know a ship pulled up at a dock in Stockton, CA, a few weeks ago loaded with European barley. This was feed barley, which in fact is not worth very much, probably a couple of dollars a bushel or less—subsidized by $1.10 a bushel by the Europeans, shipped into this country where we already have a surplus of barley, and guess what, it was legal. It was legal under GATT. You can do that under the trade agreement our negotiators negotiated, you can ship in barley with a subsidy that is almost 50 percent of the market price of the product. Who are these people kidding?

Do we want to send negotiators out to negotiate more of these agreements, and they are going to help our country? I don't think so.

The fact is, the people who held a press conference yesterday and said this farm policy works just fine don't have the foggiest idea of what is going on on the family farm. They say, ''Well, let's go to fast track and have more of this trade.'' All that has done is set you back. I am for opening foreign markets and forcing opportunities to market more of our grain overseas, but that is not what is happening with our trade agreements.

I find it interesting. They said one of the ways that will solve this farm problem is farmers' savings accounts. Oh, yeah? Where are the farmers going to get the savings? If you are able to raise wheat and lose $2 a bushel for selling it, you are going to get a lot of savings, so we are going to produce farmers' savings accounts.

Maybe the people who held the press conference will be able to tell farmers where they are going to get savings, when the price for wheat is in the tank, and when they pulled the rug out from under family farmers saying they don't need a safety net. They said, in effect, we don't care if there are family farmers left in this country.

What we need to do, Mr. President, is to reestablish a safety net and recognize that this transition program

doesn't make any sense. Yes, farmers ought to have all the planning flexibility in the world. This Congress ought to decide that family farmers matter, and we ought to do as Europe and others do and decide there ought to be some basic support mechanism for family farming. We have a minimum wage for lower-income working folks, but we say to the family out there on the farm, ''You're on your own. Oh, you can try and market your beef to big packing plants''—where four of them control almost 85 percent of the beef packing and they have a fist around the neck of the bottle. They say to the farmer and rancher, ''You go ahead and market up in that direction and the big packing plants are going to tell you what you're going to get, and if you don't like what you get, tough luck; you're out of business.''

Or people raising wheat or barley, we say, ''You can market with the grain companies. They have an iron fist around the neck of the bottle where you are going to market, and if you don't like the price, tough luck; you're out of business.''

The fact is, when we get an industry or a big special interest in this country that has a headache, you have a dozen people in the Senate rushing to see if they can't pat their pillow and give them aspirin and help them take a nap.

The big interests in this country have plenty of friends around here. It's just the little guy who is left in the dust. You have family farmers who don't have a lot of money. They don't have a lot of clout. They are not like the tobacco industry. They are not able to spend $50 million or $100 million worth of advertising on their issue. The tobacco industry this week was able to turn back this tobacco bill because they were able to advertise all across this country.

What about the issue of stopping teen smoking. Well, the tobacco industry won; kids lost. The tobacco industry had money, kids didn't. If you're a big interest, you have big money, and you can find plenty of folks to care about your interest in the Congress.

The question is, Will there be enough people caring about the interests of family farmers in the coming weeks to decide we are going to intervene and try to save a network of family farms in this country? We ought to resurrect the safety net. There ought to be at least some sort of marketing loan that gives farmers a decent price if they don't get it from the marketplace. I much sooner they get it from the marketplace, but if it is not there, farmers need some help. They ought to get some indemnity payments for the crop diseases that have been pervasive in my State and other States. The crop disease is called scab. We ought to have a Crop Insurance Program that works, and if it doesn't work, let's make it work.

We ought to have something in place that starts to do something about market concentration. Yes, let's look into the livestock industry, the railroads, the big packing plants, and in all the areas where concentration exists. All that concentration squeezes down on family farmers and takes potential profits away from family farmers.

Finally, those who talk about trade, it seems to me ought to spend their time not talking about going to some sort of fast track where the record has been a disaster for this country and for our producers and, yes, especially for our farmers. They ought to talk about sanctions.

We don't like Cuba, so we say we are going to have sanctions against Cuba. We don't like Libya, so we have sanctions against Libya. We don't like Iraq, so we're going to have sanctions against Iraq. We don't like Iran, so we're going to have sanctions against Iran. India and Pakistan detonate nuclear devices, so we're going to have sanctions against those countries.

Ten percent of the markets in the world are off limits to farmers. These sanctions have something to do with national security decisions. The defense authorization bill deals with national security. It seems to me if you are taking markets away from family farmers, you ought to pay them for it. Why should family farmers lose markets and be told, ''Well, you're going to contribute now to our national security interest because we are taking this market away from you; yes, your price is going to go down, and, yes, you are going to lose money. Be a good American; you accept the cost.''

In virtually every other area in this country, we do something about that. If it were big business, we would come in with a big policy to reimburse them. You don't think when the big exporters lose money that they are not reimbursed? It is interesting to me that virtually every time something happens that causes a substantial disruption in part of our economy, somebody is here saying we ought to do something about it, but there is not much discussion about family farmers, and I really regret that.

I know some people say, ''Well, this country is New York and Los Angeles and a few big airports in between, and what you fly over and look out at is just rural territory.'' Food doesn't come from a plastic bottle; food doesn't come from a package. It comes, in most cases, from the land, and the rural people in this country. These are people who come from my home area in Hettinger County, ND, who decided long ago they love the land and they want to live on the land. They want to raise their children on the land, and they have 500, 800, or 1,000 acres. They have risked everything they have and everything they own to try to make a living. Yet, we come along with this farm policy that says we are different from Europe, from Japan or other countries. We have a policy that doesn't care whether family farmers continue to exist. Our policy says if the marketplace gives them a decent price, fine; if it doesn't, tough luck, because we believe in the free market.

There is no free market in agriculture. What an absurd contention. There has never been a free market in agriculture and will not be a free market. Our farmers are asked to compete not just against European farmers, they are asked to compete against European farmers and the European Governments. Our farmers are asked to sell in circumstances where our trade negotiators negotiate agreements and you can't get enough T-bone steak into Tokyo.

Did you know that T-bone steaks are roughly $30 a pound into Tokyo? Do you know why? Because we can't get enough beef into Japan. Why can't we? Because their market is closed. We are getting more than we used to.

We have a $50 to $60 billion trade deficit with Japan, but we still don't get enough beef into Japan. We don't get enough wheat into China. I can stand here all day and talk about the problems we impose on family farmers to interrupt their markets because of incompetent trade negotiators and unenforced trade agreements. We negotiate an agreement and we forget about it in a month. They were bad agreements to start with, and they are rarely enforced, if at all. I am just saying that the economic all-stars in this country are its family farmers. If this Congress doesn't decide that broad-based economic ownership matters in this country, then it will have made a very large mistake.

I am standing on this side of the aisle. So that means I am a Democrat. That is how I came to Congress. I ran for the U.S. Senate as a Democrat, and I believe in the Jeffersonian strain of the Democratic Party, and its support for broadly-based economic ownership. We believe that the broad-based economic ownership provides the guarantee of economic freedom and, therefore, the guarantee of ultimate political freedoms in this country. I think that is a very, very important issue.

I have come to the floor of the Senate recently talking about concentration in this country. Every day you hear about a new merger, when two huge behemoth American corporations decide to get married. We didn't even know they were dating or having secret discussions. All of a sudden, we discover they have taken out a marriage license. They love each other. What they love is the profits.

Now we have bank after bank, telecommunications companies—you name it—they are all marrying up. The bigger the better. The free market in this country and the market system in this country works only when you have broad-based ownership and robust competition. Concentration means less competition.

Family farmers, individuals all across this country turn on the yard light at night, worship at their local church, and try to send their kids to school, and do a good job, and make a

little profit on the farm. All that those family farmers ask is to participate in a market system that works. Almost in every instance they discover that all their input costs are increased by the largest corporations in the land that produce these products. And when they go to market with the products they raise, they discover is worth very, very little. When they try to market it up through an income stream, they find that if they are marketing a cow or a hog, they are marketing through packing plants that are too concentrated to have what is called a ''free market.'' And the same is true with grain.

So, Mr. President, in the coming week or so, you are going to see a lot of activity on this issue. Our family farmers deserve the same kind of interest, in their long-term economic health, as the large special interests get here on the floor of the Senate.

The piece that I referenced at the start, written by Curt Anderson, an Associated Press farm writer, referenced a press conference yesterday. To all of those who attended the press conference yesterday, telling us that we have a good solid farm policy, I say nonsense; this farm policy is a miserable failure. Anybody here who cares about family farmers as I do, and anybody here who cares whether we have family farmers in this country's future ought to be coming to the floor of this Senate and helping us change this farm policy to one that really provides some help to families who are struggling in this country, trying to run their family farms.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL MONDAY, JUNE 22, 1998

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 12 noon, Monday, June 22, 1998.

Thereupon, the Senate, at 3:20 p.m., adjourned until Monday, June 22, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 19, 1998:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROGER G. DEKOK, 6795.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SAUL N. RAMIREZ, JR., OF TEXAS, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE DWIGHT P. ROBINSON, RESIGNED.

DEPARTMENT OF STATE

ERIC DAVID NEWSOM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE THOMAS E. MCNAMARA, RESIGNED.

EXTENSIONS OF REMARKS

IN HONOR OF RALPH J. PERK

HON. DENNIS J. KUCINICH
OF OHIO

HON. JOHN A. BOEHNER
OF OHIO

HON. SHERROD BROWN
OF OHIO

HON. STEVE CHABOT
OF OHIO

HON. PAUL E. GILLMOR
OF OHIO

HON. TONY P. HALL
OF OHIO

HON. DAVID L. HOBSON
OF OHIO

HON. MARCY KAPTUR
OF OHIO

HON. JOHN R. KASICH
OF OHIO

HON. STEVE C. LaTOURETTE
OF OHIO

HON. ROBERT W. NEY
OF OHIO

HON. MICHAEL G. OXLEY
OF OHIO

HON. ROB PORTMAN
OF OHIO

HON. DEBORAH PRYCE
OF OHIO

HON. RALPH REGULA
OF OHIO

HON. THOMAS C. SAWYER
OF OHIO

HON. LOUIS STOKES
OF OHIO

HON. TED STRICKLAND
OF OHIO

HON. JAMES A. TRAFICANT, JR.
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. KUCINICH. Mr. Speaker, I along with my colleagues from Ohio, Messrs. BOEHNER, BROWN, CHABOT, GILLMOR, HALL, HOBSON, Ms. KAPTUR, Messrs. KASICH, LATOURETTE, NEY, OXLEY, PORTMAN, Ms. PRYCE, Messrs. REGULA, SAWYER, STOKES, STRICKLAND, and TRAFICANT rise to salute an extraordinary public servant, Ralph J. Perk. He has devoted his life to helping others and is beloved by the people of Cleveland, the people of Ohio, and people throughout the world.

Born under the shadow of the steel mill smokestacks of Cleveland, Ralph Perk was raised in poverty. At age 7, he began his day delivering the morning paper and ended it delivering the evening paper. At age twelve he began selling ice door to door. During the Depression of the 40s when he was still selling ice, Perk routinely extended credit to poor families. ''If we don't give them ice, their children's milk will spoil,'' Perk would say. So, instead of making one-hundred dollars a week, he made twelve. That generosity and heart, paid rich dividends when Perk entered politics. Every election, the families he helped during the depression became the nucleus of Perk's campaigns. Their loyalty could not have been bought at any price. From those humble beginnings, Ralph Perk rose to serve five terms on the Cleveland City Council and nine years as county auditor.

In 1971 Ralph Perk was elected the 51st Mayor of Cleveland. He was not bound by party label. Rather, he achieved his popularity by following public service rather than party politics. His motto was simple: Do hard work, keep in touch with the people, and serve honestly. He did all three.

As Mayor, he deeply cared for those whom he represented. He secured hundreds of millions of dollars from the federal government to improve the city. And despite high inflation and a recession, Mayor Perk delivered quality basic city services to the neighborhoods of Cleveland.

Although he achieved high office in his city, Ralph Perk never forgot his humble beginnings and continued to help others. He understood people and their needs; but more important, he truly cared. He helped organize the diverse ethnic community and imbued it with a common pride in Cleveland. He was the founder of the Nationality Movement in Cleveland; and a driving force behind the recognition of the rights and cultural heritage of ethnic American in the United States. He served on numerous civic and fraternal organizations including, The Citizens League, The Council on Human Relations and The Knights of Columbus.

My fellow colleagues, Ralph Perk does not seek our praise. He is far above it. Rather, I ask you to join me in recognizing him for his many contributions. For if we learn from his dedication, we will all be better public servants.

HONORING REVEREND ROBERT O. SIMPSON'S 25TH PASTORAL ANNIVERSARY

HON. EDOLPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend Robert O. Simpson's 25th Pastoral Anniversary at Janes United Methodist Church, Brooklyn, New York.

Reverend Robert O. Simpson assumed responsibilities as Pastor of Janes United Methodist Church in July 1973. Reverend Simpson's formal education began, ironically, in a nursery school at Janes United Methodist Church. He attended both public and private schools in Brooklyn before earning a Master of Divinity Degree from Yale Divinity School in June 1973.

Since Reverend Simpson's tenure at Janes United Methodist Church, active membership has tripled. Many positive programs have been implemented. The Church's Community Outreach has included a tutorial program, the Senior Citizens' Friendship Club, the Voter Registration and Information Project, the Meals-on-Wheels Program for the homebound elderly or disabled in the community, and ''God's Sheltering Arms,'' Janes' ministry to the homeless who inhabit public places.

Reverend Simpson's greatest challenge came in 1984, when a fire destroyed Janes Church. With his dynamic leadership, Reverend Simpson led his congregation through this crisis. With his hard work and dedication, the new Janes Church was build and consecrated in April 1991.

Mr. Speaker, I ask you to join me in saluting Reverend Robert O. Simpson on the occasion of his 25th Pastoral Anniversary at Janes United Methodist Church.

TRIBUTE TO THE BRONX-LEBANON HOSPITAL CENTER AND THE AIDS RESEARCH COMMUNITY ADVISORY BOARD

HON. JOSÉ E. SERRANO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Bronx-Lebanon Hospital Center and the AIDS Research Community Advisory Board for their commitment to fighting AIDS and preventing the spreading of the deadly HIV. On Saturday, June 20, they will hold a prevention fair, Safety Jam, for adolescents and adults at the Claremont Neighborhood Center in the South Bronx.

Safety Jam will feature informative educational presentations and workshops on issues related to health and HIV prevention. Fun, food, live multicultural entertainment, and free raffles will be provided throughout the day, helping to draw people to the fair.

It is a privilege for me to represent the 16th district of New York, where the Bronx-Lebanon Hospital Center is located. I have witnessed first-hand the exemplary work they are doing for our community and I am deeply impressed.

Mr. Speaker, I hope my colleagues will join me in honoring the physicians, nurses, caseworkers, administrators, clerical workers, and all of the other caregivers and support staff of the Bronx-Lebanon Hospital Center and the AIDS Research Community Advisory Board for their outstanding efforts at this important milestone, and in wishing them continued success.

TRIBUTE TO FREDERICK C. JONES, SR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to my friend Frederick C. Jones, Sr. as he is retiring from state government.

He most recently was the Project Supervisor of Vocational Rehabilitation Services at South Carolina State Hospital. His duties included coordinating and implementing Vocational Rehabilitation services for seriously mentally ill patients within inpatient and community based mental health programs. He has been involved in Vocational Rehabilitation for much of his career, along with work with juveniles.

Mr. Jones is a life member of National Rehabilitation Association, a member of Professional Staff Association, SCVR, a member of the Action Council for Cross Cultural Studies, chairman of the Membership Committee of Capital City Club, and a member of St. John Baptist Church, in Hopkins South Carolina. He is best known to Columbians and South Carolinians as the manager of the ''Friends Band'' and for the musical accompanyment of his lovely wife Bunny.

Mr. Speaker, I ask you to join with me in wishing my friend Frederick C. Jones, Sr. a fulfilling retirement.

ASSISTANT CHIEF PATRICK D. BRENNAN: A POINT-OF-LIGHT FOR ALL AMERICANS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. OWENS. Mr. Speaker, it is generally recognized that the great drop in the national crime rate is due mostly to changes in the deployment of police officers and in the adoption of new attitudes with respect to police and community partnerships. No police and law enforcement leader in America has done more to advance these approaches and methods than Assistant Chief Patrick D. Brennan, one of New York's and Brooklyn's finest. On the occasion of the retirement of Chief Brennan we wish to express our gratitude and appreciation for his many years of service. I have met him at many late night community meetings and I know that Assistant Chief Brennan deserves the rest he will be able to get after retirement. On behalf of the constituents of the 11th Congressional District I salute Patrick D. Brennan as a POINT-OF-LIGHT for all America.

Assistant Chief Patrick D. Brennan, who is retiring after serving as the commanding Officer of Patrol Borough Brooklyn South, began his career with the New York City Police Department as a patrolman for the 84th Precinct in September 1965. Before achieving the rank of Assistant Chief in July 1997, he was promoted to Sergeant in May 1973; Lieutenant in March 1984; Captain in December 1987; Deputy Inspector in May 1993; Inspector in October 1994; and Deputy Chief in August 1995. Assistant Chief Brennan has served as the Commanding Officer of the 5th, 72nd, 84th and 90th Precincts, as well as the Criminal Justice Bureau. He has served as the Commanding Officer of the 5th and 70th Precincts and 72nd Precinct Detective squad. Before joining the New York City Police Department, Assistant Chief Brennan received a Bachelor of Science Degree from John Jay College.

Throughout his career, Assistant Chief Brennan has been supported by his wife, Monica, for 35 years. They are the proud parents of six children: Maureen, Tara Ann, Martin, Dermott, John and Patrick.

Mr. Speaker, Brooklyn has encountered many problems involving the police within the last five years. Some very dramatic cases have received national attention. We must all strive to maintain a balanced perspective and continue to understand that the great majority of our police officers are productive and dedicated citizens. From the ranks of law enforcement we also repeatedly see the emergence of outstanding leaders like this one. Assistant Chief Patrick D. Brennan is an outstanding POINT-OF-LIGHT whose career can inspire all Americans.

CONGRATULATING REGINAL RYAN FOR HIS AWARD-WINNING AMVET ESSAY ''MY FAVORITE AMERICAN HERO''

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. EDWARDS. Mr. Speaker, I rise today to recognize and congratulate an exceptional young man, Reginal Ryan of Itasca, Texas, which is in my 11th Congressional District. Reginal recently won the AMVET's Americanism state level competition for ninth graders with a strong and moving essay entitled ''My Favorite American Hero.''

Reginal is a 15-year-old sophomore at Itasca High School. His accomplishment is all the more extraordinary considering that late last year he was living on the streets in Austin, Texas. However, he now lives in the Presbyterian Orphans Home in Itasca where he spends time putting together prize winning essays.

His prize for winning the AMVET's contest is an all expense paid trip to Valley Forge, Penn., to visit the Freedoms Foundation. Members of AMVET's Post 72 in Hillsboro were so moved by his essay that they took up an additional collection to finance a trip to Washington, D.C. While in Washington, Reginal's wish to visit the Tomb of the Unknown Soldier and pay his respects was fulfilled.

I ask members to join me in congratulating this special young man for his accomplishment. I would also like to share his essay with the members.

MY FAVORITE AMERICAN HERO

(By Reginal Ryan)

My favorite American hero does not have a name, but I assure you he is real in many ways. Everyone remembers and knows what he did for our country and how he gives his life for others with devotion. He has shown commitment in many examples of his compassion as in the many wars in which he has fought such as World War I and World War II and even Vietnam.

My favorite American hero represents the heart of our country, because he is the common American. When called to serve, he is always ready and willing to protect his country by fighting in strange and foreign lands far away from home, away from friends and family with no assurance that he would ever return to them. Nevertheless, it was important for him to go to ensure that the freedom of America would be preserved.

My favorite American hero is visited by many people each year. They are always quiet and reverent in his presence. Flowers are often presented to him. The visitors come from all across America, and many shed a few tears as they leave because he may be their hero, too. It is the common thread that links and unites all Americans.

Because he is a true hero, he is the most likely to come to my mind. Symbolically, he stands for all the freedom fighters we have today in America. His efforts have allowed me and all Americans to continue to exercise all rights as a citizen of the United States. He has helped to preserve my life, my liberties, and my pursuit of happiness.

I hope by now that everyone who reads this, knows that my favorite American hero is the ''Unknown Soldier.'' It matters not that he does not have a specific name. What matters is that he stands for every soldier who has ever fought to keep our nation free. This gift is the greatest gift America can receive—the gift of freedom. I hope someday I get to pay my respects at the Tomb of the Unknown Soldier.

SALUTING OLD GLORY: OUR FLAG AND ITS DEFENDERS

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. ROGAN. Mr. Speaker, this past Sunday, my family and I joined millions across the country to celebrate Flag Day. With its passage, I would like to share with my colleagues the story of one of my constituents.

Vito Cannella was born in Italy and later naturalized as an American citizen. He is a lifelong public servant, dedicated to serving our community and our nation. As a public official in Los Angeles County, he is committed to working to share the benefits of his adopted homeland with his neighbors. His patriotism is a lesson for us all.

Upset by anti-government protests and civil unrest during the 1960's, Vito joined with Bill Bailey, an old friend, and set about preserving and defending our most precious national emblem: The American flag. In 1966, the two Montrose, California residents worked with local civic groups to convince our former colleague H. Allen Smith to introduce and successfully pass House Joint Resolution 763. With its passage, the week surrounding Flag Day was thereafter dedicated national Flag Week. Sadly, this holiday has been quietly omitted from news stories ever since. It is my hope that this will change.

Mr. Speaker, the Stars and Stripes are a noble symbol of our republic. As we stand in this chamber, we rise before this bold symbol of our freedom. As we engage in debate with our colleagues on the other side of the aisle, we should take pride in our right of dissension. And as we work to shape policy affecting our children, we should be ever mindful of those who sacrificed so much for this right. We honor all these by recognizing Flag Week.

I challenge my colleagues to do their part to spread the word and celebrate this important holiday. Too often, the news of Flag Week is pushed aside for flashier stories, or relegated to the back pages on a slow news days. It is our duty to carry on the proud tradition of this week.

Mr. Speaker, progress in our country often originates from the efforts of just one man. The establishment of Flag Week serves as an important reminder of the same. In recognition of Vito Cannella's patriotism, and to honor the sacrifice of Americans through the ages dedicated to preserving our liberty, I ask my colleagues to join me in celebrating Flag Week, 1998.

HABITAT FOR HUMANITY HOUSTON PROJECT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to acknowledge the contributions to my district that Habitat for Humanity and its sponsors have made to my district over the past week.

Through the efforts of former-President Jimmy Carter, Habitat for Humanity, a handful of private sponsors, and several thousand miracle-working volunteers, 100 homes will be built for needy families this week in the city of Houston.

Houston was chosen as the site for this project because of its tremendous need for housing. Of the 1.7 million people that live in the city, 150,000 of them are considered to be ''marginally'' homeless. That number is completely unacceptable for America's fourth largest city.

Even when people are able to find housing, there is a good chance that it will be inadequate. Over 100,000 of the housing units in Houston are dilapidated, and 72,000 of them are officially overcrowded.

Yet as awful as those conditions are, there are still over 9,000 families on waiting lists for public housing. Unfortunately, the government cannot solve the housing shortage for all of them. Someone else needs to step up to the bat and help these people help themselves. Fellow colleagues, someone has.

Habitat for Humanity and the Jimmy Carter Work Project have come to bat for the people of Houston. With them, they brought an army of volunteers, and a fabulous group of sponsors.

The supplies needed for these 100 houses were all supplied by contributions from private corporations, organizations, church groups, and businesses. Many of these organizations also contributed manpower, either through their employees or their members. I am grateful to all of them. Specifically, I want to name those sponsors who made donations for the homes built in my district. They include: South Main Baptist Church; U.C.C. Celebration House; Presbyterian House—First Grace, Memorial Drive and St. Andrews; St. John the Divine Episcopal; St. Martin's Episcopal Church; Congregation Beth Israel; Congregation Emanu El; Presbyterian House No. 2; the Shell Oil Company Foundation; Umland International House; the Junior League of Houston; Fondren Foundation; Exxon; St. Luke's Episcopal Health System; Notre Dame Alumni Association; Notre Dame Student Chapter; El Paso Energy; Continental Airlines; Newsradio 740 KTRH; The Brown Foundation; Apache; Friends of Habitat; Stanley Tools; Dow Chemical; Indianapolis Life; PMI; Paul Leonard House; Weyerhauser Co.; Churchs Chicken; the Aluminum Association; Southwest Airlines/Oprah Angels; the Farris Foundation Inc.; Houston Habitat for Humanity Revolving Fund; Houston Apartment Association; and Habitat World. To all the sponsors—You have all done a great service to this community, and to our future generations. I congratulate you all.

I also want to thank and congratulate a particular group of very special people—the Gibson Family. I worked alongside of Mr. and Mrs. Gibson for the better part of the day on Monday. They have two girls, both under the age of ten, and they have another child on the way. For the past few years, they have lived in a small apartment in a dilapidated building, the whole while, looking for ways that they could better their living situation. Like many families, they have searched for options that would keep them from having to send their hard-earned money to the landlord every month, knowing that they would never own a piece of that property.

I am happy to report to you that the Gibson Family, with the help of Habitat for Humanity and their sponsors, are on their way to owning their first house. They had to work hard, physically, to get this opportunity, but they seized it.

T.S. Eliot once said, ''Home is where one starts from.'' With the help of President Carter, Habitat for Humanity, and thousands of volunteers and sponsors, the Gibson Family has a new start. It is a fresh chance to raise their children, and grandchildren in a way which every American deserves. I also want to congratulate the other 99 families who will also be receiving homes as a part of this effort. Each and every one of them deserves this tremendous opportunity as well.

As grateful as I am, for this effort to better the community in Houston, there is still substantial work to be done, and need left. There are still too many people who need adequate shelter. There are still too many cities who need adequate housing. There are far too many children growing up in unsuitable conditions.

I hope there are many more people, out there across America, who are willing to follow the example of the miracle-workers of Houston. I urge corporate America to follow the lead of the many corporate sponsors I named earlier, who put aside profit for the sake of humanity.

I pledge my loyal support to Habitat for Humanity and the people that make it work—the sponsors and the volunteers. I ask that my colleagues do the same. These people truly embody the best of the human spirit, and I applaud their heroic efforts.

JAPAN; IT'S TIME FOR REFORM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. LIPINSKI. Mr. Speaker, Japan's economy is in recession. As an editorial in the Thursday, June 18 edition of The Washington Post noted, ''the fact that once again U.S. pressure was needed to spur a commitment to reform is one more sad indication of the abdication of leadership in Japan.''

While Japan has been a strong and loyal ally of the U.S. since the end of World War Ii, that does not mean friends cannot provide constructive criticism. I have some constructive criticism for Japan.

As one of the world's largest economies, Japan has a responsibility to provide open and fair market access for imports. To this day, Japan continues to maintain restrictive barriers to its domestic market. While Japan has reduced tariff rates on imports to reasonable levels, non-tariff barriers continue to hinder imported goods and services from the U.S. and other parts of the world.

From 1996 to 1997, the U.S.-Japan trade deficit increased from $47.6 billion to $55.7 billion. Our trade deficit with Japan is the largest out of any other nation in the world, and it points to the systemic problems with Japan's market.

Now is the time for Japan to show real leadership to the international community by initiating wide-spread economic reforms specifically targeted to rescinding excessive and outdated government regulations. A U.S. Trade Representative report stated, ''[Japan's] unnecessary regulations restrain economic growth, raise the cost of doing business in Japan, lower the standard of living for Japanese consumers, and impede imports.'' Japanese economists estimate that 40 percent of all economic activity in Japan is regulated by the government. The regulations included burdensome testing and certification requirements, outdated price control measures, and unnecessary and archaic standards.

While I understand that most of these regulations were implemented when Japan was still a developing nation when it was necessary to protect certain infant industries, they are no longer needed and, in fact, retards Japan's economic growth. A nation with a mature economy such as Japan's must jettison those outdated regulations in order to expand the economy. Japan's reluctance to do so has clearly caused its current recession. By placing archaic and unnecessary restrictions to imports, Japan has only wound up hurting itself.

The solution to Japan's economic problems, Mr. Speaker, is quite simple. The Administration must work with Congress to put more pressure on Japan to provide open and fair markets, and Japan must take the necessary steps to fully honor its trade agreements with the U.S. Only by implementing this and other reform measures can the Japanese economy recover from its current recession.

HONORING REVEREND DR. WASHINGTON L. LUNDY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend Washington L. Lundy's 30th Pastoral Anniversary at the Evening Star Baptist Church in Brooklyn, New York.

Reverend Lundy is a native of McKenney, Virginia. Prior to his appointment at the Evening Star Baptist Church, Reverend Lundy had experience in pastoring at First Baptist Church in McKenney, Virginia. Following his appointment to the Evening Star Baptist Church, Reverend Lundy obtained a Bachelor of Sacred Theology and a Doctor of Divinity from Baltimore College of Bible in 1971 and 1975, respectively.

Since Reverend Lundy's tenure at Evening Star Baptist Church, many wonderful things have happened to both the church and the surrounding community. Reverend Lundy founded the Eastern Baptist Association School of Religion in 1989. The Reverend also led the congregation through a five million-dollar renovation and dedication in 1994.

Reverend Lundy's accomplishments do not end there. In 1991, C.S.B.C. Housing Development named him Father of the Year. Reverend Lundy also received the Contemporary Leadership Award in July, 1992, and the History Maker Award in February, 1995. In addition to this, Franklin Avenue, in Brooklyn, New York will soon be named ''Dr. Washington Lee Lundy'' Boulevard.

Mr. Speaker, I ask you to join me in saluting Reverend Washington L. Lundy on the occasion of his 30th Pastoral Anniversary at the Evening Star Baptist Church.

TRIBUTE TO THE MECHLER HALL SENIOR CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Mechler Hall Senior Center for a decade of success working for senior citizens in the South Bronx.

On Wednesday, June 24, the Mechler Hall Senior Center will celebrate as a Tenth Anniversary Party at the Holy Family Church on Watson Avenue, where the Center is located.

The Mechler Hall Senior Center was established in 1988 as a non-profit, all-volunteer community-based organization to serve the needs of senior citizens in our community.

During the past ten years, the dynamic Mechler Hall Senior Center has been instrumental in providing the services that senior citizens need. It serves meals to 115 people daily and organizes activities for about 150 people. Its wide range of programs and services to the community include: counseling, seminars, workshops, dancing lessons, trips, aerobics, nutritional programs, knitting, and drawing lessons, among other activities.

It is a privilege for me to represent the 16th district of New York, where Mechler Hall Senior Center is located. I have witnessed firsthand the exemplary work they are doing for our community, and I am deeply impressed.

Mr. Speaker, I ask my colleagues to join me in recognizing the Mechler Hall Senior Center for a decade of achievements in the Bronx and in wishing them continued success.

TRIBUTE TO INTERNATIONAL SOCIETY ON HYPERTENSION IN BLACKS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the International Society on Hypertension in Blacks. Their Society is about to hold its 13th International Interdisciplinary Conference on Hypertension in Blacks, and I believe it is timely to recognize their efforts to publicize a disease that has disproportionately affected minority populations.

The International Society on Hypertension in Blacks encourages increased medical research efforts, supports hypertension awareness programs targeted to minority communities, and lends assistance to put an end to the alarming statistics that show the greater prevalence of severe hypertension in Africa Americans.

The International Society works to promote treatment for all. Hypertension affects one out of three African Americans compared to one out of four people in the general population. One of the challenges to prevention or control is to adequately address the physiologic, epidemiologic and genetic differences to develop strategies appropriate for each population.

Mr. Speaker, I ask you to join me today in honoring the International Society on Hypertension in Blacks for their efforts to initiate such research forums at their annual conference and their work to spread information to community members.

FORMER REAGAN AND BUSH JUSTICE OFFICIAL CALLS FOR INVESTIGATION OF MR. STARR'S LEAKS TO THE PRESS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. CONYERS. Mr. Speaker, I enter into the RECORD the following opinion editorial from today's New York Times.

KENNETH STARR STRETCHES THE RULES

(By Ronald K. Noble)

What are we to make of Steven Brill's article contending that Kenneth Starr, the independent counsel, and his deputy, Jackie Bennett, may have leaked grand jury information about their investigation of President Clinton?

Many opponents of Mr. Clinton want to dismiss Mr. Brill's article, which appeared this week in his magazine, Brill's Content. But that would be a mistake. These leaks may violate Federal laws and Justice Department regulations. The possibility of such improper disclosures must be investigated.

In his article, Mr. Brill wrote that Mr. Starr and Mr. Bennett had given reporters background information—including accounts by witnesses who were to appear before a grand jury—regarding the investigation into Mr. Clinton's relationship with Monica Lewinsky.

Mr. Starr has issued two denials to the article. His first denial did not challenge Mr. Brill's facts; instead, the independent counsel challenged the conclusion that such disclosures were illegal and unethical.

In his second denial, Mr. Starr stated that his office ''does not release grand jury material either directly or indirectly, on the record or off the record'' and that it ''does not release (and never has released) information provided by witnesses during interviews, except as authorized by law.''

These denials beg the question of what Mr. Starr considers grand jury material, what he believes is authorized by law and what he and Mr. Bennett actually said to reporters. Indeed, before the Brill article appeared this week, many press reports had already attributed information about the investigation to the prosecutor's office.

We don't know all the facts, but Mr. Starr, as quoted in Mr. Brill's article, does not give us confidence about his interpretation of the law and Justice Department regulations. In the article, Mr. Starr said that certain disclosures do not violate a Federal criminal law that prohibits prosecutors from disclosing information about grand jury proceedings.

''If you are talking about what witnesses tell F.B.I. agents before they testify in the grand jury or about related matters,'' Mr. Starr said, that is ''definitely not grand jury information.''

Mr. Starr also said that the Justice Department's ethical guidelines allow disclosures when the public needs reassurance that an investigation is being conducted properly. Indeed, in the article, Mr. Starr suggested that it was his duty to make such disclosures if doing so would boost the public's confidence in his office.

But the laws on disclosure contain few loopholes. Last May, the United States Court of Appeals for the District of Columbia ruled that it is a violation of Federal law not only to release unauthorized information about what witnesses said to the grand jury, but also to disclose what witnesses said to prosecutors and agents in preparing for their grand jury testimony.

Moreover, Mr. Starr and his staff members are also covered by the Privacy Act, which prohibits disclosing confidential information about individuals. This law covers all Federal employees, not just prosecutors, who have access to such information because of their jobs.

Justice Department guidelines are no more lenient. To make a case for an exception, Mr. Starr seems to rely on a department rule that allows disclosure of ''matters about which the community needs to be reassured that an appropriate law-enforcement agency is investigating the incident.''

This is a stretch. The Justice Department specifically forbids prosecutors from answering questions about an ongoing criminal investigation or from commenting on its progress—including the serving of subpoenas before the documents have been publicly filed. And department guidelines on media relations state that no one in the department should release information that is likely to prejudice any legal matter.

In short, there are few situations where substantive information on an investigation can be released. And if information is released, it should be on the record. Any off-the-record conversation between prosecutors and reporters is by definition suspect. If the prosecutor is permitted to say what he is saying and is prepared to be held accountable for it—why not do so on the record?

That way the public and the judge presiding over the grand jury investigation can decide whether the prosecutor is following the rules.

Last February Mr. Starr claimed that he was investigating whether his office was leaking information. Given the allegations about Mr. Starr's and Mr. Bennett's background conversations with reporters, one wonders how thorough that inquiry could have been.

Now, Mr. Starr has no choice but to ask for an independent investigation to determine what, if any, information his office revealed to the press and whether that information violated any rules. Unless action is taken quickly, it will appear that the Independent Counsel's Office is above the law.

DEPARTMENT OF THE INTERIOR REORGANIZATION

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. SKEEN. Mr. Speaker, last month I introduced legislation to reorganize the United States Forest Service in an attempt to bring reform to that troubled federal agency. Today, I introduce legislation to further the goal of streamlining government and save additional money for the taxpayers of this nation, without decreasing services.

Continuing what Congress began in 1995, my legislation would dissolve the Department of Interior's (DOI) Minerals Management Service (MMS) and transfer the two major functions to other locations in DOI. By this transfer, the Department would realize significant savings by elimination of the administrative support component of the current MMS.

Under this legislation, the Minerals Management component of MMS would be transferred to the Bureau of Land Management. The Royalty Management component would be transferred to the office of the Assistant Secretary for Policy, Management and Budget. Day to day operations of these two divisions would go on, almost totally undisturbed by this legislation.

I would point out that the MMS was established in 1982, following an internal reorganization of the Department of Interior. Expectations for the new federal agency were high. The MMS took components that were formerly located elsewhere in the Department and placed them under one roof, headed by a director appointed by the Secretary of the Interior. The Outer Continental Shelf (OCS) oil and gas leasing program was expected to be the real centerpiece of this new agency. Leasing activities were to be expanded from small areas in California, the Gulf of Mexico and in Alaska to large areas off the entire East and West Coasts as well as the Eastern Gulf of Mexico. Industry interest was extremely high and energy self sufficiency was just around the corner.

However, something happened along the way and public support for this effort never materialized. In fact, in spite of an outstanding safety and environmental record, widespread and rabid opposition to expansion of the program developed and continues today. Therefore, the grand plans of 1982 never materialized. In fact, just last week, President Clinton called for extending the current Congressional moratorium on oil and gas activities in these new areas for another 10 years. For all practical purposes, the OCS program today remains active in the Gulf of Mexico and in Alaska waters. The program remains a vital component of our energy supply. This is especially true for natural gas.

In terms of the royalty management program, the lack of expansion of federal oil and gas leasing and production, coupled with technological advances, have diminished the need for widespread expansion of this component of the MMS. With Congressional interest in new Royalty-in-Kind proposals, MMS royalty management could well downsize even further.

The American taxpayers, who in essence are government's stockholders, are demanding a leaner government. This legislation is a step towards that goal. We cannot wait for this Administration to do the right thing. It is time for Congress to act.

HONORING DR. THOMAS P. GRISSOM, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the dedication and achievements of Dr. Thomas P. Grissom, Jr.

Dr. Grissom has earned two Doctorate degrees, and it was his desire to teach before retiring.

Dr. Thomas P. Grissom, Jr. has a vast amount of experience as a pastor. He began his ministry 49 years and 9 months ago. He first became the Associate Pastor of St. Mark United Methodist Church in Manhattan. From there he went to Janes United Methodist Church in Brooklyn. After this position, he moved to Taylor Memorial Church in Oakland, California. He later returned to New York in October 1980 to pastor Salem United Methodist Church in Manhattan. He remained at Salem until the end of June in 1990. On the first Sunday of July 1990, Dr. Grissom became the Pastor of Hanson Place Central United Methodist Church, where he has served until the present time.

Mr. Speaker, please join me in saluting Dr. Thomas P. Grissom, Jr. for his tremendous devotion and dedication to his profession.

THE STRATEGIC TRANSITIONAL EMPLOYMENT PROGRAM (STEP)

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Ms. NORTON. Mr. Speaker, today, I introduce the Strategic Transitional Employment Program Act or STEP, and I thank Senator WELLSTONE, who will introduce the bill in the Senate today, for his leadership. The unemployment rates in many parts of this region are so low that almost anybody can find a job. Yet in the District and other large cities and in rural areas, unemployment rates remain unaffected by the excellent Clinton economy. Entire sections of our society scratch their collective heads at daily reports of the splendid economy.

The STEP Act seeks to link long-term unemployed Americans with the roaring economy. It provides the three indispensable elements that most often are missing: job readiness, job experience and job placement. STEP is tightly structured. The program would be available only for individuals who meet three criteria: individuals unemployed for 15 weeks or more, whose families are at or below the poverty line, and who live in communities of concentrated poverty and unemployment.

Clearly, individuals who face all three of these conditions are walled off from self-sufficiency. If they have not found jobs after 87 months of an exceptional economy, we cannot expect jobs for them to appear miraculously. They obviously need our help. Transitional jobs that provide work experience while some transportation and child care services are provided can make the vital difference. Unlike some job programs, at the end, STEP would come with vital job placement for those who had not found work in 12 months. Moreover, paid part-time participation in education and training, including college, would insert a vital missing link to decent employment sadly lacking in last year's welfare bill.

I am also preparing an Omnibus Welfare Reform Amendments bill that will incorporate amendments from members of the House to last year's welfare reform statute, in the hope that one or the other provision might be pulled out for passage. However, STEP hops over welfare reform and confronts the missing ingredient for all the long-term unemployed—a realistic way to get them to a real job that pays a liveable wage.

STEP's $20 billion cost over four years, creating 1.8 million entry level jobs, would be money well spent from a budget that now boast a surplus. The challenge to those who have no plan for the hard core unemployed is, if not this what? The challenge to those who do not want to spend the money is, if not in this roaring economy, when?

TRIBUTE TO ROBERT EDWARD BATES, JR. & STANLEY K. WILLIAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Robert Edward Bates, Jr. and Stanley K. Williams who will be honored as Men of the Year by the Shiloh Baptist Church of Washington, D.C. on Sunday, June 21, 1998.

It has been my privilege to have known Robert Bates for many years. He has been a member of Shiloh Baptist Church since his youth. He is the son of the late Deacon and Mrs. Robert E. Bates, Sr. He was a member of the Fund-raising Committee for the Henry C. Gregory, III Family Life Center and currently serves as Chairman of the Family Life Center Foundation Board.

Active in the civil rights movement, Mr. Bates worked as an aide to Senator Edward Kennedy early in his career and went on to a successful career with Mobil Oil Company. He was one of the first African Americans to represent a major company on legislative matters on Capitol Hill. While secure in his own position, he established the Second Wednesdays

Group, an organization to enhance opportunities for African Americans in the lobbying arena. In addition, Mr. Bates has been a strong supporter of the Congressional Black Caucus and the Congressional Black Caucus Foundation. He is the father of three—Dawn, Hillman and Brandon.

After joining Shiloh nearly two decades ago, Stanley Williams immersed himself in church activities. Today, he serves as Vice President of the Brotherhood of Shiloh Men. He has been a Sunday School teacher in the Youth Department and served as an Assistant Superintendent; Chairman of the Men's Day Committee; and, Co-chaired the Children's Day Committee. He was recently appointed by the Pastor to Co-Chair the Victory Through Faith Campaign Committee.

Mr. Williams currently works at the U.S. Department of Labor where he serves as the Director of Veterans' Employment and Training. He recently was recognized by the Assistant Secretary of Labor for his outstanding knowledge and dedication in his field. He is married to Judy C. Williams and is the father of two children, Lanita and Malek.

Mr. Speaker, as we celebrate Father's Day across the country this Sunday, I ask you and my colleagues to join me in saluting these two outstanding fathers—Robert Edward Bates, Jr. and Stanley K. Williams today for their dedication to the Shiloh Baptist Church, their families, and to the community.

PERSONAL EXPLANATION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. BERRY. Mr. Speaker, on June 17, I was speaking before a group of Arkansas students and missed roll call vote No. 237. If I had been here, I would have voted ''present.''

PERSONAL EXPLANATION

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. BALDACCI. Mr. Speaker, yesterday the House voted on final passage of the Conference Report to accompany H.R. 2646, the Education Savings Act for Public and Private Schools. I do not believe that we should be taking resources away from our public schools and directing them towards private schools. I am strongly opposed to H.R. 2646, and cast my vote against the Conference Report (Roll Call Vote No. 243). Therefore, I was concerned to discover this morning that I was listed as not voting on Roll Call No. 243. Apparently, my vote was not properly recorded by the electronic voting system. I am deeply concerned about this incident.

COMMEMORATING THE 15TH ANNIVERSARY OF THE CONGRESS-BUNDESTAG YOUTH EXCHANGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to the 15th anniversary on June 19th of the creation of the Congress-Bundestag Youth Exchange.

In 1983, marking the 300 years of German immigration to the United States, the Congress and the German Bundestag created a unique program, the Congress-Bundestag Youth Exchange. This exchange was designed to ensure that the close ties of friendship and partnership which had developed between our two countries since the founding of the Federal Republic of Germany would continue in successor generations, and to foster the relationship between our two national legislative bodies.

In each of the past fifteen years, up to 800 American and German high school students and young professionals have taken part in this program. The high school students become aware of the wider world and establish ties which will benefit them for the rest of their lives. Thanks to a combination of classroom education and on-the-job training during their year abroad, young professionals are able to bring valuable experience into their working life: Americans can take advantage of Germany's ''dual system'' of education and practical training, while German youth can benefit from American strengths in areas such as telecommunications, environmental technology and the service sector. In both cases, the young people of our two countries gain knowledge and experience which will serve them well later in life.

Let me quote from the letter of a recently-returned American high school student, reflecting on her year in Germany:

> Now, I am able to speak Germany fluently. I have made many strong friendships and have experienced a culture I was not used to; I have learned a great deal about who I am and about life in general. I have learned to be more tolerant of others and the ideas that they offer. Being an exchange student does not just benefit the exchange. My first weeks in Germany were spent trying to disprove many of the stereotypes the Germans had about the United States and its society. Through this Exchange, all participants are able to return home feeling proud that they had the opportunity to represent the United States.

The Congress-Bundestag Youth Exchange program also organizes reciprocal visits by staffers of the Congress and Bundestag. I hope that more of my colleagues will encourage their staffers to take advantage of this opportunity to get to know Germany and the working of its government and legislature. The staff exchange can be of tremendous assistance as our two countries grapple with shared problems.

Germany is a uniquely important ally of the United States. We have a strong national interest in maintaining the closest ties and the best understanding possible with both the current leadership and the successor generation. The Congress-Bundestag Youth Exchange represents one of the best ways to cement our partnership. During his recent visit to Germany, marking the 50th anniversary of the Berlin Airlift, President Clinton declared, ''we will be working hard to expand our support for the Congress-Bundestag Youth Exchange, which has already given more than 10,000 German and American students the chance to visit each other's countries.''

German leaders in the Bundestag value the relationship with the United States and with the Congress, and recognize the contribution which the Congress-Bundestag Youth Exchange program has made to the close ties which exist. On June 19th, the President of the German Bundestag, Prof. Rita S ssmuth, will mark the 15th anniversary of the Congress-Bundestag Youth Exchange program by sending the Bundestag's greetings to all Members of Congress and by congratulating the 200 American participants in this year's program, who will be present during the Bundestag session.

Mr. Speaker, I invite my colleagues in the House of Representatives to join me in extending special greetings to our fellow legislators in the Bundestag, in commemorating the creation of this exchange and in noting its contribution to the distinctive ties between the peoples and the governments of these two great nations.

INTRODUCTION OF THE TAXPAYER'S DEFENSE ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. GEKAS. Mr. Speaker, today I join with Mr. HAYWORTH and 52 of our colleagues to introduce the Taxpayer's Defense Act. This bill simply provides that no federal agency may establish or raise a tax without the approval of Congress.

One of the principles on which the United States was founded was that there should be no taxation without representation.

In the Second Treatise of Government, John Locke said, ''[f]f any one shall claim a power to lay and levy taxes on the people, . . . without . . . consent of the people, he thereby . . . subverts the end of government.'' Consent, according to Locke, could only be given by a majority of the people, ''either by themselves or their representatives chosen by them.'' The Boston Tea Party celebrated Americans' opposition to taxation without representation. And the Declaration of Independence listed, among the despotic acts of King George, hie ''imposing Taxes on us without our Consent.'' First among the powers that the Constitution gave to the Congress, our new government's representative branch, was the power to levy taxes.

The logic of having only Congress establish federal taxes is clear: only Congress considers and weighs every economic and social issue that rises to national importance. While any faction, agency, or sub-agency of the government may view its own priorities as paramount, only Congress can decide which goals are of the importance to merit spending taxpayer dollars. Only Congress can determine the level at which taxpayer dollars should be spent.

The American ban on taxation without representation has not been seriously challenged

during our nation's history. The modern era of restricted federal budgets, however, threatens to erode the essential principle of ''no taxation without representation.'' In ways that are often subtle or hidden, federal agencies are taking on—or receiving from Congress—the power to tax. They may tax by adding extra charges onto legitimate fees charged for services they provide. They may tax by requiring businesses to take on affirmative obligations (as opposed to complying with proscriptions on behavior that harms the public) as a condition of operating. Administrative taxes pass the costs of government progrms on to American consumers in the form of higher prices. These secret taxes tend to be deeply regressive and they add inefficiencies to the economy. The take money from everyone without helping anyone.

The worst example of administrative taxation is the Federal Communications Commission's Universal Service Tax. ''Universal service'' is the idea that everyone should have access to affordable telecommunications services. It originated at the beginning of the century when the nation was still being strung with telephone wires. The Telecommunications Act of 1996 included provisions that allowed the FCC to extend universal service, ensuring that telecommunications are available to all areas of the country and to institutions that benefit the community, like schools, libraries, and rural health care facilities.

Most importantly, the Act gave the FCC the power to decide the level of ''contributions''—taxes—that long-distance providers would have to pay to support universal service. The FCC now determines how much can be collected in taxes to subsidize a variety of ''universal service'' spending programs. It charges long-distance providers, who pass the costs on to consumers in the form of higher telephone bills. In the first half of 1998, the tax was $625 million, and the Clinton Administration's budget projects it will rise to $10 billion per year. Mr. Speaker, this administrative tax is already out of control.

The FCC's provisions for universal service have many flaws. Among them are three ''administrative corporations'' set up by the FCC. The General Accounting Office has determined that the establishment of these corporations was illegal. The head of one of these corporations was, until recently, paid $200,000 dollars per year—as much as the President of the United States. And reports are already coming in about sweetheart deals between government contractors and their State government friends, who have access to huge amounts of easy universal service money.

The FCC has been contumacious to the will of Congress in implementing the Universal Service Tax. Chairman BLILEY has assiduously pursued the FCC's missteps and misdeeds, as have I. In the Commercial and Administrative Law Subcommittee, I chaired a hearing on administrative taxation, focusing particularly on the Universal Service Tax, on February 26, 1998, at which I raised several issues and concerns. The FCC's response to my concerns, and those of many other Members, has been anemic at best.

This can only happen because the FCC collects taxpayer dollars at levels it sets without approval from Congress or the people. The FCC can defy Congress and the people because it has the power to levy taxes on its own. It can ignore Congress without threatening its generous spending programs, which cost Americans millions and millions of dollars. Mr. Speaker, some people thought the tax-and-spend liberals had left Washington. Not so.

Washington interest groups who want to feed at this federal trough are already geared up to accuse the Republican Congress of cutting funding for education and health care if any attempt is made to rein in the FCC. They will cynically frame the issue as a matter of federal entitlements for sympathetic causes and groups.

But the most sympathetic group is the American taxpayer, whose money is being taken, laundered through the Washington bureaucracy, and returned (in dramatically reduced amounts) for purposes set by unelected Washington poohbahs. This is why we must require the FCC, and all agencies, to get the approval of Congress before setting future tax rates.

Should tax dollars be used for federal universal service programs? In what amounts? Or should Americans spend what they earn on their own, locally determined priorities? Requiring Congress to review any administrative taxes would answer this question.

My bill would create a new subchapter within the Congressional Review Act for mandatory review of certain agency rules. Any rule that establishes or raises a tax would have to be submitted to Congress and receive the approval of Congress before it could take effect. In essence, the Act would disable agencies from establishing or raising taxes, but allow them to formulate proposals for Congress to consider, under existing rulemaking procedures. It is a version of a bill introduced and ably advocated for by Mr. HAYWORTH. He joins me today as a leading cosponsor of this bill.

Once submitted to Congress, a taxing regulation would be introduced (by request) in each House of Congress by the Majority Leader. The rule would then be subject to expedited procedures, allowing a prompt decision on whether or not it should take effect. The rule would take effect once a bill approving it was passed by both Houses of Congress and signed by the President. If the rule were approved, the agency would retain power to reverse the regulation, lower the amount of the tax, or take any otherwise legal actions with respect to the rule.

Mr. Speaker, the cry of ''no taxation without representation'' has gone up in the land before, and today we are hearing it again. Congress must not allow a federal agency comprised of unelected bureaucrats to determine the amount of taxes hardworking Americans must pay. While preserving needed flexibility, the Taxpayer's Defense Act will allow Congress alone to determine the purposes to which precious tax dollars will be put.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. ADAM SMITH of Washington. Mr. Speaker, I was unavoidably detained on the evening of June 11, 1998, and unfortunately missed roll call votes 230 and 231. If present I would have voted ''yea'' on roll call vote 230 and ''yea'' on roll call vote 231.

HONORING THE SAVE OUR YOUTH INITIATIVE'S CONGRESSIONAL YOUTH COUNCIL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the member of my Save Our Youth Initiative's Congressional Youth Council.

One of the major challenges facing Brooklyn, and other parts of our Nation, is finding ways to open doors of opportunity for youth who constitute a disproportionately large share of the unemployed, underemployed, and incarcerated. Through the Save Our Youth Initiative, I am striving to eliminate this bleak outlook for our youth, and to provide the necessary resources so that youth can build successful lives. An important vehicle in this effort is my Congressional Youth Council.

Since Spring 1996, the Youth Council's leadership role in the community encourages youth to become more active citizens. Through organizing community forums such as a Youth Town Hall meeting attended by over 200 youth and adults, participating in public hearings and other local events, and discussing policy issues with public officials such as Mayor Rudolph Giuliani and Brooklyn Borough President Howard Golden, these youth blossomed into dedicated advocates. Each young leader—April Hudson, Irvin Daniels, Felix Ramos, Akilah Holder, Tanya Cruz, Latoya Baker, Dunni Owolabi, Jethro Jelldine, Nicole Brathwaite, Michelle Warner, Yolanshe, Alexander, Fellanthin King, and Kalonji Curwen—is a shining beacon of hope for the future of our community.

I am tremendously proud of their achievements in both school and the community. This month, four of these dedicated youth advocates will receive their New York State high school diplomas. They have truly shown that Generation X is a generation of excellence.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting all of the members of my Congressional Youth Council.

TRIBUTE TO INTEGRATION 2000

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. BONIOR. Mr. Speaker, each year a new group of children walks into a school for the first time. They are our future leaders, the hope of America. Students rely on the support they get from parents, mentors, and teachers as they prepare for their future. Harry Istok, at Malow Junior High in Shelby Township, MI, has developed an innovative technical program called Integration 2000. With the help and support of businesses throughout the Metro Detroit area, Integration 2000 has changed the way we look at technical education in Michigan.

Harry Istok is a veteran teacher. For twenty-seven years, he has taught drafting to students at Malow Junior High. But during the school year of 1995/1996, Harry took drafting to a new level. By taking skills from art, drafting, technology education, and general business, Harry integrated the manufacturing side

to show students how their final product would be produced. Students in 7th, 8th, and 9th grades have designed, engineered, manufactured and marketed products such as key chains and pen and pencil holders proudly bearing the Malow Mustang. Harry Istok is preparing students for life after secondary school. Harry has stated, ''the whole purpose of education after the Industrial Revolution is to prepare students for the world of work. We have to show the kids that there are viable alternatives to a four year college education.'' Integration 2000 provides students and business with the opportunity to work together in a hands-on educational environment.

Since 1995, Harry has enlisted twenty-seven area businesses to participate in Integration 2000. Each business donates time and materials to the education of the students. Without their dedication and commitment Integration 2000 would not be possible. On March 8, 1998, Harry and his partners were honored with the Program Excellence Award at the 60th International Technology Education Association in Fort Worth, Texas. The participating businesses are: RCO Engineering, Northern Metalcraft, Joint Production Technologies, Thunder Tool, Shoe Design, Entire Reproductions, Rhetech, Pinnacle Technologies, Proper Mold, Macomb Sheet Metal, P-Ess Sheet Metal, Breed Technologies, Kinzer Collision, International Hardcoat, Shelby Mold Inc., Modulated Metals Inc., E & E Engineering, Advanced Machining Ltd., Mt. Clemens Steel Inc., R.-J.'s E.D.M., DCT Inc., Unique Fabricating, Acra Grinding, 3-Dimensional Services, Powder Cote II, Interplas and Consumers Lumber.

As a parent and congressman, I am impressed so many young people will have the opportunity to experience the world of high tech manufacturing when they are as young as twelve years old. Harry Istok's vision has brought together a unique partnership between Malow Junior High and businesses in southeastern Michigan. Integration 2000 will serve as an example for other schools to follow. I would like to thank Harry and all of his twenty-seven partners for their lasting contribution to education in the United States.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mrs. CLAYTON. Mr. Speaker, during roll call vote numbers 245, 246, and 247, I was unavoidably detained. Had I been present, I would have voted yes on 245, and no on 246, and 247.

BANKRUPTCY REFORM ACT OF 1998

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise today in qualified support of this legislation to overhaul our nation's bankruptcy laws. H.R. 3150 is an imperfect bill that addresses a very real and pressing problem. I will vote for this bill to advance it through this stage of the legislative process. However, if this bill does not improve in conference negotiations with the other body, I am prepared to vote against the conference report.

Although the rate of personal bankruptcy filings in Texas in 1996 was well below the national average, it is still high at 8.4 bankruptcies per 1000 households. Nationally, filings increased 20% from 1996 to 1997, and the economic cost of these bankruptcies is passed on to all consumers, creating a hidden tax of $400 on every household.

While there are multiple factors contributing to this recent surge in bankruptcy filings, the ease with which a debtor can file for Chapter 7 bankruptcy is surely one of them. There are certainly scattered cases of debtors running up their debt and then filing Chapter 7 bankruptcy to discharge that debt when they are capable of paying a substantial portion. The bankruptcy system should not assist debtors in evading debts they could otherwise pay. Instead, our nation's bankruptcy laws should offer a fair and honest way for those overwhelmed by financial pressures to pay off as much of their debt as they can and begin a fresh start.

This bill takes a good initial step at limiting a debtor's ability to ''game the system'' or take advantage of our bankruptcy code. However, the bankruptcy code affects millions of working Americans annually, and any changes to the code will have significant ramifications for many of them. We must undertake any rewrite of this code with extreme diligence and caution.

Amendments to this bill, both in committee and on the House floor, addressing child support and alimony payments, have allayed some of my fears. However, I still have significant lingering concerns that making some credit card debt nondischargeable places this debt in direct competition with child support and alimony payments. Although child support and alimony payments retain priority designation, credit card companies will generally have a better ability to collect these debts than an ex-spouse. Before this bill is enacted into law, we must be absolutely certain that it will not benefit credit card companies at the expense of women and children who rely on these payments for their survival.

This bill, as reported by the House Committee on Judiciary, would have preempted provisions in the Texas Constitution which protect a debtor's homestead from seizure. The bill would have capped the homestead exemption at $100,000, while Texas law has no monetary limit on the homestead exemption. I was adamantly opposed to this provision, and was pleased that it was eliminated from the bill on the House floor. However, I still have concerns that this bill would intrude on state law by prohibiting a debtor from exempting assets transferred into one's homestead within one year of filing for bankruptcy. I hope to see this provision eliminated from the bill in negotiations with Senate.

I will vote for this bill now, but I urge the conference committee to address these very significant issues before this legislation returns to the House for final passage. If women and children are not adequately protected in this rewrite of the bankruptcy code, I will vote against the conference report.

RECOGNIZING WPST'S DAVE McKAY AS TOP 40 SMALL MARKET PROGRAM DIRECTOR OF THE YEAR

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. PAPPAS. Mr. Speaker, I rise today in recognition of Mr. Dave McKay who was recently named Top 40 Small Market Program Director of the Year at the Gavin Seminar in San Diego, California. He is truly outstanding at what he does, making it my pleasure to recognize him today.

Every day many of us enjoy listening to the radio but are probably largely unaware of the hard work that goes into a successful broadcast. It is rare that we have the opportunity to give our thanks to those who stand out in the radio industry and provide us with daily entertainment.

Selected from hundreds of candidates across the country, Mr. McKay has proven to be at the top of his field, as is evident by the fact that he has received this honor for two consecutive years. He graduated from the University of Maryland in 1992 and has excelled in his endeavors ever since. Hired immediately as an air talent at WPST in 1993, he was recognized as a great prospect in the industry. Just five months later, he was promoted to the position of Music Director, a position that gained him many accolades. As Music Director, Mr. McKay won $10,000 in the AIR Competition, one of the greatest achievements in the radio industry, as well as numerous other awards. Finally, in 1996, he was named Program Director at WPST, a position that he remains in at this time.

Mr. Speaker, I am proud to be able to recognize Dave McKay for his recent honor in being named as the Top 40 Small Market Program Director of the year. I want to congratulate him and wish him and WPST my best wishes.

FOURTH ANNUAL CITIZENSHIP DAY EVENT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. GREEN. Mr. Speaker, June 13, my staff and I hosted our Fourth Annual Citizenship Day Event. This is a one-stop application processing opportunity for residents who wish to become U.S. citizens.

With the help of local volunteers, elected officials, and community-based organizations, we were able to help 350 residents take their first step to becoming a U.S. citizen.

The Citizenship Day process consisted of completing INS forms, taking photographs, and having attorneys and INS representatives review the application. Upon completing this process, the application is photocopied for the applicant and immediately mailed to INS.

Every year, I am amazed at the number of people who attend this event. While some of us to tend to take for granted that we live in a great a country, others wait in line all night long simply to submit an application to become a U.S. citizen.

Although an event like this takes many months of coordinating and planning, the rewards are remarkable. Not only does it provide a service to our community, but it also increases awareness among legal residents about the importance of becoming a citizen. Moreover, it's encouraging to see volunteers return every year to contribute their time and effort.

I am extremely thankful of the following volunteers, groups and organizations who assisted in making this event possible: Houston Community College—Northeast Campus, Harris County Constable Victor Trevino, Immigration and Naturalization Service, United States Postal Service, Houston Industries, League of United Latin American Citizens, National Association of Latino Elected Officials, Hispanic Women in Leadership, Rio Posada Restaurant, Fiesta Mart, Inc., Hispanic Organization of Postal Employees, Houston Coca Cola Bottling Co., Pizza Hut, Chase Bank, Telemundo—Channel 48, Univision—Channel 45, College Democrats @ University of Houston, Quan, Burdette & Perez, Attorneys at Law, Esther Alaniz, Alicia Almendariz, David Airhart, Artie Blanco, Delia Barajas, Debra Barnes, Yasmine Cadena, Mary Closner, Mitchell Contreras, Romero Cruz, Hector De Leon, Anselmo Davila, Armando Entenza, Arthur Flores, Charles Flores, Dr. Margaret Ford, Celia Garcia, Cyndi Garza, Juan Garcia, Rosa Garcia, Reynaldo Garza, Victor Gonzalez, Juana Gonzalez, Priscilla Gonzalez, Manuel Gonzalez, Mary Guerrero, Rebecca Guerrero, Joe Granados, Ben D. Huynh, Ana Maria Lopez, Dorothy Ledezma, Alfred Martinez, John Martinez, Benny Martinez, Margaret Mata, Edward Melendez, Josephine Mendoza, John Meyer, Diana Morales, Sally Morin, Mercedes Nassar, Janie Munoz, Frances Munoz, Art Murillo, Ana Nunez, Sandra M. Orellana, Juan Padilla, Cesar De Paz, Richard Perez, Candy Perez, Andre Rodriguez, Jesse P. Ramirez, Francisco Rodriquez, Mayor Cipriano Romero, Juana Rosales, Rosa Ruelas, Yeannett Salazar, Thomas Sanchez, Olga Soliz, Diana Trevino, Marco Torres, Vera Vasquez, Suzanne Villareal, Patricia Valdez, Ralph Vazquez, and Shahid Waheed.

OSHA WORKPLACE VIOLENCE RECOMMENDATIONS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. BALLENGER. Mr. Speaker, the Occupational Safety and Health Administration recently issued a document called ''Recommendations for Workplace Violence Prevention in Late-Night Retail Establishments.''

Although workplace violence is an issue that we are all concerned about, I and many of my colleagues have serious reservations about OSHA's involvement in this issue. In September 1996, more than 100 members of the House of Representatives wrote to then Assistant Secretary for OSHA, Joseph Dear, regarding an earlier set of ''guidelines'' for workplace violence prevention programs for night retail establishments, expressing a number of concerns, including the enforceability of the guidelines and the lack of scientific basis and procedural safeguards in their promulgation.

I continue to be concerned that OSHA's involvement in workplace violence has not been supported by objective analysis nor been subject to procedural safeguards. There is little evidence that OSHA is in a better position than state and local authorities to investigate incidents of workplace violence perpetrated by either 3rd parties or co-workers, or that OSHA's involvement in those investigations would help to bring the perpetrators to justice.

Nonetheless, I do want to underline a clarification that OSHA made in its recent recommendations for late night retail establishments. It is my understanding from both the actual text of OSHA's final recommendations, as well as from comments made by OSHA officials, that its recommendations are not a new standard or regulation, and do not create any new OSHA duties, and that an employer's decision not to adopt any of the recommendations will not be deemed evidence of a violation of the General Duty Clause in section 5(a)(1) of the Occupational Safety and Health Act. To quote OSHA's recommendations directly, ''These recommendations do not impose, and are not intended to result in, the imposition of any new legal obligations or constraints on employers or the states.''

Mr. Speaker, a great many employers in the late night retail industry have worked hard to develop violence prevention programs that may not conform to all of OSHA's recommendations. It is my understanding that OSHA's recent ''recommendations'' are intended as suggestions to late night retailers of a variety of steps that may be taken as part of such violence prevention programs. The particular recommendations in the April 28 OSHA document are not intended to create any legal obligation, duty or consequence.

Mr. Speaker, workplace violence, like violence throughout our society, is a serious problem. Employers in all sectors of the economy are taking steps to prevent violence against their employees, whether it be violence perpetrated by 3rd parties or by disgruntled and disturbed employees. I commend OSHA for clarifying that its recommendations do not impose new legal duties on employers but are intended to provide employers with suggestions and recommendations of steps that employers may consider as part of their own efforts to reduce the likelihood of violence occurring against employees in their workplaces.

A TRIBUTE TO MR. PAUL C. ZANOWIC

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to Mr. Paul C. Zanowic, who served as a law enforcement officer in Somerset County, New Jersey for fifty years.

President Warren G. Harding once said, ''Whenever a man contributes to the betterment of his community, whenever he contributes to the enlarged influence of his State, whenever he contributes to the greater glory of the Republic and makes it a better place in which to live and in which to invite men to participate and aspire, he contributes to himself as he contributes to the welfare of his fellow men.''

Paul Zanowic dedicated his life to the betterment of his community, through the honorable profession of law enforcement. On February 12, 1998, Paul Zanowic reached his 91st birthday. His commitment to public duty and the public trust truly deserves recognition by this body.

Paul Zanowic started as a patrolman with the North Plainfield Police Department in 1931. After serving as the Office in Charge of the Detective Bureau for eight years, he was elevated to Chief of Police in North Plainfield, New Jersey, in 1960, which is in my Congressional district. Beginning in 1967, he was elected to four straight terms by the citizens of Somerset County to serve as their Sheriff. He retired from law enforcement in 1980. His tenure as Chief of Police was marked by his becoming President of the New Jersey State Association of Chiefs of Police and he has the honor of being the first Chief ever elected to office in the Association from Somerset County. He was past president of the North Plainfield Police Benevolent Association, and received an honorary lifetime membership in the New Jersey State PBA.

Mr. Speaker, distinguished colleagues, please join me in honoring the dedication of Paul C. Zanowic. His record of public service should serve as a model for the citizens of our nation.

LAWRENCE MEINWALD, OUTSTANDING CITIZEN OF GOSHEN, NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. GILMAN. Mr. Speaker, I rise today to call to the attention of our colleagues the birthday of an outstanding American and resident of the Town of Goshen, New York, Lawrence Meinwald. Today, Mr. Meinwald celebrates his 84th birthday, and I want to take this opportunity to share with our colleagues the remarkable life story of this incredible person.

Mr. Meinwald came to the United States in 1920 as a young boy from Warsaw, Poland. His first ten days in America were spent at Ellis Island while waiting to enter our nation. Ellis Island had such a strong impact on him that he decided to make New York State his home, and remains unpersuaded by the recent ruling reverting Ellis Island to New Jersey.

Larry Meinwald, along with his wife, Carolyn, have made lasting contributions to their adopted home of Goshen, New York. Chief among these contributions has been the complete restoration of eight commercial buildings in the Village of Goshen, all which preserve the historic nature of the area.

Mr. Meinwald's most recent restoration is that of an office building at the very spot at which the former Erie and Western Railroad had the initial trip on what proved to be a long

and fruitful era. During that period Goshen served as a major rail distribution center. In recognition of this important maiden run, George M. Lyons, the Mayor of Goshen, has named the street ''Railroad Avenue.''

Mr. Speaker, I invite our colleagues to join with me in extending birthday greetings and our best wishes to this outstanding American citizen, Mr. Lawrence Meinwald.

FATHER'S DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. PACKARD. Mr. Speaker, I rise today to honor our nation's fathers. As all of us are aware, this Sunday, June 21 is Father's Day. While Father's Day is a relatively new holiday, originating in the early part of this century, there is no limit to the amount of respect and honor we have shown our fathers over the years.

In 1909, a daughter thought of the idea of Father's Day. She and her five siblings had been raised by her father after their mother died. She wanted to honor her father, realizing as she reached adulthood how much he had sacrificed for her and her brothers and sisters. The concept of Father's Day was born.

Our parents often teach us many things about life that we don't realize at the time of the lesson; however, slowly we metamorphose into this person that ''becomes like our parent.'' I still live and remember many of the lessons my own father taught me. My father was one of the most honest, loving, men of integrity I have ever known. He taught me the value of hard work, and of a faith born not of words, but deeds. I couldn't have asked for a better example of all that is good in a man, than the example of my dad.

Mr. Speaker, again, I rise today to extend my gratitude to those fathers in our nation who remember the job they have and keep the promises made to their children.

RECOGNIZING THE EFFORTS OF THE NEW JERSEY BROADCASTERS ASSOCIATION

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. PAPPAS. Mr. Speaker, I rise today in recognition of the New Jersey Broadcasters Association whose outstanding work has affected the lives of many of my constituents. They have truly served the public interest in the communities of New Jersey, and for this I commend them.

Broadcasters have a mandate to serve the public interest of the communities in which they operate. Given the diversity of communities in New Jersey as well as in the entire United States, there are a multitude of needs to be addressed over the public airwaves. Whether it be public service announcements, public affairs programs, or the communications of other various community issues, the NJBA has educated and involved the citizens of New Jersey in a unique way.

They have gained the respect of the listening audience by reporting on those issues important to the community. Issues such as AIDS, alcohol abuse, drunk driving, and crime are addressed by the association and relayed to the public through public service campaigns. Our youth are significantly affected by what they hear over the radio, and based upon the outstanding job by the NJBA, they are being steered in the right direction. In addition, emergency closings of businesses and schools as well as local weather crises are reported by stations through the NJBA.

New Jersey radio and TV stations, through the good work of the NJBA, do so much good work each and every day to assist in the improvement of the community. All events and activities that they work on, no matter what the size, are important to the citizens of New Jersey.

Mr. Speaker, I would like to take this opportunity to thank Phil Roberts and the entire NJBA for their continuous excellent work and wish them every future success in keeping the citizens of New Jersey educated and informed.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Ms. ESHOO. Mr. Speaker, I was unavoidably detained on June 16, as United Flight #200, scheduled to depart San Francisco at 8 am did not depart until 10 am due to mechanical difficulties. I landed at Dulles International Airport at 5:34 pm, and therefore missed Rollcall votes 232 and 233. Had I been present I would have voted ''aye'' on both.

A TRIBUTE TO STEVE OHLY—1998 ROBERT WOOD JOHNSON FOUNDATION COMMUNITY HEALTH LEADER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. KLECZKA. Mr. Speaker, one of the greatest pleasures of serving in Congress is the opportunity to recognize the exceptional individuals of our Nation. Today, I rise to pay tribute to one such person, my constituent Steve Ohly, for his many contributions to the City of Milwaukee, Wisconsin. Recently, Steve was recognized by the Robert Wood Johnson Foundation Community Health Leadership Program as one of ten outstanding American leaders who have found innovative ways to bring health care to communities whose needs have been ignored and unmet.

I would like to offer my congratulations to Steve on his receipt of this distinguished award and to take this time to touch on his accomplishments. Steve, a nurse practitioner by trade, was instrumental in founding the Madison Street Outreach Clinic on Milwaukee's south side in 1994. From the outset, the Madison Street Outreach Clinic has been a welcome and open door for the city's uninsured and homeless. The clinic provides health care to families and individuals, who because of poverty, hopelessness, location, immigration status, mental or physical illness, face unique and difficult obstacles to receiving needed services through more traditional channels. The Madison Street Clinic serves the most ethnically diverse community in the State and every month more than 600 patients walk through the clinic doors for care.

In addition, in 1997, Steve helped open the Clarke Square Family Health Center, the Midwest's first medical clinic to operate in a grocery store. The clinic, located in the neighborhood Pick 'N Save, is open seven days a week and provides both primary and urgent care to patients who live in the area. Truly ''one-stop shopping,'' Clarke Square provides a safe environment in the central city for individuals to receive primary and urgent care services right in the grocery store.

Through the efforts of Steve Ohly, countless homeless and unemployed Milwaukeeans are given needed medical care and a chance to lead more healthy and productive lives. I congratulate Steve and thank him for his tireless dedication and service to our great city. Mr. Speaker, I ask that you, and the other Members, join with me in honoring Steve for his commitment to his community and acknowledge his admirable service as a role model to our entire Nation.

INTRODUCTION OF RESOLUTION REGARDING PROTECTING FUNCTION PRIVILEGE

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. DELAY. Mr. Speaker, today I am introducing a resolution expressing the sense of the House of Representatives that President Clinton should immediately withdraw his appeal of the U.S. District Court for the District of Columbia's recent decision rejecting the fabricated ''protective function privilege.'' Judge Johnson correctly observed that this new privilege, which would prevent Secret Service agents from testifying, is not based in the Constitution, statute or common law. In short, there is no legal basis for a protective function privilege.

The fact that this administration would assert such a specious privilege is deeply troubling for a number of reasons. First, the president has apparently decided, contrary to his public pronouncements, that he will not cooperate with the grand jury investigation. I recall President Clinton looking the American people in the eye and proclaiming that the ''American people have a right to get answers'' regarding questions about the Monica Lewinsky investigation? He said it was his intention to supply more information rather than less, sooner rather than later. Does any one recall his promise to give ''as many answers as we can, as soon as we can, at the appropriate time, consistent with our obligation to also cooperate with the investigations.''

Instead, the President has decided to hide behind an army of lawyers, most of whom are paid with taxpayer money. President Clinton and his attorneys have decided to throw as many legal obstacles in front of the investigation as possible. They have apparently been

instructed to go so far as to claim the newly fabricated ''protective function privilege.'' The Attorney General should be ashamed that she is now part of the conspiracy of obstruction and silence.

Mr. Speaker, I am also concerned about the assertion of this privilege because of the signal it sends across America. President Clinton is demonstrating that if one has enough money and power, one can use the legal system to delay, obstruct, and avoid accountability. The President is willing to abuse America's justice system to avoid coming clean with the American people. Like so many of his liberal friends, the President and his lawyers urged the court to legislate a new law where there was none. That is not the appropriate use of our court system. Only Congress can make new laws in this area as Judge Johnson so aptly noted. If the President is so concerned about harm to himself or the Secret Service, he should propose legislation to Congress not abuse our judicial system.

Mr. Speaker, I urge the President to direct the Attorney General to immediately withdraw her appeal of Judge Johnson's correct decision. The time has come for the President to fulfill his commitment to the American people.

I also ask that the resolution, various editorials, and a letter from Professor Jonathan Turley on behalf of former Attorneys General Barr, Thornburgh, Meese, and Bell be included in the RECORD immediately following this statement.

H. RES.—

Whereas the Office of the Independent Counsel and a Federal grand jury are investigating allegations of personal wrongdoing and possible crimes in the White House;

Whereas certain Secret Service agents asserted a ''protective function privilege'' and refused to answer questions before a Federal grand jury (In Re Grand Jury Proceedings, Misc. No. 91–148 (NHJ), redacted version at 1, (D.D.C. May 22, 1998) (hereinafter referred to as ''Grand Jury Proceedings''));

Whereas ''n]one of the questions at issue relate to the protective techniques or procedures of the Secret Service'' (Grand Jury Proceedings at 1);

Whereas Federal Rule of Evidence 501 provides that evidentiary privileges ''shall be governed by the principles of the common law as they may be interpreted by the Courts of the United States in the light of reason and experience'';

Whereas the Supreme Court has interpreted Rule 501 to require courts to consider whether the asserted privilege is historically rooted in Federal law, whether any States have recognized the privilege, and public policy interests (*Grand Jury Proceedings* at 2, *citing Jaffee v. Redmond*, 518 U.S. 1, 12–15 (1996));

Whereas the Supreme Court has emphasized that it is ''disinclined to exercise [its] authority [under Rule 501] expansively'' (*University of Pennsylvania v. EEOC*, 493 U.S. 182, 189 (1990)) and has cautioned that privileges ''are not lightly created nor expansively construed, for they are in dereogation of the search for truth'' (*U.S. v. Nixon*, 418 U.S. 683, 710 (1974));

Whereas the district court found ''no constitutional basis for recognizing a protective function privilege,'' ''no history of the privilege in Federal common or statutory law,'' ''[n]o State [recognition of] a protective function privilege or its equivalent,'' and ''the policy arguments advanced by the Secret Service are not strong enough to overcome the grand jury's substantial interest in obtaining evidence of crimes or to cause this Court to create a new testimonial privilege'' (*Grand Jury Proceedings*) at 3, 6–9;

Whereas no administration has ever sought congressional enactment of a protective function privilege;

Whereas Chief Judge Norma Holloway Johnson refused to establish a protective function privilege (*Grand Jury Proceedings* at 9) and correctly noted such claims should be made to Congress, not to the courts (*Grand Jury Proceedings* at 4);

Whereas the Attorney General, who is the Nation's chief law enforcement official, should not assert claims of privilege, such as the protective function privilege, that have no basis in law and the assertion of which substantially delays the work of the grand jury;

Whereas former Attorneys General Barr, Thornburgh, Meese, and Bell encouraged Attorney General Reno to forego appealing the district court's decision because they believe the decision was ''legally and historically well-founded,'' and ''any appeal would likely result in an opinion that would only magnify the precedential damage to the Executive Branch'' (Letter from Professor Jonathan Turley to Attorney General Reno, May 25, 1998); and

Whereas the Attorney General has appealed the district court's decision: Now, therefore, be it

Resolved, That it is the sense of the House that the President of the United States, if he believes such a policy is warranted, should submit to the Congress proposed legislation which would establish a protective function privilege and also direct the Attorney General to immediately withdraw the appeal of the district court's decision in the matter styled *In Re Grand Jury Proceedings*, Misc. No. 91–148 (NHJ), *redacted version*, (D.D.C. May 22, 1998).

[From the Las Vegas Review-Journal, May 27, 1998]

PHANTOM ''PRIVILEGE''

By now, everybody who follows the White House scandals knows that a federal judge has shot down the groundless claim that Secret Service agents enjoy some special ''privilege'' which shields them from having to testify in court proceedings.

Arguing on the president's behalf, the Justice Department contended that compelling Secret Service agents to testify would damage the relationship between the president and the agents assigned to protect him and would put the president's life, and those of future chief executives, in jeopardy.

Last week, federal district court judge Norma Holloway Johnson ruled that Secret Service agents enjoy no immunity from testifying—no ''privilege'' whatsoever under law, precedent, tradition or even the rules of common sense.

Judge Johnson's decision is worth examining further because it helps expose the White House ''privilege'' ploy for what it was: the latest in a host of tactical moves designed not to ''protect the presidency''—as Mr. Clinton's more simple-minded apologists would have it—but to delay, to obfuscate and to keep the president's fat out of the fire for as long as possible.

In her ruling, Judge Johnson found:

(1) The Constitution says nothing and implies nothing about any such privilege for the Secret Service.

(2) Nowhere in U.S. history or custom or common law—or in the law of any state as regards protection for governors—is there any basis for such a claim.

(3) Not only did Congress not give the Secret Service immunity from testifying, Judge Johnson wrote in reference to the United States Code, ''under section 535(b), Congress imposed a duty on all executive branch personnel to report criminal activity by government officers and employees to the attorney general. . . . Secret Service employees are not only executive branch personnel subject to 535(b), but they are also law enforcement officers.''

(4) Wrote Judge Johnson: ''The court is not ultimately persuaded that a president would put his life at risk for fear that a Secret Service agent might be called to testify before a grand jury'' on a rare occasion.

In all respects, the judge's ruling was sound and correct. Only Mr. Clinton's most vapid defenders can believe that ''the presidency'' is somehow harmed by calling upon Secret Service agents to tell the truth about possible felonious actions.

[From the Tampa Tribune, May 23, 1998]

SECRET SERVICE AGENTS AND THE LAW

In plenty of palaces in the backwaters of the world, a dictator's bodyguards never testify against the boss. It is outrageous that such an issue should even be under debate here.

Yet the Justice Department is arguing that Secret Service agents assigned to protect the president shouldn't be allowed to answer questions by the special prosecutor investigating possible obstruction of justice in the Monica Lewinsky episode.

The White House argues that if Secret Service agents had to tell what they might have seen while guarding the president, it would destroy their ''relationship'' with him and damage their ability to protect him. The president would ''push the agents away,'' says Justice Department lawyer Gary Grindler.

That assumes the president is doing things he wouldn't want a grand jury to know about. Requiring agents to see no evil would require them to help obstruct justice, which is to say make them assist their boss in the commission of a crime. For officers sworn to uphold the law, such a position is untenable.

Whitewater prosecutor Kenneth Starr is right that absolutely nothing in federal law allows for such a privilege. In our form of government, no one is above the law. Starr points out that federal law actually requires employees of the executive branch to report any evidence of a crime.

Even the president himself can be subpoenaed to testify. Surely his bodyguards don't deserve more protection than he does.

If the president, in his desperation to avoid embarrassment or worse, is allowed to turn the Secret Service into the Silent Service, he will have done the country a great disservice.

[From the Washington Times, May 26, 1998]

THE PRESIDENT'S TOUGH TIMES IN COURT

Things certainly have all been going Kenneth Starr's way, legally speaking, in his attempts to carry out a thorough investigation of possible perjury, subornation of perjury and obstruction of justice by Bill Clinton, Vernon Jordan and Monica Lewinsky.

U.S. District Judge Nora Holloway Johnson found in Mr. Starr's favor when she rejected the demonstrably preposterous White House claim that conversations Mr. Clinton had with aides Bruce Lindsey and Sidney Blumenthal about how to deal with the President's Lewinsky problem were covered by executive privilege.

Judge Johnson also came down on Mr. Starr's side in rejecting Miss Lewinsky's claim that Mr. Starr had made an immunity deal with her on which he then reneged. An appeals court last week refused to overturn that decision, which leaves Miss Lewinsky with the delicate task of squaring her sworn testimony that she and Bill Clinton had no sexual relationship with her statements on

the Linda Tripp tapes that she had indeed had such a relationship, that she was prepared to lie about it in her sworn deposition, and that she hoped Mrs. Tripp would do the same.

And, putting another chink in the Clintons' stone wall, last week Judge Johnson agreed with Mr. Starr that there is no legal basis for granting a hitherto unheard of ''protective function privilege'' to Secret Service agents who guard the president, and that the state's interest in gathering evidence in a criminal case must outweigh qualms about any damage that might be done to the trust between a president and his guards. Actually, Judge Johnson cut right to the heart of the issue in the particular case of this particular president.

''The court is not ultimately persuaded,'' wrote the judge, ''that a president would put his life at risk for fear that a Secret Service agent might be called to testify before a grand jury about observed conduct or overheard statements. . . . When people act within the law, they do not ordinarily push away those they trust or rely upon for fear that their actions will be reported to a grand jury. . . . It is not at all clear that a president would push Secret Service protection away if he were acting legally or even if he were engaged in personally embarrassing acts. Such actions are extremely unlikely to become the subject of a grand jury investigation.''

In other words, as has been suggested before in this space, a president could feel free to do a lot of things in front of his Secret Service detail—short of breaking the law, that is—without conjuring up the spectre of the grand jury. Only a president who had broken the law would have reason to worry that the agents guarding him might be asked to testify against him.

President Clinton himself, clearly distraught about the ruling, warned that it would have a ''chilling'' effect—and went on to commit the kind of inadvertent honesty that may be becoming a habit (such as his statement at his recent press conference that he is the last person in the world who ought to comment on the question of character). Thinking to chastise Mr. Starr for demanding Secret Service testimony, the president said after the ruling, ''I don't think anyone ever thought about [Secret Service agents testifying] because no one ever thought that anyone would ever abuse the responsibility that the Secret Service has to the president and to the president's family. . . . But we're living in a time which is without precedent, where actions are being taken without precedent, and we just have to live with the consequences.''

Mr. Clinton and his various legal problems in a nutshell, no?

GEORGE WASHINGTON UNIVERSITY,
LAW SCHOOL,
Washington, DC, May 25, 1998.

Hon. JANET RENO
Attorney General of the United States,
U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEYS GENERAL: I am writing on behalf of four former United States Attorneys General, who have asked me to assist them in the on-going controversy over the proposed ''protective function privilege.'' In deference to the Court and your office, the former Attorneys General have been highly circumspect in their public statements on this issue despite their strong concerns about the proposed privilege. After the May 22, 1998 decision by the Court, however, these concerns have become more acute with the possible appeal of the decision rejecting the proposed privilege. It is to the question of an appeal that I wish to convey the view of former Attorneys General William P. Barr, Griffin B. Bell, Edwin Meese III, and Richard L. Thornburgh.

It is the collective view of the former Attorneys General that the decision of Chief Judge Norma Holloway Johnson was legally and historically well-founded. Moreover, any appeal would likely result in an opinion that would only magnify the precedential damage to the Executive Branch. While Secret Service Director Lewis Merletti has already stated his intention to appeal this matter to the United States Supreme Court, it falls to you and Solicitor General Seth Waxman to make such a decision. For the reasons stated below, the former Attorneys General encourage you to exercise your authority to forego an appeal in this matter.

The former Attorneys General take no position on the merits or underlying allegations of this investigation. However, the former Attorneys General have watched the on-going confrontation between the White House and the Office of the Independent Counsel with increasing unease and concern. As the investigation becomes more embroiled in claims of executive privilege, the danger of lasting and negative consequences for both the Executive Branch and the legal system has grown considerably. In an area with little prior litigation, we have already seen a series of new rulings on issues ranging from attorney-client privilege to presidential communications to civil liability of sitting Presidents. While many of these rulings were not unexpected, they constitute significant limitations for future presidents. Despite their unease, the former Attorneys General have avoided any direct involvement in the crisis and waited for the decision of the trial court in the hope that an appeal would not be taken after the widely anticipated rejection of the proposed privilege.

As you know, during their service over the last two decades for both Democratic and Republican administrations, the former Attorneys General have played central roles in the development of executive privilege principles and advocated the rights of the Executive Branch on numerous occasions. While strong supporters of executive privilege, they feel equally strongly that such privilege claims must be carefully balanced and cautiously invoked in litigation. Certainly, such claims should not suddenly emerge from the fog and frenzy of litigation with no historical antecedent or legal precedent. In adopting such common law privileges, the Supreme Court relies upon ''historical antecedents'' and evidence that the privilege is ''established'' and ''indelibly ensconced in our common law.'' *United States* v. *Gillock*, 445 U.S. 360, 366, 368 (1980). Accordingly, common law privileges develop slowly within the federal system through general acceptance and recognition. Judge Benjamin Cardozo described this gradual process as developing ''inch by inch'' and ''measured . . . by decades and even centuries.'' Benjamin N. Cardozo, The Nature of the Judicial Process 25 (1921).

In comparison, rather than developing a new privilege by precedential inches, the proposed protective function privilege represents a great leap—in the wrong direction. This proposed privilege was suddenly crafted to meet the immediate demands of a criminal investigation. Rather than offering ''historical antecedents,'' the proposed privilege would spring fully grown without prior recognition or development in the common law. Rather than emerge through general acceptance, the privilege would be created amidst sharp divisions and opposition among the Bar and legal academics. Moreover, a protective function privilege appears to be designed to permit what is expressly disavowed in established privileges, specifically (1) a general claim of privilege that is not directly tied to specific presidential communications or policy processes, and (2) a refusal to supply information in criminal inquiries as a matter of common law.

Not only is there an absence of any prior judicial recognition of this privilege, the proposed privilege would conflict with the traditional view of the obligations of federal employees in supplying information in criminal proceedings. As noted by the United States Court of Appeals for the Eighth Circuit in *In re: Grand Jury Subpoena Duces Tecum*, 112 F.3d 910, 919 (8th Cir. 1997) (citing 28 U.S.C. §535(b)(1994)) ''executive branch employees, including attorneys, are under a statutory duty to report criminal wrongdoing by other employees to the Attorney General.'' Courts have repeatedly stressed that law enforcement personnel have an obligation running to the public to disclose any evidence of crime and the failure to do so would be grounds for removal, or even prosecution, in some circumstances.

While the proposed privilege refers to the protective function of the Secret Service, it is important to note that the actual physical protection of the President, and information relevant to protective functions, is not at risk of disclosure. Existing common law privileges and statutory sources protect security-related information. Most security-related documents and information would be easily shielded from disclosure under the military and state secrets privilege. In addition to this established privilege, classification laws impose heavy restrictions and procedures for the disclosure of such information. Thus, the protective function privilege would not serve any direct protective function in the withholding of sensitive information.

Ironically, as to non-security related information, the proposed privilege cannot possibly achieve its objective of assured confidentiality since it shields only a small percentage of the federal employees who witness presidential communications and conduct. Specifically, the proposed privilege would not prevent the identical communications from being revealed by legal staff, political staff, administrative staff, household staff, retired security staff, or state or local security officers. For example, in the Oval Office, a pantry is staffed by employees who can be (and have been) called as witnesses in criminal investigations. As public employees, these employees must give relevant testimony to criminal investigators. Likewise, White House lawyers, secretaries, and administrative staff can be (and have been) called to testify in criminal investigations. These ''unprivileged'' employees would hear the same communications presumably overheard by Secret Service agents. Even security staff would not be completely barred from disclosures under a protective function privilege. The President is often guarded by a host of state and federal law enforcement personnel beyond the relatively small contingent of Secret Service personnel. As a result, this proposed privilege would achieve little in terms of added guarantees of non-disclosure for the President but would change much of our traditional view of the Secret Service and its function.

In the end, all that will be achieved is an alarming anomaly in which every public employee in the White House, from office secretaries to cabinet secretaries, would be required to give evidence of criminal conduct with the sole exception of the law enforcement officers stationed at the White House. Only the personnel trained to enforce federal law would be exempt from the most basic fulfillment of public employment. This would be a considerable, but hardly a commendable, achievement.

The proposed privilege would be equally unique in its invocation and application. Unlike the standard executive privilege protecting presidential communications, the proposed privilege would be invoked by the Secretary of the Treasury rather than the President of the United States. Not only would the new privilege invest this single cabinet officer with unique and troubling authority, it allows a political appointee of a President to create a major barrier to a criminal investigation that is, by statute, meant to be independent of the Executive Branch. *Morrison* v. *Olson*, 487 U.S. 654, 661 (1988). Such exclusive and unilateral authority claimed by the Secretary of the Treasury is completely unprecedented and unanticipated in our history.

Even if successful on appeal, this privilege would be secured at a tremendous and prohibitive cost for the traditions of the Secret Service. Created as a law enforcement agency, the new privilege would shift an obligation running currently to the public in favor of an obligation running to the personal household of the President. This creates a unit more closely analogized to a Praetorian or palace guard and introduces a dangerous ambiguity for law enforcement officers. Secret Service agents are law enforcement professionals, not members of a personal household guard. Moreover, a new privilege would create a legal morass for future cases for other law enforcement officers. Federal law enforcement Officers, including United States Marshals, currently guard hundreds of dignitaries, judges, and other officials. The status and controlling duties of these individuals would become hopelessly and dangerously ambiguous under a protective function privilege. Currently, there is a clear line for protective personnel. Their jobs require them to protect the physical safety of those officials in their care but their status as law enforcement officers require them to share any relevant criminal evidence. This has been a bright-line rule under which federal enforcement personnel have served for many decades without objection.

The common law cannot guarantee a President that his conduct will never be the subject of criminal investigation. However, few Presidents have ever been the subject of criminal allegations and even fewer have faced criminal inquiries. The likelihood of future court-sanctioned inquiries into either criminal or non-criminal conduct of the President is extremely remote. In any area where a President may fear possible allegations of criminal conduct, the chilling effect of a criminal inquiry would be a positive, not a negative, influence. Put simply, it is not in the public's interest for their President to feel comfortable discussing possible criminal information in front of any public servant, let alone a law enforcement officer.

The former Attorneys General are deeply concerned about the inherent dangers in recognizing a special privilege for the Secret Service. To that end, the former Attorneys General have asked me to prepare an *amici curiae* brief opposing the privilege for their consideration, should an appeal be taken in this case. The immediate question, however, rests with your evaluation of the relative merits and costs of an appeal from the Court's decision. There are clearly many competing interests weighing into the decision of an appeal in the case. In making this decision, I hope that the unique perspective of your predecessors will assist you in the coming days.

Respectfully,

JONATHAN TURLEY,
Professor of Law.

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. BURTON of Indiana. Mr. Speaker, I submit the following:

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY—NECO CHAIRMAN WILLIAM DENIS FUGAZY LEADS DRAMATIC CEREMONY DEDICATD TO LATE MEDAL RECIPIENT, ERIC BREINDEL AND LINDA EASTMAN MCCARTNEY

Ellis Island, NY, May 9—Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation, among them Senator George Mitchell; New York Times photojournalist Dith Pran; College Football's All-Time Winningest Coach Eddie Robinson; and the U.S. Olympic Women's Hockey Team today were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. This year's event was dedicated to the memory of Eric Breindel, a 1994 Ellis Island Medal recipient and Linda Eastman McCartney.

Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century.

''Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations,'' said NECO Chairman William Denis Fugazy. ''In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity.''

Mr. Fugazy added, ''It doesn't matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity-ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here.''

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 1000 ethnic American citizens and native Americans have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred and bigotry.

Ellis Island Medal of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board of Directors.

1998 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

Anthony S. Abbate, Italian, Business Leader.

Hon. Gary L. Ackerman, Eastern European, Member of Congress.

William H. Adkins, African, Business Leader.

Antigone Agris, Hellenic, Business Leader.

Ace (Armando) Alagna, Italian, Publisher.

John B. Alfieri, Esq., Italian, Attorney.

John A. Allison IV, Scottish/Irish, Business Leader.

John A. Amos, African, Actor/Playwright.

Ernie Anastos, Hellenic, News Journalist/Author.

Thomas V. Angott, Italian, Business Leader.

Michael S. Ansari, Iranian, Business Leader.

Norman R. Augustine, German, Business Leader/Educator.

William J. Avery, Irish/Welsh, Business Leader.

Farhad Azima, Persian, Business Leader.

Brian M. Barefoot, English/German, Community Leader.

Archbishop Khajag Barsamian, Armenian, Religious Leader.

George D. Behrakis, Hellenic, Business Leader.

Hon. Joseph W. Bellacosa, Italian, Judge of the Court of Appeals.

Francis X. Bellotti, Italian, Attorney.

Eric A. Benhamou, French, Business Leader.

Michael Berry, Esq., Lebanese, Community Leader.

Albert C. Bersticker, German, Corporate Executive.

Elias Betzios, Hellenic, Community Leader.

Thomas R. Bolling, Swedish, Business Leader.

Frank J. Branchini, Irish/Italian, Business Leader.

John G. Breen, Scottish/Irish, Business Leader.

Duncan A. Bruce, Scottish, Author/Community Leader.

Michael G. Cantonis, Hellenic, Business Leader.

Louis J. Cappelli, Italian, Business Leader.

Hon. Richard Conway Casey, Irish, United States District Court Judge.

Robert B. Catell, Italian, Business Leader.

William Cavanaugh III, Irish, Business Leader.

Jerry D. Choate, English, Business/Community Leader.

Christopher Christodoulu, Cypriot, Educator/Lecturer.

Dr. Kenneth A. Ciongoli, Italian, Community Leader.

E. Virgil Conway, Irish, Public Official.

Dr. Takey Crist, Hellenic, Community Leader/Educator.

Karen Davis, Swiss/German, Philanthropic Leader.

Diane H. Dayson, African, Business Leader.

Theodore Deikel, Russian, Business Leader.

George J. Delaney, Irish, Business Leader.

Hon. Gustave Diamond, Hellenic, Justice.

Jim Donald, Irish, Business Leader.

Lewis Robert Elias, M.D., Lenanese, Medical Practitioner.

Victor Elmaleh, Moroccan, Business Leader.

Pamela Fiori, Italian, Journalist.

Brian T. Gilson, Norwegian/German/Italian, Business Leader.

Richard H. Girgenti, Italian, Attorney.

Bernice Gottlieb, Austrian/Hungarian, Advocate for Children.

Charlie N. Hall, Sr., African, Labor Leader.

James F. Hardymon, English, Business Leader.

Derek C. Hathaway, English, Business/Community Leader.

William Hetzler, German, Community Leader.

John A. Holy, Slovak, Publisher.

Vahakn S. Hovnanian, Armenian, Business/Community Leader.

Darrell Edward Issa, Lebanese, Business Leader.

Robert M. Johnson, Swedish/English, Business Leader.

Mitchell J. Joseph, Italian, Business Leader.

Thomas Peter Kazas, Hellenic, Business Leader.

Hon. John F. Keenan, French Canadian/Irish, U.S. District Judge.

Andrew Sokchu Kim, Korean, Business/Community Leader.

A. Eugene Kohn, European, Architect.

Alexander R. Koproski, Polish, Business/Community Leader.

Haralambos S. Kostakopoulos, Ph.D., Hellenic, Business Leader.

Thomas C. Kyrus, Cypriot, Business/Community Leader.

Vincent V. LaBruna, DDS, Italian, Community Leader/Educator.

Lee Liu, Chinese, Business Leader.

Dr. Pamela Loren, Argentinean/English, Business Leader.

William Losapio, Italian, Business Leader.

Alan Barry Lubin, Russian, Labor Leader/Educator.

Leon Machiz, Russian, Business Leader.

Hon. Carolyn B. Maloney, English/Irish/French, Member of Congress.

Joseph L. Mancino, Italian, Business Leader.

Frank G. Mancuso, Italian, Business Leader.

John Willard Marriott Jr., English, Business Leader.

Anthony A. Massaro, Italian, Business Leader.

Fernando Mateo, Hispanic, Community Leader.

Joseph M. Mattone, Esq., Italian, Business Leader.

Col. William Surles McArthur, Jr., Scottish, Astronaut.

Linda Eastman McCartney, (Posthumous).

Michael R. McCoy, Irish, Business Leader.

Bryan M. McGuire, Irish, Business Leader.

Josie Anderson McMillian, African, Labor Leader.

James R. Mellor, English, Business Leader.

Hon. Robert Menendez, Cuban, Member of Congress.

Arthur L. Mercante, Italian, Community Leader.

Lee Miglin, (Posthumous).

Alan B. Miller, Russian, Business Leader.

Hon. Patsy T. Mink, Japanese, Member of Congress.

Hon. George Mitchell, Lebanese/Irish, Senator.

Tita Scandalis Monti, Hellenic, Community Leader/Philanthropist.

William D. Moses, Syrian, Business/Community Leader.

Thomas J. Murphy, Irish, Community Leader.

Mary Murphy, Irish, Television Journalist.

John Francis O'Brien, Irish/Italian, Business Leader.

Cmdr. Timothy Stuart O'Leary, USN, Irish/Croat, Naval Officer.

Harry J. Pappas, Hellenic, Business Leader.

Carl F. Pascarella, Italian, Business Leader.

Nicholas Anthony Penachio, Italian, Business Leader.

James George Petheriotes, Hellenic, Community/Business Leader.

William G. Poist, German, Business Leader.

Dith Pran, Cambodian, Photojournalist/Lecturer.

Leslie C. Quick, III, Irish, Business Leader.

Bradford J. Race, Jr., Irish/English, Secretary to the Governor.

John G. Rangos, Sr., Hellenic, Business Leader.

Michael T. Reddy, Irish, Business Leader.

Ronald K. Richey, Swedish/Scottish/Irish/German, Business Leader.

P. Anthony Ridder, German/French, Business Leader.

John J. Rigas, Hellenic, Business Leader.

Eddie Robinson, African, College Football's All-Time Winningest Coach.

Edward J. Robson, English, Business Leader.

Steven A. Rosenberg, MD, PhD, Eastern European, Surgeon/Scientist.

Robert J. Rotatori, Esq., Italian, Attorney/Educator.

Dr. John W. Ryan, Irish, Educator.

Philip Adeeb Salem, MD, Lebanese, Educator/Research Scientist.

Joseph D. Sargent, CLU, Irish/English, Business Leader.

George D. Schwab, PH.D, Latvian, Foreign Policy Leader.

Steven Seagal, French Canadian/Italian, Actor/producer.

Tosano J. Simonetti, Italian, Business Leader.

Amb. Richard Sklar, Russian/Hungarian, Ambassador to the U.N.

Orin R. Smith, English, Business Leader.

Philip J. Smith, Irish, Business Leader.

William S. Stavropoulos, Hellenic, Business Leader.

Michael R. Steed, Irish, Business Leader.

Pergrouhi (Najarian) Svajian, PhD., Armenian, Educator.

Laszlo N. Tauber, M.D., Hungarian, Surgeon/Real Estate Investor/Philanthropist.

Hon. Nicholas Tsoucalas, Hellenic, Judge.

Vincent Viola, Italian, Business Leader.

Randi Weingarten, Russian/German, Labor Leader/Educator.

Melvyn I. Weiss, Esq., Russian/Hungarian, Attorney.

H. Daniel Wenstrup, Danish, Business Leader.

Siggi B. Wilzig, German/Prussian, Business Leader/Holocaust Lecturer.

Margaret W. Wong, Chinese, Community Leader.

John B. Yasinsky, Lithuanian, Business Leader.

Zachariah P. Zachariah, M.D., Asian Indian, Physician/Community Leader.

Robert Thomas Zito, Italian, Business Leader.

Past Ellis Island Medal of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson and Dr. Michael DeBakey.

Congratulations To The 1998 Ellis Island Medal of Honor Recipients.

Friday, June 19, 1998

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6641–S6733

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 2194–2198, S. Res. 252, and S. Con. Res. 104. **Page S6698**

Measures Reported: Reports were made as follows:

S. 1677, to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act. (S. Rept. No. 105–218)

H.R. 1211, for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical Corporation, with an amendment.

S. Res. 176, proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week''. **Page S6697**

Measures Passed:

Commemorating the 50th Anniversary of the Integration of the Armed Forces: Senate agreed to S. Con. Res. 104, commemorating the 50th anniversary of the integration of the Armed Forces.

Pages S6723–24

Nazi War Crimes Disclosure Act: Senate passed S. 1379, to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, and disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S6724–30**

Warner (for DeWine/Leahy) Amendment No. 2782, in the nature of a substitute. **Pages S6725–30**

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 S6641–58, S6662–93

Adopted:

Thurmond Amendment No. 2738, to reduce amounts authorized to be appropriated under titles I, II, and III and division B in order to reflect savings resulting from revised economic assumptions, and to increase funding for operation and maintenance for the Army National Guard and funding for verification and control technology of the Department of Energy. **Page S6668**

Levin (for Biden) Amendment No. 2739, to provide increases in the monthly rates of hazardous duty pay for aerial flight crewmembers in grades E–4 through E–9 that are comparable to the increases that took effect in the rates of such pay for other grades in fiscal year 1998. **Page S6669**

Thurmond Amendment No. 2449, regarding ship transfers to foreign countries. **Pages S6669–70**

Levin (for Ford/Bond/Lott/Stevens/Grassley) Amendment No. 2740, to revise and clarify the authority for Federal support of National Guard drug interdiction and counterdrug activities.

Pages S6670–71

Thurmond Amendment No. 2741, to establish additional requirements relating to the relocation of Federal frequencies. **Pages S6671–72**

Levin (for Feinstein) Amendment No. 2742, to prohibit members of the Armed Forces from entering into correctional facilities to present decorations to persons who commit certain crimes before being presented such decorations. **Page S6672**

Thurmond/Levin Amendment No. 2743, to make technical corrections to certain provisions relating to military construction projects. **Page S6672**

Thurmond (for Kempthorne/Cleland/Akaka) Amendment No. 2744, to waive time limitations for award of the Distinguished-Service Cross and Distinguished-Service medal to certain persons.

Pages S6672–74

Thurmond (for Warner) Amendment No. 2745, to reduce the authority in section 1012 to enter into long-term charters for three vessels in support of submarine rescue, escort, and towing. **Page S6674**

Thurmond (for McCain) Amendment No. 2746, to broaden the eligibility for diving duty special pay to include personnel who maintain proficiency as a diver while serving in a position for which diving is a nonprimary duty. **Page S6674**

Thurmond (for Coats/Glenn) Amendment No. 2747, to authorize the Secretary of the Navy to enter into multiyear contracts under certain aircraft procurement programs. **Page S6674**

Thurmond (for Warner) Amendment No. 2748, to transfer $15,895,000 between Navy authorizations for the remote minehunting system program. **Page S6675**

Thurmond/Levin/Santorum/Lieberman Amendment No. 2749, to modify the authority relating to the Department of Defense Laboratory Revitalization Demonstration Program. **Page S6675**

Levin Amendment No. 2750, to redesignate the position of Director of Defense Research and Engineering, abolish the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, and transfer the duties of the latter position to the former position. **Pages S6675–76**

Thurmond Amendment No. 2751, to make technical corrections to section 802, relating to procurement of travel services. **Page S6676**

Thurmond (for Warner) Amendment No. 2752, to require a plan for facilitating a rapid transition from successfully completed research under the Small Business Innovation Research program into defense acquisition programs. **Pages S6676–77**

Levin (for Lieberman) Amendment No. 2753, to set aside RDT&E funds for a NATO alliance ground surveillance concept definition. **Page S6677**

Thurmond (for Warner) Amendment No. 2754, to provide a period of open enrollment for the Survivor Benefit Plan. **Pages S6677–78**

Thurmond (for Thompson/Glenn) Amendment No. 2755, to revise a definition of the term ''senior executive'' for purposes of the limitation on allowability of compensation for certain contractor personnel. **Pages S6678–79**

Thurmond (for Thompson/Glenn) Amendment No. 2756, to apply certain revisions of commercial pricing regulations government wide. **Page S6679**

Thurmond (for Thompson/Glenn) Amendment No. 2757, to prevent the automatic application to a subcontract of an exceptional waiver of requirements for submission of cost or pricing data that is granted in the case of the prime contract. **Pages S6679–80**

Thurmond (for DeWine/Inhofe) Amendment No. 2758, to require physicians providing military health care to possess unrestricted licenses, and to require the establishment of a system for monitoring the satisfaction of applicable continuing medical education requirements. **Pages S6680–81**

Thurmond (for Grassley) Amendment No. 2759, to clarify the eligibility of dependents of United States Customs Service employees to enroll in Department of Defense dependents schools in Puerto Rico. **Pages S6681–82**

Thurmond (for Roberts) Amendment No. 2760, to require a report relating to the so-called ''1 plus 1 barracks initiative''. **Page S7782**

Levin (for Graham/DeWine/Grassley) Amendment No. 2761, to express the sense of the Congress that a higher priority should be given drug interdiction and counter-drug activities of the Department of Defense under the Global Military Force Policy. **Page S6683**

Thurmond (for Santorum) Amendment No. 2762, to authorize the Secretary of the Navy to enter into a barter agreement during fiscal years 1999 through 2003 to exchange vehicles for repair and remanufacture of ribbon bridges for the Marine Corps. **Page S6683**

Levin (for Graham) Amendment No. 2763, to enhance the fiscal position of the Center for Hemispheric Defense Studies for meeting the increasing responsibilities designated for the Center by the Secretary of Defense. **Page S6683**

Thurmond (for Gorton/Murray) Amendment No. 2764, to authorize the Secretary of Energy to enter into cost-sharing partnerships to operate the Hazardous Materials Management and Emergency Response training facility, Richland, Washington. **Pages S6683–84**

Thurmond (for Coverdell) Amendment No. 2765, to add home school diploma recipients to the pilot program for treating GED recipients as high school graduates for enlistment purposes. **Page S6684**

Thurmond (for Gorton) Amendment No. 2766, to state the sense of the Senate regarding oil spill prevention training for personnel on board Navy vessels. **Pages S6684–85**

Levin (for Reid) Amendment No. 2767, to add $4,000,000 for research and development on the expeditionary common automatic recovery and landing system and $1,000,000 for research and development on the K-band testing obscuration pairing system, and to offset the increase by reducing the amount for Marine Corps procurement for communications and electronic infrastructure support by $5,000,000. **Page S6685**

Thurmond (for Mack) Amendment No. 2768, to expand certain land conveyance authority, Eglin Air Force Base, Florida. **Page S6685**

Thurmond (for Allard/Campbell) Amendment No. 2769, to authorize the conveyance of certain water rights and related rights at Rocky Mountain Arsenal,

Colorado, for purposes of acquiring certain perpetual contracts for water. **Pages S6685–86**

Levin (for Murray) Amendment No. 2770, to make available $2,500,000 for the activities of the Hanford Health Information Network. **Page S6687**

Thurmond/Bingaman Amendment No. 2771, to extend the authority of the Secretary of Energy to appoint certain scientific, engineering, and technical personnel. **Page S6687**

Thurmond/Bingaman Amendment No. 2772, to extend the authority of the Department of Energy to pay voluntary separation incentive payments through December 31, 2000. **Page S6687**

Thurmond (for Grams/D'Amato) Amendment No. 2773, to extend the reauthorize the Defense Production Act of 1950. **Pages S6687–88**

Thurmond Amendment No. 2774, to establish certain budgeting and other policies regarding United States operations in Bosnia and Herzegovina. **Pages S6688–89**

Thurmond (for Snowe/Cleland) Amendment No. 2775, to require the Secretary of Defense to submit to Congress a report on the objectives of a contingency operation when the President submits to Congress the first request for funding the operation. **Page S6689**

Levin (for Robb/Santorum) Amendment No. 2776, to carry out a pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense. **Pages S6689–90**

Thurmond (for Gramm/McCain) Amendment No. 2777, to protect the voting rights of military personnel. **Page S6690**

Thurmond (for Warner) Amendment No. 2778, to require a review and report on research on pharmacological interventions for reversing brain injury resulting from head injuries incurred in combat or exposures to chemical weapons. **Pages S6690–91**

Thurmond (for Bond) Amendment No. 2779, to modify the authority relating to the demonstration project to provide the FEHBP health care option to medicare-eligible military health care beneficiaries. **Page S6691**

Levin/Thurmond Amendment No. 2780, to authorize amounts for NATO common-funded budgets. **Pages S6691–92**

Levin Amendment No. 2781, to require reports on the development of the European Security and Defense Identity within the NATO Alliance. **Page S6692**

Pending:

Feinstein Amendment No. 2405, to express the sense of the Senate regarding the Indian nuclear tests. **Page S6641**

Brownback Amendment No. 2407 (to Amendment No. 2405), to repeal a restriction on the provision of certain assistance and other transfers to Pakistan. **Page S6641**

Warner motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with all amendments agreed to in status quo and with a Warner Amendment No. 2735 (to the instructions on the motion to recommit), condemning forced abortions in the People's Republic of China. **Pages S6665–68**

Warner Amendment No. 2736 (to the instructions of the motion to recommit), of a perfecting nature. **Pages S6665–68**

Warner Amendment No. 2737 (to Amendment No. 2736), condemning human rights abuses in the People's Republic of China. **Pages S6666–68**

A motion was entered to close further debate on the bill 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 Tuesday, June 23, 1998. **Page S6666**

Senate will resume consideration of the bill on Monday, June 22, 1998.

Nomination—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the nomination of Susan Oki Mollway, of Hawaii, to be United States District Judge for the District of Hawaii, on Monday, June 22, 1998 at 3 p.m., with a vote to occur thereon. **Page S6723**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Treaty with Estonia on Mutual Legal Assistance In Criminal Matters (Treaty Doc. 105–52).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed. **Page S6730**

Executive Reports of Committees: Senate received the following executive reports of a committee:

Report to accompany the Convention for the Protection of Plants, with one reservation, two declarations, and one proviso. (Treaty Doc. 104–17) (Exec. Rept. No. 105–15) **Pages S6697–98**

Report to accompany the International Grains Agreement, 1995, with one declaration and one proviso. (Treaty Doc. 105–4) (Exec. Rept. No. 105–16) **Page S6698**

Report to accompany the Trademark Law Treaty with Regulations, with two declarations and one proviso. (Treaty Doc. 105–35) (Exec. Rept. No. 105–17) **Page S6698**

Report to accompany the Amendments to the Convention on the International Maritime Organization, with one declaration and one proviso. (Treaty Doc. 104–36) (Exec. Rept. No. 105–18) **Page S6698**

Nominations Received: Senate received the following nominations:

Saul N. Ramirez, Jr., of Texas, to be Deputy Secretary of Housing and Urban Development.

Eric David Newsom, of Virginia, to be an Assistant Secretary of State.

1 Air Force nomination in the rank of general.

Page S6733

Executive Reports of Committees: Pages S6697–98

Statements on Introduced Bills: Pages S6698–S6701

Additional Cosponsors: Page S6701

Amendments Submitted: Pages S6702–18

Additional Statements: Pages S6718–23

Adjournment: Senate convened at 10 a.m., and adjourned at 3:20 p.m., until 12 noon, on Monday, June 22, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6730.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 4090–4100; and 4 resolutions, H. Con. Res. 291–292, and H. Res. 480–481 were introduced. Page H4879

Reports Filed: Reports were filed as follows:

H.R. 3849, to amend the Communications Act of 1934 to establish a national policy against Federal and State regulation of Internet access and online services, and to exercise congressional jurisdiction over interstate and foreign commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce conducted over the Internet, amended (H. Rept. 105–570, part 2);

H.R. 3892, to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, amended (H. Rept. 105–587); and

H.R. 4101, making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies for the fiscal year ending September 30, 1999 (H. Rept. 105–588).

Pages H4878–79

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaTourette to act as Speaker pro tempore for today.

Page H4841

Military Construction Appropriations Act: The House agreed to H. Res. 477, the rule providing for consideration of H.R. 4059, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999 by a yea and nay vote of 231 yeas to 178 nays, Roll No. 248. Pages H4843–50, H4854–55

Energy and Water Development Appropriations Act: The House agreed to H. Res. 478, the rule providing for consideration of H.R. 4060, making appropriations for energy and water development for the fiscal year ending September 30, 1999.

Pages H4850–54

Bipartisan Campaign Integrity Act: The House resumed debate on H.R. 2183, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office. The bill was previously debated on May 22, June 17, and June 18. Page H4855

Agreed To:

The Maloney of New York amendment to the Shays amendment in the nature of a substitute that establishes a 12 member Independent Commission on Campaign Finance Reform to submit recommendations within 180 days after the 105th Congress adjourns with recommendations to be considered similar to those for the Base Closure and Realignment Commission (agreed to by a recorded vote of 325 ayes to 78 noes with 1 voting ''present'', Roll No. 250); and Pages H4856–61

The Gillmor amendment to the Shays amendment in the nature of a substitute that adds provisions to ensure the equal participation of eligible voters in campaigns and elections notwithstanding the fact that the voter that lives outside of the United States or is employed by a foreign subsidiary or a multinational corporation (agreed to by a recorded vote of 395 ayes with none voting ''no'' and 3 voting ''present,'' No. 251). Pages H4862–65

Rejected:

The Thomas amendment to the Shays amendment in the nature of a substitute, debated on June 18,

that sought to add a section requiring the nonseverability of the provisions of the Act by a recorded vote of 155 ayes to 254 noes, Roll No. 249.

Pages H4855–71

Pending Amendments:

The Shays amendment in the nature of a substitute was offered and debated on June 18 that seeks to ban soft money; redefine ''express advocacy''; increase individual campaign contribution limits; prohibit political party coordinated expenditures to candidates who spend more that $50,000 of their personal funds; and codify the Beck Supreme Court ruling that employees can not be required to pay union dues for political activities; and **Pages H4855–71**

The Doolittle amendment to the Shays amendment in the nature of a substitute was offered and debated that stipulates that the term ''express advocacy'' shall not apply with respect to any communication which provides information on the voting record or positions on issues taken by an individual holding Federal office or a candidate for Federal office; the amendment confirms the Buckley court decision. **Pages H4865–71**

H. Res. 442 and H. Res. 458, the rules that are providing for consideration of the bill were agreed to on May 21 and June 18 respectively.

Legislative Program: Representative Goss announced the legislative program for the week of June 22. **Pages H4871–72**

Meeting Hour—Monday, June 22: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, June 22, for morning hour debate. **Page H4872**

Calendar Wednesday: Agreed to dispense with calendar Wednesday business of June 24. **Page H4872**

Senate Messages: Message received from the Senate today appears on page H4841.

Amendments: Amendments ordered printed pursuant to the rule appear on page H4880.

Quorum Calls—Votes: One yea and nay vote and three recorded votes developed during the proceedings of the House today and appear on pages H4854–55, H4855, H4861, and H4864–65. There were no quorum calls.

Adjournment: Met at 9:00 a.m. and adjourned at 2:41 p.m.

Committee Meetings

BORDER SMOG REDUCTION ACT

Committee on Commerce: Subcommittee on Health and Environment approved for full Committee action amended H.R. 8, Border Smog Reduction Act of 1997.

AMERICAN WORKER PROJECT

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on American Worker Project: Evaluating Regulatory Practices at the U.S. Department of Labor. Testimony was heard from the following officials of the Department of Labor: Ida Castro, Acting Director, Women's Bureau; and Suzanne Seiden, Director, Special Projects, Wage and Hour Division; and a public witness.

COMMUNITY PROTECTION ACT; PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT

Committee on the Judiciary: Subcommittee on Crime approved for full Committee action the following: H.R. 218, amended, Community Protection Act of 1997; and the Public Safety Officer Medal of Valor Act of 1998.

CONGRESSIONAL PROGRAM AHEAD

Week of June 22 through 27, 1998

Senate Chamber

On *Monday,* Senate will resume consideration of S. 2057, DOD Authorizations, and consider the nomination of Susan Oki Mollway, of Hawaii, to be U.S. District Judge for the District of Hawaii, with a vote to occur thereon.

On *Tuesday,* Senate will continue consideration of S. 2057, DOD Authorizations, with a vote on a motion to close further debate on the bill to occur thereon.

During the balance of the week, Senate will continue consideration of S. 2057, DOD Authorizations, and may consider any of the following:

S. 2159, Agriculture Appropriations, 1999;

Conference report on H.R. 2646, Education Savings Act for Public and Private Schools;

S. 1250, NASA Authorizations;

S. 1882, Higher Education Amendments;

H.R. 2610, National Drug Control Policy Reauthorization;

Conference Reports, when available;

Further Appropriations bills; and

Any cleared legislative or executive business.

(Senate will recess on Tuesday, June 23, 1998, from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: June 23, Subcommittee on Commerce, Justice, State, and the Judiciary, business meeting, to mark up proposed legislation making appropriations for the Departments of Commerce, Justice,

State, and the Judiciary, and related agencies for the fiscal year ending September 30, 1999, 10 a.m., S–146, Capitol.

June 23, Subcommittee on Interior, business meeting, to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, 2 p.m., SD–124.

Committee on Armed Services: June 23, to hold hearings on the nominations of Gen. Richard B. Myers, USAF, to be Commander-in-Chief, United States Space Command, Vice Adm. Richard W. Mies, USN, to be Commander-in-Chief, United States Strategic Command, and Lt. Gen. Charles T. Robertson, Jr., USAF, to be Commander-in-Chief, United States Transportation Command and Commander, Air Mobility Command, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: June 24, to resume hearings on H.R. 10, 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, 10 a.m., SD–538.

June 25, Full Committee, to continue hearings on H.R. 10, 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, 10 a.m., SD–538.

Committee on Energy and Natural Resources: June 23, to resume oversight hearings to examine certain implications of independence for Puerto Rico, 9:30 a.m., SH–216.

June 24, Full Committee, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

June 24, Subcommittee on Water and Power, to hold joint hearings with the Committee on Indian Affairs on S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and S. 1899, entitled ''Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998'', 2:30 p.m., SD–628.

June 25, Full Committee, to hold hearings on the nomination of William Lloyd Massey, of Arkansas, to be a Member of the Federal Energy Regulatory Commission, 9:30 a.m., SD–366.

June 25, Subcommittee on Forests and Public Land Management, to hold hearings on S. 2146, to provide for the exchange of certain lands within the State of Utah, 2 p.m., SD–366.

Committee on Environment and Public Works: June 23, Subcommittee on Transportation and Infrastructure, to hold hearings on S. 2131, to provide for the conservation and development of water and related resources, and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, 9:30 a.m., SD–406.

Committee on Foreign Relations: June 23, business meeting, to consider pending calendar business, 2:30 p.m., S–116, Capitol.

June 24, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine the Asian financial crisis, 10 a.m., SD–419.

June 24, Subcommittee on European Affairs, to hold hearings to examine United States policy in Kosovo, 4 p.m., SD–419.

June 25, Full Committee, to hold closed hearings to examine Chinese missile proliferation, 2 p.m., S–407, Capitol.

Committee on Governmental Affairs: June 22, to hold hearings on the nomination of Jacob Joseph Lew, of New York, to be Director of the Office of Management and Budget, 2 p.m., SD–342.

June 24, Full Committee, to resume hearings to examine the state of computer security within Federal, State and local agencies, 10 a.m., SD–342.

June 25, Full Committee, to hold hearings to examine the Defense Technology Security Administration's role in approving critical technology exports, 10:30 a.m., SD–342.

Committee on the Judiciary: June 23, to hold hearings on S. 2148, to protect religious liberty, 9:30 a.m., SD–226.

June 24, Full Committee, to hold hearings to examine fairness in punitive damage awards, 9:30 a.m., SD–226.

June 24, Subcommittee on Immigration, to hold hearings on the agricultural guestworker program, 2 p.m., SD–226.

June 25, Full Committee, business meeting, to mark up S.J. Res. 40 and H.J. Res. 54, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, and S.J. Res. 44, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, and to consider other pending calendar business, 9 a.m., SD–226.

June 25, Subcommittee on Administrative Oversight and the Courts, to hold hearings to review the judgeship needs of the 6th and 7th Circuits, 2 p.m., SD–226.

Committee on Labor and Human Resources: June 24, business meeting, to mark up proposed legislation authorizing funds for human services programs, 9:30 a.m., SD–430.

June 25, Full Committee, to hold hearings to examine health insurance coverage for older workers, 10 a.m., SD–430.

Committee on Indian Affairs: June 24, to hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and S. 1899, entitled ''Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998'', 2:30 p.m., SD–628.

Select Committee on Intelligence: June 24, to hold closed hearings on intelligence matters, Wednesday at 10 a.m. and Wednesday at 2:30 p.m., SH–219.

House Chamber

Monday, Consideration of Suspensions;

Consideration of H.R. 4059, Military Construction Appropriations Act (open rule, 1 hour of debate); and

Consideration of H.R. 4060, Energy and Water Development Appropriations Act: (open rule, 1 hour of debate).

House will meet at 12:30 p.m. for morning hour and 2:00 p.m. for legislative business.

NOTE: No recorded votes are expected before 5:00 p.m.

Tuesday, Consideration of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (subject to a rule).

House will meet at 9:00 a.m. for morning hour and 10:00 a.m. for legislative business.

Wednesday, Consideration of Treasury, Postal Service, Executive Office of the President; and Independent Agencies Appropriations Act (subject to a rule); and

Consideration of DOD Appropriations Act (subject to a rule).

Thursday, Consideration of Legislative Branch Appropriations (subject to a rule).

Friday, Independence Day District Work Period.

House Committees

Committee on Agriculture, July 22, hearing to review the 1999 Multilateral Negotiations on Agricultural Trade-Western Hemisphere, 10 a.m., 1300 Longworth.

June 24, Subcommittee on Forestry, Resource Conservation, and Research, to consider agricultural credit legislation, 10 a.m., 1300 Longworth.

June 25, Subcommittee on Department Operations, Nutrition, and Foreign Agriculture, hearing to review the implementation of the Food Quality Protection Act, 9 a.m., 1300 Longworth.

June 25, Subcommittee on General Farm Commodities, hearing to review the Administration's use of agricultural export programs, 10:30 a.m., 1302 Longworth.

Committee on Appropriations, June 24, Subcommittee on the District of Columbia, on Public Education, 9 a.m., and on Members of Congress; D.C. Government Officials; and public witnesses, 2 p.m., H–144 Capitol.

Committee on Banking and Financial Services, June 23, hearing on the Year 2000 Challenge to International Banking and Finance, 10 a.m., 2128 Rayburn.

June 25, full Committee, to mark up H.R. 219, Homeowners' Insurance Availability Act of 1997, 9:30 a.m., 2128 Rayburn.

Committee on the Budget, June 23, Task Force on Budget Process, hearing on Budgetary Treatment of Emergencies, 1 p.m., 3112 Cannon.

Committee on Commerce, June 23, Subcommittee on Oversight and Investigations, hearing on States' Alternative Environmental Compliance Strategies, 9 a.m., 2322 Rayburn.

June 23, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Protecting Consumers Against Slamming, focusing on the following bills: H.R. 3888, Anti-slamming Amendments Act; and H.R. 3050, Slamming Prevention and Consumer Protection Act of 1997, 10 a.m., 2123 Rayburn.

June 25, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Electronic Commerce: Consumer Protection in Cyberspace, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, June 23, Subcommittee on Early Childhood, Youth, and Families, hearing on Comprehensive School Reform Program, 1 p.m., 2175 Rayburn.

June 24, full Committee, to mark up the following bills: H.R. 3248, Dollars in the Classroom Act; and H.R. 3007, Commission on the Advancement of Women in Science, Engineering, and Technology Development Act, 10:30 a.m., 2175 Rayburn.

June 24, Subcommittee on Oversight and Investigations, hearing on American Worker Project: Meeting the Needs of the 21st Century Workplace, 2 p.m., 2261 Rayburn.

June 25, Subcommittee on Employer-Employee Relations, hearing on Impediments to Union Democracy, Part II: Right to Vote in the Carpenter's Union? 1 p.m., 2175 Rayburn.

Committee on Government Reform and Oversight, June 22, Subcommittee on Government Management, Information, and Technology, hearing on Year 2000: Biggest Problems and Proposed Solutions, 1 p.m., 2247 Rayburn.

June 23, full Committee, to consider pending business, 1 p.m., 2247 Rayburn.

June 24, Subcommittee on Civil Service, hearing on Civil Service Reform Issues, 10 a.m., 2247 Rayburn.

June 24, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, to continue hearings on "The Kyoto Protocol: Is the Clinton-Gore Administration Selling Out Americans? Part IV," 10 a.m., 2154 Rayburn.

Committee on International Relations, June 24, hearing on Colombian Heroin Crisis, 10 a.m., 2172 Rayburn.

June 25, hearing on Prospects for Democracy in Nigeria, 10 a.m., 2172 Rayburn.

June 26, Subcommittee on International Operations and Human Rights, hearing on Human Rights in China, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, June 23, to continue markup of H.R. 3682, Child Custody Protection Act; and to mark up the following bills: H.R. 2592, Private Trustee Reform Act of 1998; H.R. 3891, Trademark Anticounterfeiting Act of 1998; H.R. 3898, Speed Trafficking Life in Prison Act of 1998; H.R. 2070, Correction Officers Health and Safety Act of 1997; H.R. 4090, Public Safety Officer Medal of Valor Act of 1998; and private immigration bills, 10 a.m., 2141 Rayburn.

June 24, oversight hearing on the Effects of Consolidation on the State of Competition in the Telecommunications Industry, 10 a.m., 2141 Rayburn.

June 24, Subcommittee on Courts and Intellectual Property, to mark up H.R. 3789, Class Action Jurisdiction Act of 1998, 2 p.m., B–352 Rayburn.

June 24, Subcommittee on Crime, hearing on H.R. 2380, Internet Gambling Prohibition Act of 1997, 2 p.m., 2237 Rayburn.

June 25, Subcommittee on Crime, hearing on the following bills: H.R. 4100, Free Market Prison Industries Reform Act of 1998; and H.R. 2758, Federal Prison Industries Competition in Contracting Act of 1997, 9 a.m., 2141 Rayburn.

June 25, Subcommittee on Immigration, hearing on H.R. 3539, Radiation Workers Justice Act of 1998, 9:30 a.m., 2237 Rayburn.

Committee on National Security, June 23, and the Committee on International Relations, to continue joint hearings on U.S. policy regarding the export of satellites to China, 10 a.m., 2118 Rayburn.

Committee on Resources, June 23, Subcommittee on Forests and Forest Health, oversight hearing on Forest Service Law Enforcement, 10 a.m., 1334 Longworth.

June 23, Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 3705, Ivanpah Valley Airport Public Lands Transfer Act; and to mark up the following bills: S. 1693, Vision 2020 National Parks System Restoration Act; and H.R. 4004, to authorize the Secretary of the Interior to provide assistance to the Casa Malpais National Historic Landmark in Springerville, Arizona, and to establish the Lower East Side Tenement National Historic Site, 10 a.m., 1324 Longworth.

June 24, full Committee, hearing on H.R. 1168, to encourage competition and tax fairness and to protect the tax base of State and local governments, 2 p.m., 1324 Longworth.

June 25, Subcommittee on Forests and Forest Health, oversight hearing on Forest Service Training, 10 a.m., 1334 Longworth.

June 25, Subcommittee on Water and Power, oversight hearing concerning the status of the Auburn Dam site, 10 a.m., 1324 Longworth.

Committee on Rules, June 22, to consider H.R. 4101, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, 4:30 p.m., H–313 Capitol.

June 23, to consider the following: a measure 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 a measure making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, 2:30 p.m., H–313 Capitol.

Committee on Science, June 24, oversight hearing on Houston, We Have a Problem: The Administration's Plan to Fix the International Space Station, 10 a.m., 2318 Rayburn.

June 25, oversight hearing on China: Dual-Use Space Technology, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, June 24, Subcommittee on Government Programs and Oversight, hearing on the HubZone Program, 10 a.m., 311 Cannon.

Committee on Transportation and Infrastructure, June 25, to mark up the following: Public Building Resolutions (construction, advance design, repair and alteration); H.R. 2379, to designate the Federal building and U.S. courthouse located at 251 North Main Street in Winston-Salem, NC, as the ''Hiram H. Ward Federal Building and United States Courthouse''; H.R. 2787, amended, to designate the United States courthouse located in New Haven, Connecticut, as the ''Richard C. Lee United States Courthouse''; H.R. 3696, to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin Federal Courthouse''; H.R. 3223, to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''; and S. 1800, to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the ''Joseph P. Kinneary United States Courthouse''; Corps of Engineers Survey Resolutions; NRCS Small Watershed Project Resolutions; H.R. 3869, Disaster Mitigation Act of 1998; H.R. 4058, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration; H.R. 2748, amended, Airline Service Improvement Act; and H.R. 4057, amended, Airport Improvement Program Reauthorization Act of 1998, 10 a.m., 2167 Rayburn.

June 25, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing of the U.S. Role in the International Maritime Organization, 1 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, June 24, to mark up pending business, 10 a.m., 334 Cannon.

Committee on Ways and Means, June 23, Subcommittee on Human Resources, hearing on H.R. 3684, Employment Security Financing Act of 1998, 3 p.m., B–318 Rayburn.

June 23, Subcommittee on Oversight, hearing on the impact of complexity in the tax code for individual taxpayers and small businesses, 2:30 a.m., 1100 Longworth.

June 23, Subcommittee on Trade, to mark up the following measures: H.R. 2316, to amend trade laws and related provisions to clarify the designation of normal trade relations; and H.J. Res. 120, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, 10:30 a.m., 1100 Longworth.

June 24, full Committee, hearing on Managing the Public Debt in an Era of Surpluses, 10 a.m., 1100 Longworth.

June 25, full Committee, to mark up the following measures: H.R. 2316, to amend trade laws and related provisions to clarify the designation of normal trade relations; H.J. Res. 120, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; and H.J. Res. 121, disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China, 9:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, June 23, Subcommittee on Human Intelligence, Analysis, and Counterintelligence, executive, hearing on DOD Counterintelligence, 10 a.m., H–405 Capitol.

June 24, full Committee, to mark up H.R. 3829, Intelligence Community Whistleblower Protection Act of 1998, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

12 noon, Monday, June 22

Senate Chamber

Program for Monday: Senate will resume consideration of S. 2057, DOD Authorizations, and consider the nomination of Susan Oki Mollway, of Hawaii, to be U.S. District Judge for the District of Hawaii, with a vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, June 22

House Chamber

Program for Monday: Consideration of Suspensions;

Consideration of H.R. 4059, Military Construction Appropriations Act (open rule, 1 hour of debate); and

Consideration of H.R. 4060, Energy and Water Development Appropriations Act (open rule, 1 hour of debate).

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