Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight and the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 4354) to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, and of course I will not object, but under my reservation, I would yield to the gentleman from California (Mr. THOMAS), the chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding.

Mr. Speaker, this bill establishes the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut.

I want to make sure people understand that this bill establishes by law an official fund in the United States Treasury. Because of that, it is not only permissible, but obviously appropriate, to use official House resources in support of and to solicit contributions to the memorial fund.

In addition to that, the reason the Committee on Ways and Means had jurisdiction over this measure is that donations to this fund are considered charitable and are, therefore, tax deductible. In addition, there is a provision which says that Federal campaign committees may, in fact, donate funds to the memorial fund.

It is an appropriate gesture, structured in the appropriate way, that it is a tax deduction and no tax would be levied against it.

Mr. Speaker, I thank the gentleman for yielding under his reservation.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, continuing under my reservation, many of us attended the funeral of Detective Gibson today, and tomorrow morning we will be attending the funeral of Officer Chestnut. It has been a sad week for all of us; in some ways, however, a very proud week as well when we consider the actions of these two brave and courageous men, and indeed, the actions of their colleagues on the Capitol Police Force and other emergency response teams that came to the Capitol to assist our own Capitol Police.

Mr. Speaker, as we drove from the church, there were literally thousands upon thousands of Americans who stood by the curb and watched the procession go by, waved, saluted, placed their hands on their hearts, in recognition of the contribution to their own welfare and the welfare of their country, that these two brave and courageous Americans had performed and the sacrifice they had made.

This will allow all of us, all Americans and indeed others, in a very tangible way to participate in showing to the families of Officer Chestnut and Detective Gibson that our words are not the only thing that we are prepared to raise on their behalf.

Mr. Speaker, I thank the gentleman from California for this action.

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

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

Mr. THOMAS. Mr. Speaker, the gentleman’s words are quite appropriate and timely in terms of the death of these two particular officers.

I do want to underscore that the establishment of this United States Capitol Police Memorial Fund is dedicated on an even basis to the families of these two gentlemen for a 6-month period. It means that this fund will live beyond these two families’ needs, and that it will become a perpetual memorial fund available to the Capitol Police; entirely appropriate for this occasion, but available in the future, unfortunately, if needed. I thank the gentleman for yielding.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, obviously I am in strong support, as I know every Member of this House is, of this resolution.

Mr. Speaker, continuing my reservation for just a minute, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Maryland for yielding to me.

I would just like to mention at this point, there is another organization that has fulfilled a complementary role. That organization’s name is Heroes, Incorporated. They responded immediately with cash assistance to the family and are also prepared to provide scholarship funds, as they have for every police officer killed in the District of Columbia, I think it is over 300 now, and dozens of children are receiving college scholarships as a result of this organization. This is a wonderful fund, and I mean nothing pejorative, and I wholly support it. But I think it might be appropriate to mention the fact that the Heroes also responded in a very generous fashion and deserve some credit for doing that as well.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments, and I would point out that the gentleman from Texas (Mr. DELAY), the majority whip, when he made his initial presentation, did, in fact, speak directly of Heroes and the wonderful work they had done, not only with respect to their immediate response for these two officers, but the
work that they had done for so many other officers, and indicated as well that the Hero scholarship is probably the most generous scholarship that is given in America and will ensure that the children of Detective Gibson and Officer Wren do not need to worry about their educational expenses.

But I thank the gentleman for his very appropriate remarks.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to temporarily withdraw H.R. 4237.

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

There was no objection.

DISTRICT OF COLUMBIA CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT AMENDMENTS

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the bill (H.R. 4237) to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4237

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

SECTION 1. REVENUES AND ACTIVITIES COVERED UNDER WASHINGTON CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT OF 1995.

(a) IN GENERAL.—Section 101 of the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 (DC Code, sec. 47-334) is amended by striking subsections (a) and (b) and inserting the following:

"The fourth sentence of section 446 of the District of Columbia Home Rule Act (DC Code, sec. 47-304) shall not apply with respect to the expenditure or obligation of any revenues of the Washington Convention Center Authority for any purpose authorized under the Washington Convention Center Authority Act of 1994 (DC. Law 10-188)."

(b) RULE OF CONSTRUCTION REGARDING REVENUE BOND REQUIREMENTS UNDER HOME RULE ACT.—Nothing in the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 may be construed to affect the application of section 460 of the District of Columbia Home Rule Act to any revenue bonds, notes, or other obligations issued by the Council of the District of Columbia or an instrumentality of which the Council delegates its authority to issue revenue bonds, notes or other obligations under such section.

SEC. 2. WAIVER OF CONGRESSIONAL REVIEW OF WASHINGTON CONVENTION CENTER AUTHORITY FINANCING AMENDMENT ACT OF 1998.

Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, the Washington Convention Center Authority Financing Amendment Act of 1998 (D.C. Act 12-402) shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. DAVIS) is recognized for 1 hour.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DAVIS of Virginia. Mr. Speaker, H.R. 4237, which we have just passed, is a bill that permits the District of Columbia to move forward with a financing plan for the purpose of building a new state-of-the-art convention center in downtown Washington.

This bill authorizes the Washington Convention Center Authority, an independent agency, to issue bonds and waive the 30-day waiting period for the D.C. City Council enactment to go into effect. Its passage this evening is important so they can get immediate Senate consideration and be signed by the President, and we can be in the ground and starting construction the 1st of September.

Our subcommittee has followed the effort to build a new convention center in downtown Washington with great interest. We think this is critical for the city to reestablish a tax base in downtown Washington. Working with the MCI Center, we will build, we think, a revitalization of the downtown area.

Over time it is estimated that the situation only gets worse in terms of attracting tourism if we were to go with the existing center. The District of Columbia’s existing Convention Center is now only the 30th largest in the country, and it can accommodate only approximately 55 percent of national conventions and exhibition shows. That is a serious blow to the District’s economy. A new convention center will provide much needed jobs for the city, and an increase in locally-generated local tax base revenue. It will boost morale for the entire region.

I want to thank the General Accounting Office and the General Services Administration for their respective roles in analyzing the development of the financing plan for the new Washington Convention Center. Their thorough analysis has reinforced our confidence in permitting the District to move forward with this project.

I also want to thank the District’s Financial Control Board for their hard work and oversight on the development of this project. The Control Board is empowered to approve or disapprove all city borrowing, and this sign-off of the financial package I think gives everyone more confidence in its viability.

After reviewing information from both the proponents and opponents of the project, the committee has unanimously approved the project, and the Control Board has, in effect, reported to Congress that all aspects of the project, including borrowing and costs, are compatible with the interests of the District of Columbia. The next step is for Congress to go ahead and pass this bill. Our action this evening is a giant step forward for the District.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

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

Mr. MORAN of Virginia. Mr. Speaker, I strongly support this legislation that moves the convention center forward for the District of Columbia. Frankly, having a world class convention center in the Washington metropolitan area is something that the entire region needs, and there are suburban jurisdictions that would have loved to have had this center within their jurisdiction. I can say, quite frankly, we had some great sites for it.

But the fact is, it belongs in the center city. Had the business community, the residential community, the political community not gotten their act together they might have lost this, but this is a credit to the fact that there is that kind of symbiotic relationship that is working in this manner today, particularly the hotel, the restaurant, and the tourism industry.

They deserve this convention center. Most importantly, the people of the District of Columbia deserve this convention center, and all the economic benefits it will provide.

I thank the gentleman who chairs the District of Columbia authorizing committee for moving this legislation forward at a rapid pace, and I look forward to the day that we can all go to this convention center and enjoy not only the center itself, but all the economic and social benefits it will bring to this great capital city.

Mr. DAVIS of Virginia. Mr. Speaker, I yield.

Mr. MORAN of Virginia. Mr. Speaker, I yield.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, I also want to thank Tracy Cox and Peter Sirh of my staff for the work they have done on this.

Ms. NORTON. Mr. Speaker, I ask my colleagues to amend the D.C. Convention Center and Sports Arena Authorization Act of 1995 in order to enable the Washington Convention Center Authority (Authority) to finance revenue bonds for the cost of constructing a new convention center in downtown D.C. This legislation moves forward the hope and promise of the 1995 legislation for a sports arena and a convention center, twin centerpieces of economic development and jobs in the city and revitalization of downtown in the District. The quick and efficient construction of the MCI Center and the new jobs and revenue the arena has brought to D.C. residents have encouraged the city to complete its work on a convention center, where the need has long been recognized.

In every other city in the United States, this matter would not come before any but the local city council. Unfortunately, unlike every other city, the District does not have legislative power that can give life to the projects. Fortunately, the District does have legislative power to give life to the projects. Fortunately, the District does have legislative power to give life to its economic development plan. By its own authority, the District can do this.
and budget autonomy and therefore cannot spend its own funds unless authorized by Congress.

Extensive hearings in the D.C. City Council have been held on the underlying issues, with an informed and vigorous debate by members of the Council. On June 16, the City Council approved legislation to finance the new convention center, and on July 7, the City Council passed a bond issuance resolution to approve the Authority's proposal for the issuance of dedicated tax revenue bonds to finance the convention center. On July 13, the D.C. Financial Responsibility and Management Assistance Authority (Control Board) gave its final approval to the financing plan for the project, leaving only congressional authorization, which is necessary for the District to proceed to the bond market.

On July 15, the Subcommittee on the District of Columbia of the House of Representatives held a hearing on the bill (H.R. 4328) "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies for the fiscal year ending September 30, 1999, and for other purposes." Mayor Marion Barry testified, among other things, regarding the promise of additional jobs for District residents. He testified that the new convention center would create nearly 1,000 new construction jobs, and that once the facility is completed, it would generate nearly 10,000 jobs in the hospitality and tourism industries. He testified that, using some of the approaches that were successful with the MCI Center, special training and goals for jobs for D.C. residents would be met.

The District of Columbia Subcommittee hearing was not a reprise of the lengthy D.C. City Council hearings, and, on home rule grounds, did not attempt to repeat issues of local concern. However, since the issues of financing and bonding before the Congress implicated other areas, the Subcommittee asked extensive questions and received testimony concerning many issues, including location, size, and job creation, in addition to the strictly financial issues.

This convention center has an unusual financial base, which I believe other cities might do well to emulate. The financing arises from the proposal by the hotel and restaurant industry to contribute $17.7 million in equipment costs; the Authority is ready to proceed with the project for the first time in many years. The delay in building an adequate convention center has been very costly to the District. In a few government buildings, a convention center is one of the few projects that can bring significant revenues. To that end, the District intends to break ground this September. I ask for expeditious passage on this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundenregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4194 An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4328 An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

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

S. Con. Res. 114 Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 42 and rule XIX, the Speaker 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.

BI PARTISAN CAMPAIGN INTEGRITY ACT OF 1997

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. BLUNT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

Mr. BARR of Georgia. Mr. Chairman, I ask unanimous consent to withdraw amendment No. 22 offered by the gentleman from Pennsylvania (Mr. PETERSON) had been disposed of. It is now in order to consider amendment No. 22 offered by the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I offer amendment No. 23 to the amendment (Mr. BARR) pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. BARR of Georgia, Mr. Chairman, I offer amendment No. 23 to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS.

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

The text of the amendment to the amendment in the nature of a substitute is as follows:
Amendment No. 23 offered by Mr. BARR of Georgia to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE 01. PROHIBITING USE OF BILINGUAL VOTING MATERIALS

SEC. 01. PROHIBITING USE OF BILINGUAL VOTING MATERIALS

(a) PROHIBITION.—

(1) IN GENERAL. Who may provide voting materials in any language other than English.

(2) VOTING MATERIALS DEFINED.—In this subsection, the term ‘‘voting materials’’ means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots.

(b) CONFORMING AMENDMENTS.—The Voting Rights Act of 1965 is amended—

(1) by striking section 203 (42 U.S.C. 1973aa–1); and

(2) in section 204 (42 U.S.C. 1973aa–2), by striking ‘‘202, or 203’’; and

(3) in section 205 (42 U.S.C. 1973aa–3), by striking ‘‘202, or 203’’ and inserting ‘‘or 202’’.

The CHAIRMAN pro tempore. Pursuant to the order of the House on Friday, July 17, 1998, the gentleman from Georgia (Mr. BARR) and a Member opposed each control 5 minutes.

Mr. Chairman, I recognize the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have introduced an amendment which bans the use of bilingual ballots in Federal elections. We know that almost 25 years ago this Congress provided for bilingual ballots. Back then our country was just beginning to see a huge influx of immigrants to our shores who wished to exercise their right to vote when they became American citizens.

We need to recognize that if an individual becomes a naturalized citizen of this country, they are required to demonstrate an understanding of English before they can achieve citizenship status. This Congress, in 1950, explicitly added a specific requirement that persons who wish to become citizens must ‘‘demonstrate an understanding of English language, including an ability to read, write, and speak words in ordinary usage in the English language.’’

While we require individuals to learn English, bilingual ballots contradict this by allowing them to vote in their native language, a language other than the English language.

We all recognize, Mr. Chairman, that our Nation is made up of more nationalities than any other country in the world. We are all proud of that fact, because it demonstrates and confirms to us what we have always known about America, that it remains the best country in the world.

However, all we need do is look to our neighbor in the north, Canada. Canada is a divided nation, a deeply divided nation, because of the acceptance of but two, but two, national languages, only two. Look at the problems they have: near secession, rioting.

These are the wages of lingual disunity. It is essential to our national interest to maintain one language, the English language, in the transaction of our Nation’s business, government services, and, most importantly, voting.

What business of government is more important to the government and the people of a country than voting? By making the choice to become an American citizen, immigrants take upon themselves the need to learn the official language of the English language and to become productive citizens of this country. A foreign language on a Federal ballot provides that an individual can still easily exercise one civic duty, and yet completely neglect their other duty of mastering the English language.

Mr. Chairman, let us also note a paradox which exists with respect to this issue. Supporters of bilingual ballots have argued that it is certainly not necessarily needed. I have been made that citizens who speak foreign languages would be less likely to register and vote if they could not vote with a bilingual ballot. Studies, I might add, are not ridiculous, do not prove this to be the case.

Yet, the same people who support bilingual ballots because people are not learning English turn right around and say a constitutional amendment making the English the official language of American government is unnecessary because everybody is already learning the language.

Mr. Chairman, the only essential thing is that the other languages other than English appear on a ballot, the language of the ‘‘immigrant ancestors’’ is given official status by the Federal Government co-equal with the English language. That is neither contemplated nor appropriate. It is certainly not contemplated in our citizenship laws, which require proficiency in the English language to become a citizen.

Bilingual ballots are just one more way that people in this country do not learn it will be unable to take their rightful place and excel in the political arena, in the economic arena, in the educational arena, and in every other arena in this land.

I ask my colleagues to vote for this important amendment, which simply reaffirms existing law on citizenship and brings that down to the ballot box, which is where the most important index and most important chore and responsibility, and indeed, right that any citizen has, naturalized or native born.

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

The CHAIRMAN pro tempore. Does the gentleman from Massachusetts (Mr. MEEHAN) rise in opposition to the amendment?

Mr. MEEHAN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Again, the amendment of the gentleman from Georgia (Mr. BARR) has nothing to do with campaign finance reform. Mr. Chairman, Republicans have a great idea to improve democracy: let us hold an election, but make it specially for out voters who do not have the chance to read fully about what the issues are, or who they are voting for.

Who do they seek to single out? True to form, they single out immigrants who fled political persecution or economic repression, who encourage their children to study hard, who attend weekend classes to improve their English skills, all the while holding down two jobs to support their families. These are people proud to be American citizens.

Yes, there is an elementary language provision under the immigration law to become a United States citizen, but there are also exceptions for those seniors who are elderly and who are exempted. They would not have the access to understand what they are voting for.

Think about the ballot questions that come forth and the complexity of those ballot questions. These are people Republicans want to punish. I say to my friends on the other side of the aisle, people who use bilingual voting materials are people who want to participate in the process, who want to be informed about the issues, who want to know where the candidates stand. Otherwise, they would not be using these materials in the first place.

Come November, I believe these hard-working Americans who pay their taxes, serve in the Armed Forces of the United States, and by all other respects, will remember the contempt this amendment treats them with.

We should vote down this amendment and at the same time keep Shays-Meehan free from anything that is not campaign finance reform.

Mr. DOGGETT. Mr. Chairman, I yield 1 minute to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I think the gentleman for yielding time to me.

Mr. Chairman, I begin by saluting my colleague, the gentleman from Massachusetts (Mr. MEEHAN), and the gentleman from Connecticut (Mr. SHAYS), for their tremendous patience. Because as we are seeing with this amendment, we have been offered everything but the kitchen sink as an amendment to this bill.

This really has nothing to do with the incredibly important issue of campaign finance reform. It does have to do with a movement concentrating proficiency in English, which I agree is an important part of being an American. But I also would like to emphasize to the gentleman who is speaking that when you speak of languages other than English, bilingual ballot, because people are not learning, it is certainly not contemplated in our citizenship laws, which require proficiency in the English language to become a citizen.
know that there are many people that are some of our strongest and best Americans whose first language is, in my community, Spanish or Vietnamese. They are some of our hardest working citizens. They pay taxes, they contribute to our community, and they deserve a right to participate in the electoral process.

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As I review the specifics of this amendment that the gentleman from Massachusetts (Mr. MEEHAN) is offering, it allows the ballots to be bilingual, which they certainly should be. It is the voting materials that he says cannot be in another language.

My goodness, in our State, we provide instructions, we use bilingual instructions to teach people how to get a driver's license. Why can we not provide the same manner of instruction under the 1975 Voting Act?

Mr. Chairman, let us come together and support what this bill is all about and not get divided over a question of another language.

I urge adoption of the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 24 offered by Mr. TRAFICANT to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

SEC. 01. PERMITTING CONSIDERATION OF PRIVILEGED MOTION TO EXPEL HOUSE MEMBER ACCEPTING ILLEGAL FOREIGN CONTRIBUTIONS

(a) In General.—If a Member of the House of Representatives is convicted of a violation of section 319 of the Federal Election Campaign Act of 1971 (or any successor provision prohibiting the solicitation, receipt, or acceptance of a contribution from a foreign national), it shall be in order in the House at any time after the date on which the Member is convicted to move to expel the Member from the House of Representatives. A motion to expel a Member under the authority of this subsection shall be highly privileged. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(b) Exercise of Rulemaking Authority.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House of Representatives, and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the House of Representatives.

MODIFICATION TO AMENDMENT NO. 24 OFFERED BY MR. TRAFICANT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that my amendment be modified with the language that will be sent to the desk forthwith.

Mr. Chairman, I would like to read it and send it up to the Clerk here. It would strike on page 1, line 12, after "foreign national" and all that follows through line 14, page 2, and insert the following:

"The Committee on Standards of Official Conduct shall immediately consider the conduct of the Member and shall make a report and recommendation to the House forthwith concerning that Member, which may include a recommendation for expulsion."

Mr. Chairman, I will send it to the Committee and I would like to, if the Committee is satisfied and there is no objection, proceed with my amendment.

The CHAIRMAN pro tempore. The Chair will treat the modification as having been read.

Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.
Pursuant to the order of the House on Friday, July 17, 1998, the gentleman from Ohio (Mr. TRAFICANT), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. Chairman, it was not my intention to bypass the Committee on Standards of Official Conduct. It is my intention, however, to highlight the importance of the infusion of illegal foreign money into our campaigns. If we are to truly reform this system, there must be that statement which exists within this reform. The original Traficant language said within 5 days it must be brought to the floor, once a Member has been convicted of having knowingly accepted an illegal campaign contribution.

The Committee on Standards of Official Conduct, and some of the Members who have done a good job, including the gentleman from Maryland (Mr. CARDIN), believe that perhaps it would be seen as an effort to circumvent and to bypass the Committee on Standards of Official Conduct. It is not my intention to do that, but I will say this. The key words in there, “shall be immediately referred” to that committee and “it shall be brought forthwith” without placing any specific dates on that.

And the original Traficant amendment never did say that that Member had to be expelled, but there had to be a vote on expulsion. It would still be subject to the same constitutional requirements. I am hoping that this will satisfy, but it will still associate with that heinous crime some punishment timely with the deed.

Mr. Chairman, the House should not let those matters be carried over too long. And I have conferred with our ranking member of that committee, I am comfortable with it.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I was going to ask to claim the time in opposition, but I am not in opposition but in support of the gentleman's amendment. I appreciate the gentleman from Ohio (Mr. TRAFICANT) yielding me this time. Perhaps we could conclude debate on this quite quickly.

Mr. Chairman, I would like to put on the record that I appreciate two things: the conscientious concern of the gentleman from Ohio about the conduct of Members of this body; and, secondly, his accommodating the concerns that have been expressed about the appropriate functioning of our committee structure by the amendment that he made.

I think the gentleman's amendment leaves the authority with the committee. It does not compel an answer one way or the other.

So, I would rise in support, and yield back with my compliments to the gentleman from Ohio. Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. CARDIN), a fellow graduate of the University of Pittsburgh. I think his improvement of this amendment is well worth his time.

Mr. CARDIN. Mr. Chairman, I thank the gentleman from Ohio (Mr. TRAFICANT) for his willingness to work with us on this amendment. The point that he is raising is a very important point, and that is if a Member has been convicted of violating the foreign contribution ban, that that matter must be immediately considered by the Committee on Standards of Official Conduct and a report must come back forthwith to the House for action.

I think that that is the appropriate way to handle it. I want to congratulatethe gentleman for bringing this to our attention. It is very important that the House have an opportunity to act promptly when these types of circumstances develop. Hopefully, it will never happen, but it is important that that statement be made. I congratulate my colleagues.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I yield the gentleman from Ohio (Mr. TRAFICANT) for yielding me this time.

Mr. Chairman, for those that may be following this, I wonder at times what “poison pill” and some of the references actually mean, I want to point to the motives of the Shays-Meehan effort. That is really to try to remove the influence that special interests have on Federal election campaigns.

I also want to point out, with this amendment being an example, that we are not killing everything that comes up. If it is of general interest, if it is about money in Federal elections, and it is something that is going in the same direction of real reform, we are willing to work with the authors of amendments such as the gentleman from Ohio (Mr. TRAFICANT) and this is a great example.

Mr. Chairman, I commend the gentleman for his work and his persistence on this legitimate issue of foreign money coming into the American Federal political process. There is some domestic money that we think is also egregious and we are trying to put some reasonable limitations on soft money and the proliferation of these outside interests. I thank the gentleman for his efforts.

Mr. TRAFICANT. Mr. Chairman, I appreciate the efforts of the committee in helping to fashion this amendment. It was no intent to circumvent the Committee on Standards of Official Conduct. They have done a fine job.

Mr. Chairman, I urge an “aye” vote.

Mr. Chairman, I reserve the balance of my time.
I yield 2 minutes to the distinguished gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Chairman, I have strongly supported campaign finance reform for many years and I have worked very hard for Washington State's excellent campaign finance reform bill, but our basic task today is to pass the Shays-Meehan bill.

Many of the amendments offered are good amendments, concepts I have supported for years. In fact, I would have voted for most of the amendments if they had not been added to this particular bill, but there is a larger goal here today to pass the Shays-Meehan bill.

We must not let the perfect be the enemy of the good. We cannot afford, in striving for a perfect bill, to add amendments that split off key voting blocks and thus sink the only chance for real reform this year. Some of these amendments have that purpose.

I have the faith that we will enact real and honest campaign finance reform. This bill is just the first step, not a complete fix. I have faith that my colleagues will not vote for the amendments that will kill this first step toward the reform that the American people are asking for.

I ask my colleagues to vote against this amendment and subsequent amendments that put the Shays-Meehan reform bill in jeopardy.

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

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

Our good friend and distinguished majority whip, the gentleman from Texas (Mr. DeLay), who offered this amendment, and I had a discussion. He is not present here, no doubt in connection with his duties of consoling the family of the heroic agent who died in his office and the other officer as well.

Before that sad event, I discussed with the whip whether the phrase "music" may be ambiguous, and I certainly doubt it was the whip's intention, that lyrics be included in "music." That is just obvious.

The lyrics might say, and in giving this example, I will not sing, and impose that on my colleagues. Vote for DELAY, DELAY, DELAY; vote for DELAY, DELAY, DELAY," to allow that which would obviously undermine the heart of the amendment.

What I am offering is, if my good friend and colleague from Missouri would be able, in the absence of the distinguished whip, to take a unanimous consent to amend so that the phrase "not including lyrics" is included right after the word "music." Mr. Chairman, I reserve the balance of my time.

Mr. BLUNT. Mr. Chairman, I ask unanimous consent that the words "not including lyrics" be added after the word "music."

Mr. CAMPBELL. Mr. Chairman, I yield back the balance of my time.

I ask my colleagues to vote against this amendment and subsequent amendments that will kill this first step toward the reform that the American people are asking for.
The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Indiana, Mr. McINTOSH, is recognized for 3 minutes.

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

This amendment secures the right of Members of Congress and our staffs to receive information on pending legislative matters and transmit information regarding our positions on issues without them being deemed to be coordinated with the various outside organizations that provide or receive such information.

For example, section 205 of the Shays-Meehan bill defines “coordination with a candidate” as any of 10 broad categories of direct or indirect contacts, actual or presumed, between a candidate, including offices of incumbent Members of Congress and a citizen group. This coordination includes all types of contact that are routine for issue-oriented groups that lobby Congress, whether it be an environmental group, a health issues group or an abortion control group, gun control or any other issue.

This amendment allows Members to converse of any sort and exchange letters or any other communication. This includes all two-way communication, whether it be questionnaires, conversations of any sort and exchange of letters or any other communication. The amendment offered by the gentlewoman from Washington (Mrs. LINDA SMITH) to direct this right, as I will explain in a moment, and so it is necessary to bring this amendment forward.

Section 205 of the Shays-Meehan bill defines “coordination with a candidate” as any of 10 broad categories of direct or indirect contacts, actual or presumed, between a candidate, including offices of incumbent Members of Congress and a citizen group. This coordination includes all types of contact that are routine for issue-oriented groups that lobby Congress, whether it be an environmental group, a health issues group or an abortion control group, gun control or any other issue.

Let us take the tobacco issue. This amendment allows you to meet with a lobbyist for the tobacco industry to figure out how you are going to vote and what Members are going to vote on and devise a campaign out of that. I do not think that is really what you want to happen.

Look at the language, no communication with a Senator or Member of the House, including a staff member, regarding any pending legislative matter regarding the position of the Senator or the Member on such matter may be construed to establish coordination with a candidate. You are saying that you cannot use that collaboration, that coordination, you cannot use that coordination under the law. Therefore, illegal.

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

Mr. FARR of California. Mr. FARR of California. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I am not aware of any current law that makes that type of communication illegal currently.

Mr. FARR of California. I do not think that is really what you want to happen.

Looking at the language, just look at it, no communication may be construed to establish coordination. Those are the operative words. I do not think that is in the best interest of campaign reform.

Mr. McINTOSH. Mr. Chairman, if the gentleman will continue to yield, certainly the intent is not to loosen existing law, though I am not convinced that existing law puts those types of limits on issue-oriented campaigns. There is coordination as to helping a campaign with a campaign. That is different. It is certainly not the intent to change existing law.

Mr. FARR of California. Mr. Chairman, reclaiming my time, it does. And the language, just look at it, no communication may be construed to establish coordination. Those are the operative words. I do not think that is in the best interest of campaign reform. The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. McINTOSH) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Indiana (Mr. McINTOSH) will be postponed.

It is now in order to consider amendment No. 27. The Chair understands that the amendment will not be offered.

It is now in order to consider amendment No. 28. It is the Chair’s understanding that that amendment will not be offered.

It is now in order to consider amendment No. 29. It is the Chair’s understanding that that amendment will not be offered as well.

It is now in order to consider the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT). Is there a designee for the gentleman from Minnesota (Mr. GUTKNECHT)?

It is now in order to consider the amendment offered by the gentleman from Colorado (Mr. BOB SCHAFFER). Is there a designee for the gentleman from Colorado (Mr. BOB SCHAFFER)?
It is now in order to consider the amendment by the gentleman from California (Mr. Horn).

AMENDMENT OFFERED BY MR. HORN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 10 OFFERED BY MR. SHAYS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. Horn to the amendment in the nature of a substitute No. 10 offered by Mr. Shays:

Add at the end the following new title:

TITLE—REDUCED POSTAGE RATES

SEC. 01. REDUCED POSTAGE RATES FOR PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL CANDIDATES.

(a) IN GENERAL. Section 3626(e)(2)(A) of title 39, United States Code, is amended by inserting “and the National Republican Congressional Committee” in and inserting the following:

``except that in the case of a committee which is a principal campaign committee such rates shall apply only with respect to the election cycle involved and only to a number of pieces equal to the product of 2 times the number (as determined by the Postmaster General) of addresses (other than business returns) in the State.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from California (Mr. Horn) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. Horn).

Mr. HORNS. Mr. Chairman, I yield myself such time as I may consume. The amendment I am offering is a straightforward effort to take a positive step toward improving our campaigns. This proposal would reduce the cost of campaigns for all candidates for Congress, those that are incumbent, those that are challengers. It will create a better balance between incumbents and challengers and it will encourage real debate and discussion of these issues that are very important to our voters. This is a proposal that really will change the playing field, for incumbents and challengers.

With more and more millionaires entering politics, the change in the postal rate will give those who are not wealthy the opportunity to get out their message by two mailings to each household in their district. What this means is that you will get the postage at half the price it is now for candidates but at the price that is already authorized in law for national party committees and state party committees. This simply changes the law to include candidates for Congress, that includes the Senate and Members of the House of Representatives.

Under the current rules of the House, Mr. Chairman, we prohibit mass mailings under the frank in the 60-day period before a primary or a general election. This limit reduces one advantage enjoyed by incumbents under the current law. An incumbent bill would expand this prohibition by eliminating mass mailings under the congressional frank for the 6 months before an election. The limiting advantages for incumbents can be very appropriate reform, but I believe we need to level the playing field for all candidates and thus improve the quality of the political dialogue. That is the goal essentially of this amendment. I think that the fact that we already can do that through the State and national committees, this is simply clearing out the intermediaries and the middle people and getting it directly to the challengers and to the incumbents. The difference is they would deliver the mail at 69.5 cents versus the 132 cents that is already paid. So it would help everybody. That, I think, is in the interest of the public to have a decent political debate in this country.

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

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Mr. FAZIO of California. Mr. Chairman, I recognize the gentleman from California (Mr. FAZIO) for 5 minutes.

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume. I think this is a very well-intentioned amendment, but I have problems with it from several perspectives.

First of all the estimate of cost made by the Postal Service based on eight candidates per district, primary and general, is $130 million. That is a very high estimate of cost and bringing this bill under criticism from many who support Shays-Meehan but do not support public financing. This would be perceived to be a backdoor way of providing public financing to candidates.

Now, there are those who would advocate some sort of proposal like this if it were tied to the concept of spending limits. But this bill has avoided getting into that thicket because the controversy would weigh down the basic benefits of passing the Shays-Meehan law which many of us think does not go far enough but many also believe is about all we can accomplish with this very even balance we have achieved here on a bipartisan basis in this Congress. Since there is no spending limit and there would be no way of inducing people, therefore, into agreeing to limit their public spending, we would have to raise issues with this amendment that frankly would cause us to come down on the side of a “no” vote.

I worry that the combination of opposition that might result both because it is too much reform, public financing and because it takes on the incumbents with money that would go to his challenger, creates a situation in which regrettably we would lose votes for this bill from both ends of the political spectrum and perhaps endanger the re-election of some of which we all believe is a major improvement, maybe not perfection but certainly the best we can do in this very evenly balanced proposal. I would have to on that basis regretfully indicate opposition.

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

Mr. FAZIO of California. I yield to the gentleman from Tennessee.

Mr. WAMP. Thank the gentleman for yielding. I rise, too, in opposition and I am reluctant because the author of this bill the gentleman from California (Mr. Horn) is not only one of the brightest individuals in this House, but he has been a true reformer, offering multiple bills and multiple amendments, really an academic expert in this issue of campaign finance reform. But I do come from the other ideological perspective.

I encouraged the authors of Shays-Meehan early on when it was in a different form to move forward to public financing, not to go the route of broadcaster financing and we have put together this coalition amazingly well of people who have had great heartburn with those two provisions. This would effectively take us there, albeit in a small way, but it would take us there to public financing. Frankly I am on this train with the understanding we were not going to go to this destination. So I certainly want to speak to that. But I very much support the gentleman from California (Mr. Horn) for all that he continues to do because he is truly trying his best to go in our direction.

Mr. FAZIO of California. Mr. Chairman, I reserve the balance of my time. I thank the gentleman.

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, to say this is public financing is not really accurate. Sure, money is involved in postage. This is the postal administration that has several billion. I believe in public financing, but I like the idea at both the nonprofit rate and the higher rate. It does not really make any cost change in adding people to the route they run. It simply gives
now what is given to State parties to the candidates.

The original Shays-Meehan bill and McCain-Feingold reform plans had a proposal like this in them. Now, they probably took it out for some reason. But I believe that incumbents would not like this because that would give their challenger a chance. I think we ought to get a little broader and not just be protecting incumbency, we ought to let the challengers have the same type of opportunity we have; because, let us face it, incumbents generally, unless you are running against a millionaire, can have a lot in their bank accounts. I do not happen to. So do hundreds of others in here. But a few of our Members, as we know, have million-dollar campaign funds, and that scares off the competition. This would at least give the competition a chance to get the message out twice, to get the message out to the households in the district at the nonprofit rate.

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

Mr. FAZIO of California. Mr. Chairman, I yield myself the balance of my time.

Let me just conclude by saying I personally believe public financing is the way of the future. I think we have neglected it in the presidential system and need to reinvigorate public support for it. But I am more concerned tonight that we not impede progress that was made by Shays-Meehan, that we not upset the balance that has been achieved in this version of this bill. It is the best we can accomplish under the circumstances. I would not want to endanger its enactment because we went too far in the direction that some of our colleagues that support this bill cannot go. I do not want to inflame some of our colleagues on the other end of the spectrum who are concerned about advantaging their challengers. I realize that we have not made perfection, but I think we have come a lot further than any would have anticipated. We are on the verge of success, enacting something we can all be proud of. I hope the gentleman from California (Mr. HORN) can accept our reluctant opposition to his amendment, and I hope he can support Shays-Meehan as a major step in the right direction.

Hopefully in subsequent Congresses we can readdress some of these same kinds of issues and perhaps reach common ground in the future.

Mr. HORN. Mr. Chairman, I yield myself the balance of my time.

The gentleman from California knows that I have been a sponsor and coauthor of Shays-Meehan. I think there are a lot of good things in it. But these are simple, little things that can make a difference for candidates that are new to the political game and give them a chance to get their message over. I hope the gentleman from Michigan (Mr. UPTON) will not throw the drunkering of public finance out to this body to simply protect the incumbents' present superiority to most of the challengers, unless you have the increasing millionaires. I would hope we could rise above that and give the challenger two mailings to households in all our districts. You have to pay for them. You pay for them at half the rate you do now unless you do it in the mail at the county committee at the State level and the national level, and then you are going to get the rate right now which you can already do. If you are calling that public financing, fine, but it makes no sense, because the public financing we are talking about is what is given through the United States, candidates for the presidency, and that is to have the money that is fungible throughout your campaign with no limit on when it is. This is one limit, getting the two mailers to the houses in your district.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. HORN) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from California (Mr. HORN) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed. It is now in order to consider the amendment by the gentleman from Michigan (Mr. UPTON). Is there a designee for the gentleman from Michigan (Mr. UPTON)?

It is now in order to consider the amendment by the gentleman from Michigan (Mr. SMITH) as modified by the order of the House of July 20, 1998. Is there a designee for the gentleman from Michigan (Mr. SMITH)?

It is now in order to consider the amendment by the gentleman from Arizona (Mr. SHADEGG). Amendment offered by Mr. SHADEGG to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS.

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

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

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

Amendment No. 35 offered by Mr. SHADEGG to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS. Add at the end of title V the following new section (and conform the table of contents accordingly):


(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) Notwithstanding any other provisions of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election occurring during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under section 309(a)(6), except that the court involved shall issue a decision thereon as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

"(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—"

"(A) whether a construction is in excess of an applicable limit or is otherwise prohibited under this Act; or"

"(B) whether an expenditure is an independent expenditure under section 309(17)."

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

"(c) PAYMENT OF ATTORNEY FEES.—If the court determines that a violation described in paragraph (2) has been committed as a result of a failure or refusal to file a disclosure report required under this Act, the court shall grant the prevailing party any reasonable attorney fees and costs incurred in connection with the action.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I may consume. I have an amendment which seeks to solve a problem in existing law. That problem is that under the way the FEC laws are currently written, if a campaign law violation occurs in the last 90 days before an election is held, there is a compliance remedy which occurred. That is, that if a violation goes by and cannot be remedied. The reason for that is that under current law, the only existing remedy is to go to the Federal Election Commission in Washington, D.C., file a complaint, and under the FEC guidelines no action, absolutely no action is to be taken on that complaint for a period of 90 days.

What that means is that during the last 90 days of a campaign, there simply is no remedy for many of the violations which occurred. Indeed there is no remedy whatsoever. The FEC cannot get to it before the election. Often times such complaints are rendered moot by the election, and, therefore, there is a gaping hole in existing law. What my amendment would do is to solve this. It solves this problem by simply saying that for any violation of the FEC provisions which occurs in the last 90 days before the election, a candidate involved in that campaign would be able to pursue a remedy in Federal District Court in their district, and it requires that the Federal District Court give that candidate expedited review of their complaint.
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What that means is that when an egregious violation of law occurs during this key last 90 days of the campaign, the candidate would have an option to go to Federal District Court, file a pleading, request a remedy, ask the court to give them a remedy, and say, yes, this is a violation and provide an answer to the problem. It is, I think, an eminently fair provision. It would not bias neither side, but it would solve the problem in the way the current Federal Election Code is written.

I urge my colleagues to adopt this amendment. It is good sense. It would provide the court with the authority to grant injunctive relief if necessary, and it requires the court to both act on an expedited basis and if possible to resolve the complaint before the election. I think it has tremendous merit. I urge my colleagues to support it.

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

Mr. WAMP. Mr. Chairman, I rise to claim time normally in opposition but not to oppose the amendment.

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

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume. This is another good example where the gentleman offering the amendment is in a constructive way enhancing what we are trying to accomplish with good reform. Certainly the reformers here in support of Shays-Meehan accept the amendment and commend the gentleman from Arizona (Mr. SHADEGG) for bringing this idea to us and actually putting it into a form that will certainly strengthen the Federal Election Commission and the laws and rules that govern us as candidates here in the House and in the Senate. I thank the gentleman very much.

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

Mr. SHADEGG. Mr. Chairman, is it my understanding the amendment has been accepted?

Mr. WAMP. Mr. Chairman, the amendment has been accepted, but we will have a voice vote at the pleasure of the gentleman from Arizona (Mr. SHADEGG).

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

Mr. Chairman, I appreciate the expression of support from both this side and the other side. I think it is an improvement in the current law that will benefit the system and help to clean up election practices.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 36.

Is there a designee present for the gentleman from Texas (Mr. DeLay)?

It is now in order to consider the amendment offered by the gentleman from Florida (Mr. SHAW).

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

The CHAIRMAN pro tempore. The amendment in the nature of a substitute is as follows:

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

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

SEC. 530. REQUIRING MAJORITY OF AMOUNT OF CONTRIBUTIONS ACCEPTED BY HOUSE CANDIDATES TO COME FROM IN-STATE RESIDENTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end of the following new subsection:

[(1)(3) With respect to each reporting period or election, the total of contributions accepted by a candidate for the office of Representative in Congress or Delegate or Resident Commissioner to, the Congress from in-State individual residents shall be at least 50 percent of the total of contributions accepted from all sources.

(2) As used in this subsection, the term `in-State individual resident' means an individual who resides in the State in which the congressional district involved is located.]

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Florida (Mr. SHAW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

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

Mr. Chairman, we are here tonight at a quarter of eleven. Unfortunately, it is so late the offices are closed; the staff have gone home; there is only a handful of Members here on the floor to-night. I was tempted to call a point of order to bring the Members back in because I think this is really pitiful that we are tempted to do so instead of going home and raising money in our campaign in our own districts and our own States. And I think that if we are really going to be talking about campaign finance reform, me and all the incumbents who have found it so easy over the years to raise money here in Washington should be able to be required to say, hey, money is the mother milk of politics today. We should be able to require ourselves and anyone else running for office in a Federal election to be able to go home to their home State and raise half of their money.

This is not too much to ask. I think it is a very, very reasonable amendment. I cannot see how anybody could possibly oppose it. If someone could come up here and say to me that I have got a good reason to say this is bad, this should not be, I would yield them the time.

I would say to the gentleman from California (Mr. Fazio) who is standing there and all the gentlemen over there who are going to jump up and talk about a poison pill, if they can tell me how this is bad, I would yield them the time.

Does anybody want me to yield time because they can criticize the amendment? Or do they want to criticize it because it is a poison pill?

Mr. Fazio of California. Mr. Chairman, I offer an amendment.

Mr. SHAW. Reclaiming my time, Mr. Chairman.

Mr. Fazio of California. Mr. Chairman, I yield to the gentleman from California.

Mr. Fazio of California. Mr. Chairman, I would like to begin my argument against it, and then after I use the rest of the gentleman's time, I will ask for the time in opposition.

Mr. SHAW. Mr. Chairman, if the gentleman is going to criticize the amendment and come out and say this amendment is bad, and we go back a long time, but I do not think the gentleman would do that.

Mr. Fazio of California. Mr. Chairman, I would stay on the merits of the argument, if the gentleman would continue to yield.

Mr. SHAW. I yield to the gentleman.

Mr. Fazio of California. Mr. Chairman, I think this is a very, very difficult concept to administer, and let me give my colleagues some examples as to how difficult it would be.

If a Member is from Kansas City, Missouri, this places a much higher value on funds they would raise in St. Louis than in Kansas City, Kansas. In other words, if Members are one of those people on the borders of the State--

Mr. SHAW. Reclaiming my time, Mr. Chairman.
That cannot possibly be on the merits. If Members are from Kansas City, then they have got to decide which side of the border they are from, and then they should decide where they are running from, where their support should come from. I believe the people are that they are representing and bring this back closer to the people.

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

Mr. Shays of California. Mr. Chairman, I rise in opposition to the amendment and I yield myself such time as I may consume.

Mr. Chairman, I was beginning to point out in my colloquy with my friend from Florida the unworkability of this amendment but also the fact that it is an artificial barrier. We ought to be focusing on the region that the individual comes from, for example, and why would not people who come from Kansas City, Missouri, have the same interests that people two miles away in the other State have on issues of importance to the region, to its economy, to its employers, to its workers?

This sets an artificial standard. For example, Members may have hundreds of bus drivers who want to support them in their district and in their State, but their home office where their PAC is located may be States away. This would mean that those people would, in effect, not be counted as people from their State. The same would be true of a corporate PAC that is home based at corporate headquarters in one State for two seats, like Rhode Island or New York, California or Texas, the funds that they use to support candidates in Rhode Island go to those Washington, Texas, or California offices, then come back to us. They would not fall into the category within the confines of the gentleman’s amendment, again hurting small States and low-income areas.

So I can sympathize with the intent of trying to keep the money within the area that Members represent, and when there is 30 seats, or 26 seats, or 52 seats in Congress from one State, that is possible. But when there is only 1 or 2 seats, like Rhode Island, South Dakota, North Dakota, Delaware, it becomes very impossible.

Mr. Fazio of California. Mr. Chairman, I yield myself such time as I may consume.

To conclude, Mr. Chairman, I would simply say this is an important effort in Shays-Meehan to stop the explosion of soft money and sham issue ads. It does not deal with many of the other issues that have been brought up in the debate on campaign reform bills. It is a carefully crafted and balanced proposal, and many people who support it do not agree with the gentleman from Florida (Mr. Shays) and therefore, regretfully for him, would oppose the overall bill were this amendment to be adopted.

So I hate to say it, but it is, in fact, the proverbial poison pill. It would cause the coalition to shatter and end destroying what chance we have in this late hour in this Congress to take some fundamental steps forward, not perhaps addressing all of the issues that all the Members would like to have before us but making a real difference in the electoral process and in the restoration of confidence in the American political system.

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

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

Mr. Chairman, I would briefly say in rebuttal to the gentleman I think what we are talking is trying to bring balance back to the American political system and that to argue that PACs may have some problem with this particular amendment is not a very good argument.

What we are talking about, Mr. Chairman, is trying to bring the political system back to the people that we represent. Now to bring it back to just their congressional district creates a problem, and we understand that problem because there are some districts that are extremely poor. But to say they cannot bring it back to a State, I do not think that we have any States that are that poor that they cannot support the people that they send up here to represent them.

I think this is an important, Mr. Chairman, and I think that for us to turn our backs on the people that we represent and say that we are going to vote against this particular amendment, which just simply says to take back the political system back to the States, back to the people who have sent us here, it is very important and vital for us to remember where we came from and remember the people that sent us here.

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

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Florida (Mr. Shays) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. Shays), the question was taken; and the noes appeared to have it.

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Florida (Mr. Shays) to the amendment in the nature of a substitute No. 13 offered by Mr. Shays will be postponed.

It is now in order to consider the amendment offered by the gentleman from Ohio (Ms. Kaptur).

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

The CHAIRMAN pro tempore. Will the gentlewoman designate which amendment? Is it amendment number 39?

Ms. Kaptur. Mr. Chairman, for purposes of the RECORD, this would be the original amendment listed as 39. I will not be officially offering it this way, but it has to do with the constitutional amendment to overturn Buckley versus Valeo, which I think is the real answer to these questions. But we will be moving on to Amendment 39.

For us in small States like Rhode Island this is an extremely difficult kind of amendment that would be imposed upon us. Not that the people in Rhode Island should not deserve representation and contribute to campaigns, to those people they want to have represent them. But for a very small State like Delaware it becomes virtually impossible to raise that kind of money for a congressional campaign.

Secondly, for people that may be low income or from very small State or other small States, they often connect with other people from other States that happen to be of the same ethnic background or same political direction, and it becomes very important for them to do that.

This bill, if every State were the size of the State of Florida, I could understand the gentleman’s point. If everybody were centered in the middle of a large State, I could understand his point. But for a very small State it becomes almost impossible.

The second point that the gentleman from California (Mr. Fazio) made which is critical:

People with labor or business or advocacy groups that happen to be located in my State but their home or major office is somewhere else, in Washington, New York, California or Texas, the funds that they use to support candidates in Rhode Island go to those Washington, Texas or California offices, then come back to us. They would not fall into the category within the confines of the gentleman’s amendment, again hurting small States and low-income areas.

So I can sympathize with the intent of trying to keep the money within the area that Members represent, and when there is 30 seats, or 26 seats, or 52 seats in Congress from one State, that is possible. But when there is only one or two seats, like Rhode Island, South Dakota, North Dakota, Delaware, it becomes very impossible.

Mr. Fazio of California. Mr. Chairman, I yield myself such time as I may consume.

To conclude, Mr. Chairman, I would simply say this is an important effort in Shays-Meehan to stop the explosion of soft money and sham issue ads. It does not deal with many of the other issues that have been brought up in the debate on campaign reform bills. It is a carefully crafted and balanced proposal, and many people who support it do not agree with the gentleman from Florida (Mr. Shays) and therefore, regretfully for him, would oppose the overall bill were this amendment to be adopted.

So I hate to say it, but it is, in fact, the proverbial poison pill. It would cause the coalition to shatter and end destroying what chance we have in this late hour in this Congress to take some fundamental steps forward, not perhaps addressing all of the issues that all the Members would like to have before us but making a real difference in the electoral process and in the restoration of confidence in the American political system.

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

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

Mr. Chairman, I would briefly say in rebuttal to the gentleman I think what we are talking is trying to bring balance back to the American political system and to argue that PACs may have some problem with this particular amendment is not a very good argument.

What we are talking about, Mr. Chairman, is trying to bring the political system back to the people that we represent. Now to bring it back to just their congressional district creates a problem, and we understand that problem because there are some districts that are extremely poor. But to say they cannot bring it back to a State, I do not think that we have any States that are that poor that they cannot support the people that they send up here to represent them.

I think this is an important, Mr. Chairman, and I think that for us to turn our backs on the people that we represent and say that we are going to vote against this particular amendment, which just simply says to take back the political system back to the States, back to the people who have sent us here, it is very important and vital for us to remember where we came from and remember the people that sent us here.

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

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Florida (Mr. Shays) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. Shays), the question was taken; and the noes appeared to have it.

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Florida (Mr. Shays) to the amendment in the nature of a substitute No. 13 offered by Mr. Shays will be postponed.

It is now in order to consider the amendment offered by the gentleman from Ohio (Ms. Kaptur).

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

The CHAIRMAN pro tempore. Will the gentlewoman designate which amendment? Is it amendment number 39?

Ms. Kaptur. Mr. Chairman, for purposes of the RECORD, this would be the original amendment listed as 39. I will not be officially offering it this way, but it has to do with the constitutional amendment to overturn Buckley versus Valeo, which I think is the real answer to these questions. But we will be moving on to Amendment 39.
The CHAIRMAN pro tempore. Does the gentlewoman wish to offer Amendment No. 387?

Ms. KAPTUR. Not at this point. The CHAIRMAN. It is now in order to consider Amendment No. 39 offered by the gentlewoman from Ohio (Ms. KAPTUR). Amendment offered by Ms. KAPTUR to the Amendment in the Nature of a Substitute No. 13 offered by Mr. SHAYS. Ms. KAPTUR. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute. The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute. The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Ms. KAPTUR to the Amendment in the Nature of a Substitute No. 13 offered by Mr. SHAYS. Add at the end of the following new title:

"TITLE--ETHICS IN FOREIGN LOBBYING"

SEC. 01. PROHIBITION OF CONTRIBUTIONS AND EXPENDITURES BY MULTICANDIDATE POLITICAL COMMITTEES OR SEPARATE SEGREGATED FUNDS SPONSORED BY FOREIGN-OWNED CORPORATIONS AND ASSOCIATIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 441 et seq.) is amended by adding to the end the following new section:

"PROHIBITION OF CONTRIBUTIONS AND EXPENDITURES BY MULTICANDIDATE POLITICAL COMMITTEES OR SEPARATE SEGREGATED FUNDS SPONSORED BY FOREIGN-OWNED CORPORATIONS AND ASSOCIATIONS.

"SEC. 323. (a) In General. Notwithstanding any other provision of law--

"(1) no multicandidate political committee or separate segregated fund of a foreign-controlled corporation may make any contribution or expenditure with respect to an election for Federal office; and

"(2) if a foreign-controlled political committee or separate segregated fund of a trade organization, membership organization, cooperative, or corporation without capital stock may make any contribution or expenditure with respect to an election for Federal office if 50 percent or more of the operating fund of the trade organization, membership organization, cooperative, or corporation without capital stock is supplied by foreign-controlled corporations or foreign nationals.

"(b) INFORMATION REQUIRED TO BE REPORTED. The Commission shall--

"(1) require each multicandidate political committee or separate segregated fund of a trade organization, membership organization, cooperative, or corporation without capital stock to include in the statement of organization of the multicandidate political committee or separate segregated fund a statement (to be updated annually and at any time when the percentage goes above or below 50 percent) of the percentage of ownership interest in the corporation that is controlled by persons other than citizens or nationals of the United States;

"(2) require each trade association, membership organization, cooperative, or corporation without capital stock to include in its statement of organization of the multicandidate political committee or separate segregated fund (and update annually) the percentage of its operating fund that is derived from foreign-owned corporations and foreign nationals;

"(3) take such action as may be necessary to enforce subsection (a)."

"(c) LIST OF ENTITIES FILING REPORTS. The Commission shall maintain a list of the identity of the multicandidate political committees or separate segregated funds that file reports under this section, including a statement of the amounts and percentage reported by such multicandidate political committees or separate segregated funds.

"(d) DEFINITIONS. For purposes of this section--

"(1) the term `foreign-owned corporation' means a corporation at least 50 percent of the ownership interest of which is controlled by persons other than citizens or nationals of the United States;

"(2) the term `multicandidate political committee' means the meaning given that term in section 315(a)(4);

"(3) the term `separate segregated fund' means a separate segregated fund referred to in section 316(c)(4); and

"(4) the term `foreign national' has the meaning given that term in section 319.

"SEC. 02. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended--

"(1) by redesignating subsection (a) as subsection (b) and (2) by inserting after subsection (a) the following new subsection:

"(1) require each multicandidate political committee or separate segregated fund of a trade organization, membership organization, cooperative, or corporation without capital stock to include in the statement of organization of the multicandidate political committee or separate segregated fund of a trade organization or separate segregated fund of a trade organization or expenditure with respect to an election for Federal office; and

"(3) the term `separate segregated fund' means a separate segregated fund referred to in section 316(c)(4); and

"(4) the term `foreign national' has the meaning given that term in section 319.

"SEC. 03. ESTABLISHMENT OF A CLEARING-HOUSE OF POLITICAL ACTIVITIES INFORMATION WITHIN THE FEDERAL ELECTION COMMISSION.

"(a) ESTABLISHMENT. There shall be established within the Federal Election Commission a clearinghouse of public information concerning the making of contributions or expenditures with respect to elections for any local, State, or Federal office or decisions concerning the administration of a political committee.

"(b) DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF THE CLEARING-HOUSE.

"(1) It is the duty of the Director of the clearinghouse to develop a filing, coding, and cross-indexing system to carry out the purposes of this Act (which shall include an index of all persons identified in the reports, registrations, and other information comprising the clearinghouse);

"(2) notwithstanding any other provision of law, to make copies of registrations, reports, and other information comprising the clearinghouse available for public inspection and copying, beginning not later than 30 days after the information is first available to the general public and thereafter to public inspection and copying, and to permit copying of any such registration, report, or other information by hand or by copying machine or, at the request of any person, to make copies of any such registration, report, or other information upon payment of the cost of making and furnishing such copy, except that no information shall be contained in such requests, registration, report and no such other information shall be sold or used by any person for the purpose of soliciting contributions or for any profit-making purpose;

"(3) to compile and summarize, for each calendar year, the information contained in the registrations, reports, and other information comprising the clearinghouse in a manner which facilitates the disclosure of political activities, including, but not limited to, information on--

"(A) political activities pertaining to issues before the Congress and issues before the executive branch; and

"(B) the political activities of individuals, organizations, foreign principals, and agents of foreign principals who are subject to the prohibitions of section 311(b) and this section in

"(4) to make the information compiled and summarized under paragraph (3) available to the public within 30 days after the close of each calendar quarter, except such information in the Federal Register at the earliest practicable opportunity;

"(5) not later than 150 days after the date of the enactment of this Act and at any time thereafter, to prescribe, in consultation with the Comptroller General, such rules, regulations, and forms, in conformity with the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of section 3 and this section in the most effective and efficient manner; and

"(6) at the request of any Member of the Senate or the House of Representatives to prepare and submit to such Member a study relating to the political activities of any person and consisting only of the information in the registrations, reports, and other information comprising the clearinghouse;

"(b) DEFINITIONS. As used in this section--

"(1) the terms `foreign principal' and `foreign-national' have the meanings given those terms in section 311 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e); and

"(2) the term `issue before the Congress' means the total of all matters, both substantive and procedural, relating to any pending or proposed bill, resolution, report, nomination, treaty, hearing, investigation, or other similar matter in either..."
the Senate or the House of Representatives or any committee or office of the Congress; or
(B) any pending action by a Member, officer, or employee of the Congress to affect, or attempt to affect, any action or proposed action by any officer or employee of the executive branch; and
(3) the term "issue before the executive branch" means the total of all matters, both substantive and procedural, relating to any pending action by any executive agency, or any officer or employee of the executive branch, concerning—
(A) any pending or proposed rule, rule of practice, adjudication, regulation, determination, investigation, contract, grant, license, negotiation, or the appointment of officers and employees, other than appointments in the competitive service; or 
(B) any issue before the Congress.

SEC. 05. PENALTIES FOR DISCLOSURE.
Any person who discloses information in violation of section 3(a), and any person who sells or uses information for the purpose of soliciting contributions or for any profit-making purpose in violation of section 3(b), shall be imprisoned for a period of not more than 1 year, or fined in the amount provided in title 18, United States Code, or both.

SEC. 06. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED.

(a) Quarterly Reports.—Section 2(b) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612(b)), is amended in the first sentence by striking out "within thirty days" and all that follows through "preceding six months period" and inserting in lieu thereof the following:

"(B) any pending or proposed action by the Congress to affect, or attempt to affect, any action or proposed action by any officer or employee of the executive branch, concerning—
(A) any pending or proposed rule, rule of practice, adjudication, regulation, determination, investigation, contract, grant, license, negotiation, or the appointment of officers and employees, other than appointments in the competitive service; or
(B) any issue before the Congress."
The CHAIRMAN pro tempore. The Clerk will report the modification. The Clerk read as follows:

Amendment, as modified, offered by Ms. KAPUTR to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS. 

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

SEC. 510. ESTABLISHMENT OF A CLEARING-HOUSE OF INFORMATION ON POLITICAL ACTIVITIES WITHIN THE FEDERAL ELECTION COMMISSION.

(a) ESTABLISHMENT. There shall be established within the Federal Election Commission a clearinghouse of public information regarding the political activities of foreign principals and agents of foreign principals. The information comprising this clearinghouse shall include only the following:

(i) All registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) during the preceding 5-year period.

(ii) All registrations and reports filed pursuant to the Foreign Agents Registration Act, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(iii) The listings of public hearings, hearings, witnesses, and witness affiliations printed in the Congressional Record during the preceding 5-year period.

(iv) Public information disclosed pursuant to the rules of the Senate or the House of Representatives regarding honoraria, the receipt of gifts, travel, and earned and unearned income.

(v) All reports filed pursuant to title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) during the preceding 5-year period.

(vi) All public information filed with the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) during the preceding 5-year period.

(b) DISCLOSURE OF OTHER INFORMATION PROHIBITED.—The disclosure by the clearinghouse of public information comprising the clearinghouse shall have the same legal effect and the same limited and authorized uses as the information comprised in the original proposals or reports to which it pertains.

(f) FOREIGN PRINCIPAL: Foreign principal shall have the same meaning given the term "foreign national" (2 U.S.C. 441e), as that term was defined on July 31, 1998. For purpose of this section, the term "agent of a foreign principal" shall not include any person organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and that has its principal place of business within the United States.

Ms. KAPUTR (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. SHAYS) for 5 minutes.

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

Mr. Chairman, I would just like to state that, first, this is a fairly comprehensive amendment, but we are not sure whether or not it is in conflict with the amendment of the gentleman from Ohio (Mr. GILLMOR). I want to be certain that we have the right to move forward on tomorrow since the gentleman from Ohio (Mr. GILLMOR) is not here.

I believe that the political rights of all Americans should not be determined by where they work. I think it should be determined because they are American citizens. They should not be disenfranchised from the political process.

Mr. SHAYS. Mr. Chairman, may I inquire of the Chair how much time I have remaining?

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) has 29/4 minutes remaining. The gentleman from Ohio (Ms. KAPUTR) has no time remaining.

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

Mr. Chairman, evidently, I have misinterpreted the gentleman's amendment. I would like for her to describe what she thinks her amendment does, and I would respond to that.

Mr. Chairman, I yield such time as she may consume from the gentleman from Ohio (Ms. KAPUTR) to explain what she feels her amendment does and does not.

Ms. KAPUTR. Mr. Chairman, I thank the gentleman very much for yielding to me and the gentleman from New York, because, in consultation with both of them, we substantially scaled back our original amendment. This particular amendment, as modified, that we are offering this evening would only take the clearinghouse section out of the original proposal to collect information from the lobbying disclosure.

Mr. SHAYS. Reclaiming my time, when the gentleman says take it out, she means she leaves the clearinghouse in and take out the other parts? Ms. KAPUTR. That is correct. We left that out and we table the remainder of the bill. The gentleman was saying and the gentleman from New York was saying that Chrysler Corporation employees could not contribute or people...
should not be allowed to contribute. We agree that U.S. citizens should be allowed to contribute. This amendment, as modified, has nothing to do with that. All it provides is for disclosure as we do with U.S. contributions that are currently flowing into campaigns.

We are saying that we want to create a clearinghouse at the FEC for all these donations. We will do that by recording existing information from the Lobbying Disclosure Act, from the Foreign Agents Administration.

Mr. SHAYS. If I can reclaim my time, if I can say to the gentlewoman, as the amendment is described, I am comfortable and I think other Members are. I do think it will be healthy to have a vote on this tomorrow. I am not going to oppose it if there is all yesses. I still ask for a rollocall vote. I think it is important for us to sit down with the gentleman from Ohio (Mr. GILLMOR) and others and make sure that we are clear to our recommended votes to our colleagues when they vote on the floor.

So I am not going to oppose the gentleman's amendment. I would suggest we get to a vote, but I will ask for a rollocall vote.

Ms. KAPTur. Mr. Chairman, I thank the gentleman and the gentleman for working with us, and I look forward to having the gentleman from Ohio (Mr. GILLMOR) with us very soon here in resolving this.

Mr. SHAYS. Mr. Chairman, we will have a vote on the floor here tomorrow and that will be resolved.

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

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The question is on the amendment, as modified, offered by the gentlewoman from Ohio (Ms. KAPTur) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Clerk will designate the amendment.

The text of the amendment to the amendment in the nature of a substitute No. 13 is as follows:

Amendment No. 47 offered by the gentleman from Florida (Mr. STEARNS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS):

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

## SEC. 510. CONSPIRACY TO VIOLATE PRESIDENTIAL CAMPAIGN SPENDING LIMITS

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

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(2) CONSPIRACY TO VIOLATE LIMITS.—
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(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the Order of the House on Friday, July 17, 1998, the gentleman from Florida (Mr. STEARNS), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

Mr. FAZIO of California. Mr. Chairman, I yield to Mr. STEARNS to offer this amendment because I think after the debate that I had concerning legal aliens, there was some question that came up, and I thought I should attempt to amend, offer an amendment tonight. I sort of rectifies a problem that was raised by the gentleman from Samoa (Mr. FALEOMAVAEGA).

During the debate, a couple of weeks ago, this amendment that I sponsored and also the gentleman from New York (Mr. FASSELLA) sponsored, both of them passed overwhelmingly. But there was something that was in both his amendment and mine that concerned me a bit. My amendment banned all political contributions from Federal, State or local elections from noncitizens, which included resident aliens.

But I realized, Mr. Chairman, during the debate that the gentleman from Samoa had a very good point about resident aliens who are serving in the military. Such permanent residents may be drafted, as they were in Vietnam and other military actions.

So what I am trying to do tonight is say okay, if one is serving in the military, then I think one should be able to participate.

So frankly, this amendment seeks to rectify the situation with resident aliens who serve in the U.S. military, which includes the reserves.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

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

Mr. FAZIO of California. Mr. Chairman, does this make them permanent in their status if they served and then leave the service, or do they lose their right to vote after they have left military service?

Mr. STEARNS. Mr. Chairman, if they are in the service for 1 or 2 years, they automatically become U.S. citizens.

Mr. FAZIO of California. Mr. Chairman, so in other words, at that point the issue goes away.

Mr. STEARNS. No, Mr. Chairman, but if they served that period for 1 or 2 years, I think we are saying we will allow them to contribute.

Mr. FAZIO of California. Now, Mr. Chairman, if the gentleman will continue to yield, as I remember the gentleman's comments from that earlier debate, he was also talking about people who were taxpayers, as many legal residents are, who are not citizens.

Mr. STEARNS. Mr. Chairman, I do not remember what I said about tax. Rather than that I felt that non-U.S. citizens should not be participating, but I think after talking to the gentleman from Samoa, I think if they served in the military or are presently serving in the military, then I think that one should have a chance to vote on this.

Mr. FAZIO of California. Mr. Chairman, if the gentleman will yield further, I certainly do not oppose this. I think it makes a bad proposal less bad, but I understand that the gentleman has the votes on his side, so I certainly will not oppose it. In fact, I encourage him to offer it.

But I do think that when we begin to think about those things that cause us to recognize the contributions of legal residents, we should not just stop with military service; we should think of all of the things they do, including contributing in many other ways, as well as being taxpayers.

Mr. STEARNS. Mr. Chairman, reclaiming my time, I think the amendment is pretty simple and it will pass overwhelmingly. I think my good friend from Samoa had made a good
Mr. WEYGAND. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Rhode Island (Mr. WEYGAND) is recognized for 5 minutes.

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

Mr. Chairman, really it is a point of clarification, and I would like to yield to the gentleman.

Regarding those that have served in the military, am I to understand that not only those that are presently serving in the military and those that have served 3 years and are out of the military, what about those people who have served a year and a-half, 2 years, and perhaps have not reached the 3-year period of time?

Is the gentleman saying that anyone who has served, that is a resident, could contribute to a campaign?

Mr. STEARNS. Mr. Chairman, if the gentleman will yield, if they are serving in the military.

Mr. WEYGAND. Mr. Chairman, presently serving?

Mr. STEARNS. Presently serving, yes.

Mr. WEYGAND. Mr. Chairman, so that if they have served in Vietnam, in Desert Storm, if they have done that, but they are now out of the military, they are not eligible?

Mr. STEARNS. Mr. Chairman, that is correct.

Mr. WEYGAND. Mr. Chairman, I understand the gentleman’s effort to try to make some amends, but it would seem to me that whether one is serving presently or one has served in Vietnam and has provided that service to this country, the motivation for the gentleman’s amendment would be indeed to provide some kind of an allowance for someone to contribute to a campaign by way of serving in the military, and I would think if anyone served 5 years ago, 10 years ago or 20 years ago, they would be eligible for the same merits that the gentleman is giving to the people who are presently serving in the military.

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

Mr. WEYGAND. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, of course, if they served 3 years, then they automatically become U.S. citizens. So we are trying to bridge here a little bit of support.

Mr. WEYGAND. Mr. Chairman, claiming my time, I understand what the gentleman is saying, but if someone had served only a year and a-half, who was injured and was discharged from the military because of injury or something else and does not qualify for that 3-year citizenship that the gentleman is talking about, and therefore, in that case, may be still not an American citizen, but have served valiantly for this country, perhaps even given part of their body for this country, would now be eligible to contribute to a campaign?

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

Mr. WEYGAND. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, the gentleman could certainly offer an amendment to change what we have passed here on the House floor, but I think this amendment goes a long way and probably will receive a majority of support.

Mr. WEYGAND. Mr. Chairman, would the gentleman be willing to accept an amendment that would allow for someone who has served in the military, been discharged, to be eligible for this benefit of contributing to a campaign?

Mr. STEARNS. Mr. Chairman, re-claiming my time, I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, probably not, just because I am just going to keep this as it stands, but I think certainly the gentleman could offer his own amendment.

Mr. WEYGAND. Mr. Chairman, re-claiming my time, I yield to the gentleman from Massachusetts, (Mr. Meehan).

Mr. MEEHAN. Mr. Chairman, I think my colleague makes a very valid point. I thank the gentleman for offering this amendment. Clearly, a member of the Armed Forces or the Armed Forces Reserve should have the right to contribute to a Federal election. Yet I would remind the gentleman that all legal permanent residents have the right to contribute in Federal campaigns, according to the United States Supreme Court.

With this amendment, it seems to me the gentleman is making a value judgment that legal permanent residents who served in the Armed Forces are worthy of first amendment protection because they laid down their lives for this country. But how about those legal permanent residents who are doctors? They save American lives every day. Or how about the legal permanent residents who are the parents of those young men and women who have lost their lives for our country? Should they not also be given the full protection of the first amendment?

Do I not object to the gentleman’s amendment, but I do want to point out the arbitrary nature of this particular exclusion. This amendment is only necessary because the gentleman, rightly, perceives the inequities of a flat-out ban. The problem is, I could think of many worthy exemptions and exceptions.

There are so many ways that legal permanent residents prove their allegiance to this government and to the United States. Serving in the Armed Forces is only one example. But I certainly would accept the gentleman’s amendment, but I think it is important to point out the injustice of just picking out one small group.

Mr. WEYGAND. Mr. Chairman, I yield to the gentleman from California (Mr. Farr).

Mr. FARR of California. Mr. Chairman, I just have a question of how the gentleman would manage this, if the author would so indulge. One is a legal resident of the United States, one is here; the law says one is here.

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

Mr. FARR of California. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, a permanent legal alien, not a U.S. citizen.

Mr. FARR of California. The gentleman is going to check all of this? They are legally here. We do not go around every day trying to check whether someone is here legally. I mean, if they are here legally, they are here legally; right?

Mr. STEARNS. Mr. Chairman, I do not understand the gentleman’s argument.

Mr. FARR of California. Mr. Chairman, reclaiming my time, the argument is how does the gentleman intend to enforce this amendment he is making? How do we enforce it? How do we check from campaign contributions? How do we go back to check whether the people are permanent residents, served in the Armed Forces? I mean, just look at the mountain of incredible research that we are going to have to do on everyone.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume. I do not think it will be hard to do that, because we have Social Security numbers and we could tell quickly and easily who was in the service.

Mr. Chairman, the argument of the gentleman from Rhode Island (Mr. Weygand), he wants to go back to the old argument that some wish to allow legal permanent residents, has already been decided. We had a vote; 350 Members voted to do that. And now we have had two other votes, my vote and the vote on the Fossella amendment. In three cases now we have decided that legal permanent aliens should not contribute.

So my point is that I think it is easy to identify. And I think this is a step to try and really help the gentleman’s cause by saying instead of ruling out all of them, let the people who are actually serving in the military less than 3 years have an opportunity to do so. And I am surprised that the other side objects to giving the military people an opportunity to contribute.

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

The CHAIRMAN pro tempore (Mr. Snowbarger). The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. Shays).
The question was taken; and the Chairman announced that the ayes appeared to have it.

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

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider the amendment No. 48 offered by the gentleman from Florida (Mr. STEARNS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. STEARNS to the Amendment in the Nature of a Substitute No. 13 offered by Mr. SHAYS:

Add at the end of title V the following new section:

``(c) Notwithstanding any other provision of this title, or any other provision of law, a candidate who accepts Federal matching funds shall be required to disclose any contributions received in excess of the amount the candidate would have received if no matching funds had been accepted.

The deal the taxpayers make with the candidate is that in exchange for their funding, the candidate will forego private sources of money and therefore make it less likely that the election will be influenced or appear to be influenced by big money.

Now the Senate Committee on Government Affairs found a great deal in the report. And, of course, the White House was cited several times. If I may, Mr. Chairman, I would like to report what the committee said.

During the 1996 election cycle, the White House was very close to the DNC and they tried to manage it. Harold Ickes, then Deputy Chief of Staff to the President, simply seized the reins of financial power and went about exerting direct control over the DNC’s financial activities.

Now, this is the type of thing we are trying to stop. I will not go through and read a lot of the testimony in there, because I am not here to point fingers at one side or the other. I am just trying to convince my colleagues of the need to put in place the penalties in this amendment.

Mr. Chairman, I think in short, though, most of us would agree that there were some evidence of collusion here. The purpose of this amendment here is to prevent this. The committee concluded that, “In the matter before us, the clear purpose of the law was circumvented.” I mean, that is what they said. That is why I believe we need to protect the Federal Election Campaign Act.

We cannot allow the limits and restrictions in the law to be circumvented while candidates receiving public financing abuse the system in order to gain advantage over their opponent.

So in a sense what we tried to do is the following: By putting in place that if a candidate or agent seeks to avoid the limits and restrictions by soliciting, receiving, transferring, or directing funds from any source other than the presidential election campaign fund for the direct or indirect benefit of such candidate’s campaign, the candidate or agent shall be fined not more than $1 million or imprisoned for a term of not more than 3 years, or both.

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment? Mr. MEEHAN. No, but I would ask to take the time.

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

There was no objection.

Mr. Chairman, I am going to support and join the gentleman’s position, this amendment is really unnecessary in the context of the Shays-Meehan bill.

Not only does the Shays-Meehan bill ban soft money in Federal elections, but the Shays-Meehan bill expressly prohibits Federal candidates, office holders, and agents of Federal candidates and office holders from soliciting, receiving, directing, transferring or raising soft money of any other Federal candidates or office holders.

So, the Shays-Meehan bill takes care of exactly what the problems were in the last presidential election on both sides and both parties.

Mr. Chairman, I would ask the gentleman, he had an amendment pass just now. We are going to vote tomorrow. And this amendment I think we are going to agree to. And so certainly the gentleman from Florida is getting his amendments passed. Does this mean the gentleman is going to support and join the majority of Members here and support us in passing the Shays-Meehan bill that has such strong bipartisan support? Which, by the way, I have to say in all of the years we have been working on campaign finance reform, my colleague cannot look at any evening and have witnessed any more broad-based, incredible support and success for legislation than for this bill.

Mr. Chairman, I was wondering if the gentleman has decided to join us in our efforts.
Mr. STEARNS. Mr. Chairman, will the gentleman yield?

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

Mr. STEARNS. Mr. Chairman, as the gentleman knows, there are a lot more amendments to come. Also several amendments I voted for today were defeated. I think the Goodlatte amendment is a good example.

So I think this campaign finance bill is still in doubt. I think there are lots of areas that need to be improved, and frankly, I think the other substitutes and other bills that are going to be offered that I think we should look at.

I think it is premature to talk about that. I would remind the gentleman from Massachusetts that I think what he has to worry about is the executive branch micromanaging either the DNC, or either party.

Mr. MEEHAN. Reclaiming my time, Mr. Chairman, what we on this side and both sides who are fighting for campaign finance reform, what we have to worry about is making sure we get as many votes as we can. I am delighted we are going to accept a couple of your amendments, but I just want to illustrate the point that ultimately you are not going to support our bill, which is unfortunate. But I will point out, this evening we had several astoric votes, broad bipartisan support to defeat poison pill amendments.

I am encouraged, I think my colleagues who are here are encouraged with the tremendous support. We look forward to dealing with the remaining amendments and voting yes on those amendments that we are accepting and voting no on those amendments which would destroy the unique and historic bipartisan coalition that we have in support of our legislation.

I look forward to dealing with the amendments this evening. We are moving along slowly but surely. I am delighted at how well things are going this evening.

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

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

Judging from the information given by my colleague, I assume he is supporting my amendment. I think that the idea of putting penalties in place is important. I think the whole idea of the executive branch micromanaging any other area of the campaign financing operations is what we are trying to prevent. I would say to my colleague that I appreciate his support for the bipartisan amendment.

The CHAIRMAN pro tempore. The amendment to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) to the amendment in the nature of a substitute No. 13 offered by Mr. STEARNS. Mr. STEARNS, Mr. Chairman, offer an amendment to the amendment in the nature of a substitute. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. STEARNS to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

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

SEC. 110. ENFORCEMENT OF SPENDING LIMITS ON PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WHO RECEIVE PRESIDENTIAL AND VICE PRESIDENTIAL CAMPAIGN FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

``(f) ILLEGAL SOLICITATION OF SOFT MONEY.—No candidate for election to the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or section 96 unless the candidate certifies that the candidate shall not solicit any funds for the purposes of influencing such election, including any funds used for an independent expenditure under the Federal Election Campaign Act of 1971, unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Florida (Mr. STEARNS) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

This amendment is similar to the other one except we ask that candidates certify their intent. Let me just read a portion of this so we can clarify it:

No candidate for election to the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund unless the candidate certifies that the candidate shall not solicit any funds for the purpose of influencing such election, including any funds used for an independent expenditure, unless the funds are subject to the limitations, prohibitions and reporting requirements under the law.

The reason I offer this amendment, of course, is that Bill Shays, some of the testimony in the Senate hearing that brought forth the clear intent. And so we need to establish that a candidate for President and Vice President will certify that they are going to comply and that they have a full understanding so that they cannot use rigorous, spurious logic to say they were not aware.

There was a lot of testimony that came out from Mr. Dick Morris which I have here, and I will, Mr. Chairman, include Dick Morris's testimony as a part of the Record so I do not have to read the whole thing.

I just would like to summarize some of the things that he testified to that commercial and the why I think the certification is required.

The President reviewed and modified and approved all advertising copy, reviewed and adjusted and approved media time buys, reviewed and modified polling questions, received briefings on and analyzed polling results.

So the President had significant involvement with the DNC media consultants in the area of polling, advertising, speech writing, legislative strategy and generating.

I think that is, frankly, what the Shays-Meehan bill is trying to prevent. I am hopeful that my colleagues will support this amendment and ask that the candidates who do run for President and Vice President certify so that they have a full understanding before they go into this what their roles will be.

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

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

Mr. STEARNS. Mr. Chairman, will the gentleman from Massachusetts (Mr. MEEHAN) be recognized for 5 minutes?

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

I think we can support this amendment, although I was a little concerned when you indicated you are going to read into the Record some of Dick Morris's words. It makes me a little nervous as to whether or not we really support the amendment.

Everything sounded great until we got to that. I get a little concerned about which statements from Dick Morris were going to be read into the Record, but, in any event, we generally support the amendment.

I think that the Shays-Meehan legislation addresses precisely the matter that you are concerned about. I do not know that it does address matters that Dick Morris may be concerned about, but in any event, we are delighted to accept the amendment, notwithstanding the statements of Mr. Morris that have been submitted into the Record.

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

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

Mr. Chairman, the reason I mentioned Dick Morris was just to give an
example of what occurred, and I think the folks realize that he was the principal advisor to the President and basically they started running these ads that were constantly lauding the President all around the country and his record and the problems with the country, and the problem was funding those ads.

So I am not categorically going after Mr. Morris or anybody but other than to say this is a clear example of what the committee on the Senate was talking about. After so many Republican campaigns, I have no idea why he did hire him. I think when the history books are written, the President will regret ever having hired him.

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

Mr. Chairman, I think Congress needs to strengthen the law by preventing the type of activity that Dick Morris mentioned in his testimony. This was a problem and should be prevented from ever happening again in presidential campaigns, and I urge my colleagues to support the amendment.

The infamous Dick Morris testified to the Committee that:

The President had significant involvement with the DNC media consultants in the areas of polling, advertising, speech-writing, legislation strategy, and general policy advice. The President's role was framed for the President "related to substantive issues in connection with his job as President, but is (also) could be considered political.

The President wanted to keep total control over the advertising campaign designed by Morris and the DNC media consultants.

The defenders of the President will argue that this is not a violation of the letter of the law under the Federal Election Campaign Act, but the sworn testimony of the President, his political advisors, and DNC media consultants is certainly a violation of the spirit of the law.

Congress needs to strengthen the law by preventing this type of abuse from happening again during another presidential campaign. I urge my colleagues to support this amendment.

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

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

Mr. Chairman, the gentleman makes some very good points. I have no idea why the President ever hired Dick Morris to run his campaign. After so many Republican campaigns, I have no idea why he did hire him. I think when the history books are written, the President will regret ever having hired him.

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

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Congress needs to strengthen the law by preventing this type of abuse from happening again during another presidential campaign. I urge my colleagues to support this amendment.

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

Ms. RIVERS. Mr. Chairman, a few weeks ago when we were discussing campaign finance abuses, I spent some time on the floor talking about a system that has been developed over time by both parties, where blame really needs to go, to both parties, and change really has to come from both parties.

So I listened with some interest tonight when the gentleman from Florida (Mr. STEARNS) was making his comments, because my recollection is there is no investigation going on around the Clinton-Gore campaign, there is currently an investigation going on around the Dole-Kemp campaign for their micromanagement of their money and coordination of their efforts in the campaign issues.

So I think what we need to do is go back to the very place I started several weeks ago which is we have a campaign system that has been built by both parties that does not work anymore, that has to be changed by people on both parties.

I applaud the fact that the gentleman from Florida (Mr. STEARNS) is now interested in soft money and very interested in making sure that some people in the system do not abuse soft money.

Those of us that are part of the reform group want to make sure that no one in the system abuses soft money, and I would invite the gentleman from Florida to join us in supporting a ban on all soft money, and then we would not have these types of scandals that have to be read into the RECORD. Then we would know that no one is going to engage in the kind of behavior that we all find offensive.

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

Mr. Chairman, I would just add on that, there is still a lot of room left on this Shays-Meehan bandwagon, and we would love to have you joining with us in abolishing soft money, sham issue ads, giving teeth to FEC, and the teeth that they need to enforce the election laws that are on the book.

We are very, very proud of the Members on both sides of the aisle that have demonstrated I think this evening on a number of votes wonderful support, Republicans, Democrats, conservatives, liberals. There is still plenty of room on this bandwagon, and we need to have you joining with us in abolishing soft money, giving the FEC the teeth that they need.

So those are valid reasons that people do not like it, maybe it is a sham ad. And who does not; and sham ads if you interest depends on who supports you too much money. They have talked a lot about too much money. They have talked about inadequate disclosure. We have said many times, I guess, that special interest depends on who supports you and who does not, and sham ads if you do not like it, maybe it is a sham ad. So those are valid reasons that people have for supporting this legislation.

I have told some people, and I firmly believe this, that one of the unintended consequences of this act is to protect incumbents. The amendment that I am offering is to try to help alleviate the burden that is placed on people running for Congress the first time. I think all of us know that about 80 percent of the political action committee money goes to incumbents. One thing about the Shays-Meehan bill, it does not do anything about the way candidates raise their money or spend their money. It applies only to the way other groups...
out in the country spend their money and participate in the political system.

This is a very simple amendment in that it increases the amount that an individual can give a candidate from $1,000 to $3,000. Now, this contribution limit was set in 1974. When you consider inflation, it is worth in today’s dollars $325 instead of the $1,000 that was in 1974. But I would ask that Members give some serious thought to this, because, as I said, 80 percent of political action committee money goes to incumbents. All of us know the first time that we ran, it is very difficult to raise the money. If we can increase the amount that an individual can contribute from $1,000 to $3,000, I think it will go a long way in making this a more equitable system, particularly for those very few candidates, one of which may be on the floor this evening, who do not accept political action committee money. This kind of even the playing field, and that is really my purpose in introducing this amendment.

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

Mr. WAMP. Mr. Chairman, yield myself all the time as I may consume. I may be uniquely qualified to address this amendment because, as the gentleman from Kentucky knows, he and I got here together in early 1995 and within just a few weeks, I had a bill on the floor called the Wamp-Congress Act of 1995. The gentleman from Kentucky was probably one of my co-sponsors, which actually did in fact increase the individual contribution limit. But over the last 4 years as I have worked this body on both sides of the aisle to try to build consensus around this issue of campaign reform, knowing that there were land mines throughout the entire process and knowing that this fundamental system has not been changed since Watergate because so many good men and women who are good and loved to kill it, I looked for a consensus around a few principles, and that is what we have on the floor tonight represented in Shays-Meehan. That is why I reluctantly oppose the gentleman’s amendment. Because there is an intellectual argument to be made for the fact that an individual contribution in 1974 is actually worth about $3,000 today, but the fact is there is not much support in this body for raising individual contribution limits, and none of us can be sure. If we were king for a day, I would have my own bill here and it would be much different than what we have. But this process is a process of compromise and consensus. We are looking for a majority, especially a bipartisan majority, so that we can actually accomplish something that has not been accomplished in a generation because there are too many ways to chop the legs out from under this particular issue, because this was set in stone in 1974. When you think of whether or not we can stay in power as Members of Congress, and that is why the oldest trick in this business is to put something on the floor and promote it, that then everybody can say, “Well, I supported that but I didn’t support this, therefore, I didn’t support final passage” and we never get reform.

That is why I rise today even though I did support early in my career here, knowing that there is no support here for that, and we cannot add it to this bill because frankly it is one of the things that will sink the boat.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment because I cannot understand what is broken and needs fixing. This amendment suggests that there is not enough money in campaigns. This whole debate, this whole process started when we tried to put limits on what candidates running for a seat in Congress would spend in campaigns. They added this as an excessive bill on the floor. That is the way this bill started out. Nowhere were we going to try to get more money into campaigns. And just to show you that only .1 percent of the American people, about 235 individuals, gave contributions of $1,000 or more in 1995 and 1996 to Federal candidates and to PACs and parties that support candidates. Yet this group gave as much money for Federal elections, $638 million, as the millions who gave under $1,000.

This is not the part of the campaign finance system that is broken and needs fixing, to get more money into the system. In fact, this amendment, as well-intentioned as the author may be on it, is a poison pill. It is opposed by all of those groups that advocated for campaign finance reform, including League of Women Voters, Public Citizen, Common Cause, the U.S. PIRG and others.

I ask my colleagues to oppose this amendment, because it is not going to help get the Shays-Meehan bill passed, and it is not going to help the perception of the American public that we need to have more money and bigger contributions in campaigns.

Mr. WAMP. Mr. Chairman, recognizing that the gentleman from Kentucky has the right to close, I yield the balance of my time to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS of Connecticut. Mr. Chairman, I just would like to say that Meehan-Shays does three primary things: It bans soft money, the unlimited sums of money that go from individuals, corporations, labor unions and other interest groups; it deals with the sham issue ads and calls them what they should, campaign ads; and it also has FEC enforcement and disclosure.

It does not have a lot of things. We did not deal with issues that some Members would like us to deal with, in-state out-of-state; it does not deal with motor voter and Voter Rights Act. There are a number of things we do not do. We do not deal maybe with the need to increase PAC contributions or individual contributions but this only limits and allows individual contributions to be increased, and I would oppose it.

Mr. WHITFIELD. Mr. Chairman, I yield myself the balance of my time. I want to quote Justice Thurgood Marshall whom I do not think anyone could say is a very conservative judge, but in Buckley v. Valeo he said, “One of the points on which all Members of the Court agree is that money is essential to effective communication in a political campaign.”

And we do live in a world where it costs a lot of money to buy TV ads, to buy newspaper ads, to buy radio ads, and I guess I am not surprised that incumbents would not support this because it would be easier for opponents to raise money if they raised the amount that an individual can give.

And we talked about the groups that supported Shays-Meehan, and one of those groups is Public Campaign that has been running newspaper ads in my district against me for the last day or two and also in the Washington Post; and, as I said earlier, I did not particularly like it, but I think they have a right to do that. That is an issue ad in my view. I think they have a right to do that, but they really pounded me because they said, “Ed Whitfield is trying to triple the amount of money that an individual can give,” and yet I find it quite ironic that one of their largest contributors is a guy named Mr. Solis, who is one of the wealthiest men in the world. He contributes heavily to them. So I guess that sometimes it just depends upon who gives the money, but I think that we are doing a great disservice to our political system if we prevent individuals from giving up to $3,000 to candidates that they have confidence in, that they believe in and they want to support, particularly when they know that challengers are not going to receive political action committee money.

So I would urge the adoption of this amendment.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). All time has expired.

The question is on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS shall be recessed.

It is now in order to consider Amendment No. 51 offered by the gentleman from Kentucky (Mr. WHITFIELD).
AMENDMENT OFFERED BY MR. WHITFIELD TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

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

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

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

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

Amend section 301(20)(A) of the Federal Election Campaign Act of 1971, as added by section 202(b) of the substitute, to read as follows:

"(A) IN GENERAL Ð The term `express advocacy' means a communication that advocates the election or defeat of a candidate by containing a phrase such as `vote for', `re-elect', `support', `cast your ballot for', `name of candidate, for Congress' (name of candidate) in 1997, `vote against', `defeat', `reject'."

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. WHITFIELD).

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

Mr. Chairman, this amendment simply defines "express advocacy" using the exact terms that the Supreme Court has used repeatedly in defining express advocacy. This issue goes to the very core, the very heart, of what this debate is about because the Shays-Meehan bill expands the definition of "express advocacy". And when we expand the definition of "express advocacy", we automatically increase the opportunities for hard money to be spent and decrease the opportunities for individuals to spend money who do not have political action committees, who have not hired lawyers to file all the reports with the FEC, and I think it is going to be a chilling effect upon the participation and the political system.

Now Shays-Meehan expands the definition in a number of ways way beyond what the Supreme Court has said. One way that they do it is they say if an ad refers to the clearly-identified candidates in a paid advertisement that is broadcast by a radio broadcast station or a television broadcast station within 60 calendar days preceding the date of an election of the candidate, that is express advocacy. And in essence what they are doing here at a time when people focus on political campaigns, as we get closer to the election, people focus on it, and that is when we have groups like the Sierra Club, the Right to Life, Pro-choice, labor unions; all these groups take out ads, and they talk about voting records of candidates as you get within 60 days of an election.

Under this bill, they will not be able to run those ads unless they had raised the money under the hard money rules. In other words, they would be totally caught up in the rules of the Federal Election Commission. They would have to meet all the requirements of the FEC; they have to meet all of the limits, all of the financial disclosures. And the courts have repeatedly said that that is a very chilling effect on the participation of people in the political process, and the courts have repeatedly said that the very core of our system is to allow participation, and this definition explicitly makes it more difficult to participate.

And the thing that I find the most troubling about it in this particular section is that when we get down to the end of the campaign, the only people that are going to be talking about these campaigns are the candidates themselves, the money that they spend for their ads. Then we are going to have political action committees, that they can buy ads, and then we are going to have the news media doing editorials on who they support.

But the mass of people out there who belong to organizations, they are not going to have much say-so unless they want to go through all of this trouble, all of this burden of forming a political action committee, raising money, hiring lawyers, filing reports and so forth. So I am extremely disappointed, in the way they expand the definition of "express advocacy," and my amendment simply brings it down to precisely what the Supreme Court has said: a bright line test so there is no question about what is and what is not express advocacy.

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

Mr. CAMPBELL. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment?

Mr. CAMPBELL. I am.

The CHAIRMAN pro tempore. The gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Chairman, the words kill. It is the spirit that giveth life. The Scriptural reference applies to this part of the bill.

My good dear friend from Kentucky has given us the words, and he says that the words are so explicit that they qualify in his definition as express advocacy. But what about the spirit that giveth life? What about ads that, in every other meaning, affect the public perception of an express advocacy ad, that they are clever enough not to use the words "vote for" or "vote against?"

This kind of abuse has been documented so many times in this debate conversations so many times in this debate conversations so many times. I am not going into detail, but I refer all of my colleagues to the examples that have been raised regarding such comments as President Bill Clinton has done these wonderful things, but we do not at the end say "Vote for President Bill Clinton." Senator Bob Dole has done these wonderful things, great American, but at the end we do not say "Vote for Bob Dole." It is the most gravest interpretation of campaign advocacy to say that only those ads that actually use the word "vote for" or "vote against" are express advocacy.

Second point: The gentleman intentionally strikes from this bill the prohibition on using undisclosed money, money from whom no one knows the source for advertisements that mention the name of the candidate on radio and television in the last 60 days of a campaign.

What is wrong with disclosure? Our good friend and colleague argues that disclosure chills. Not at all. In other contexts those who have been advocating against the Shays-Meehan bill have said all we need is disclosure. Indeed that was the view of many of our colleagues.

The Supreme Court's interpretation of disclosure certainly certified the concern about membership in NAACP, for example, at a time when that civil rights group was under a great degree of strain in our country but have never said that it is chilling for the American people to know what source of money puts an ad on 60 days before the election using the name of the candidate and hiding the identity of the donor.

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

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?
Mr. CAMPBELL. Mr. Chairman, will the Chair tell me how much time I have remaining?

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The gentleman from California (Mr. CAMPBELL) has 1 minute remaining.

Mr. CAMPBELL. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from California.

Mr. Fazio of California. Mr. Chairman, I have been reading the gentleman's amendment, and I think that I can come up with a number of phrases that would apparently be permitted but which, under his amendment, would be very questionable. I think of words like "Think Joe Smith" or "Joe Smith thinks about our Nation's future every day." "Joe Smith, the 1st District's Congressman," or on the crime theme, "Joe Smith voted no on the crime bill," "Joe Smith was sponsor of the crime bill," "Joe Smith is tough on crime." All of these would be passing muster under the amendment that the gentleman from Kentucky offers. I think that they all have a clear purpose and intent. But under this amendment, they would be permitted.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, all that we ask is that they would be permitted. Under the amendment, that the gentleman from Kentucky offers. I think the amendment simply states that intermediaries cannot engage in this practice. They can only provide advice to individuals about making a contribution.

Mr. CAMPBELL. First of all, we keep talking about disclosure. As I said before, the labor unions ran ads against me last time on television, and I don't know who pays for those ads. I give you an example of women in politics. Today, thanks to coordinated political interests. It also would allow corporate officers to host campaign functions for candidates and collect contributions out of the hands of the big-money special interests. This amendment would, in fact, do just the opposite. It would rob Americans of an essential tool in leveling the political playing field. It effectively prevents bundling, which lets ordinary Americans with limited resources pool their funds together into a single campaign war chest.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume. My amendment is a basic reform of -

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

Mr. Chairman, first of all, we keep talking about disclosure. As I said before, the labor unions ran ads against me last time on television, and I don't know who pays for those ads, but they have a right to do it.

In conclusion, I simply say the third expansion of express advocacy in this bill has already explicitly been declared unconstitutional by the Supreme Court in FEC versus Maine Right To Life. The exact wording is in here, already been declared unconstitutional.

I just think it is a shame that we spend this much time on a bill that most people that have reviewed it, that have taken cases to the Supreme Court, say will be declared unconstitutional. Also, I think it shows very clearly that this really is an incipient protection act. I would ask for the adoption of my amendment.

The CHAIRMAN pro tempore. All time has expired. The question is on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider Amendment No. 52 offered by the gentleman from Pennsylvania (Mr. ENGLISH).

Amendment No. 52 offered by the gentleman from Pennsylvania (Mr. ENGLISH). Mr. English amendment. Three years ago when campaign finance reformers started out to change the American election system, our goal was to try to increase the number of participants in the political process and to take elections out of the hands of the big-money special interests.

This amendment would, in fact, do just the opposite. It would rob Americans of an essential tool in leveling the political playing field. It effectively prevents bundling, which lets ordinary Americans with limited resources pool their funds together into a single contribution and put themselves on equal footing with the more well-heeled political interests. It also would allow corporate officers to host campaign functions for candidates and collect checks.

I give you an example of women in politics. Today, thanks to coordinated grassroots efforts, over 45,000 members of EMILY'S List, that went to House Members during the 1994 election cycle. The center surveying this practice wrote that bundling is "as predictable as the sunrise." This practice undermines the whole established structure of campaign finance. My amendment simply states that intermediaries cannot engage in this practice. They can only provide advice to individuals about making a contribution.

In the past, opposition to bundling was close to a consensus among supporters of campaign finance reform. In the past, most campaign finance reform proposals have included some kind of antibundling language; indeed, earlier versions of Shays-Meehan included bundling restrictions.

I urge my colleagues to vote in favor of this amendment, to close this terrible conduit for cash.

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

Ms. DELAURO. Mr. Chairman, I ask unanimous consent to claim the 5 minutes.

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment?

Ms. DELAURO. Yes, I am.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Connecticut (Ms. DELAURO) for 5 minutes.

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

I rise in strong opposition to the English amendment. Three years ago when campaign finance reformers started out to change the American election system, our goal was to try to increase the number of participants in the political process and to take elections out of the hands of the big-money special interests.

This amendment would, in fact, do just the opposite. It would rob Americans of an essential tool in leveling the political playing field. It effectively prevents bundling, which lets ordinary Americans with limited resources pool their funds together into a single contribution and put themselves on equal footing with the more well-heeled political interests. It also would allow corporate officers to host campaign functions for candidates and collect checks.

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Ms. DELAURO. Mr. Chairman, I ask unanimous consent to claim the 5 minutes.

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment?

Ms. DELAURO. Yes, I am.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Connecticut (Ms. DELAURO) for 5 minutes.

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

I rise in strong opposition to the English amendment.
There is EMILY'S List on the Democratic side of the aisle. There is a group called Wish List on the Republican side of the aisle which, in fact, is looking at how we, in fact, change the face of the Congress and bring new people into the process. I am very concerned about that. A number of women of color into the process in this body. That has been accomplished by these groups.

The ability to pool political donations helps put average Americans on equal footing with the wealthy and political forces. What we want to do is get more people in the process, not less people. The English amendment would cripple that process.

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

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I am prepared to close.

The CHAIRMAN pro tempore. The gentleman has the right to close.

Ms. DELAURO. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentlemanwoman has 2½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, I found it very interesting to hear the comments from the gentleman from Pennsylvania because I was very concerned when this came forward about how evil was trying to be remedied by this particular amendment.

What the gentleman had to say does not square with my personal experience and my understanding of this system of contributing to campaigns. Number one, these are small donors, small donations. EMILY'S List, for example, has 45,000 members from all 50 States, and they have made an average contribution of less than $100 per time.

Mr. ENGLISH. Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, this amendment truly does cripple organizations, that mobilize thousands of men and women behind issues that they care about. It prevents organizations like Triad Management in Pennsylvania that has gone out and organized all kinds of soft money bundling activities, including an entity called Citizens for the Republic Education Fund, which gave $2 million in the final weeks of the 1996 campaign to Republican candidates in targeted races all across the country. One of them happened to be, by the way, the gentleman from Pennsylvania (Mr. ENGLISH). I am wondering why this amendment is directed only at donors, largely, who are contributing through processes we have just heard described as hard dollars, to the campaigns of candidates. We ought to be attacking soft dollars that are flowing in, bundled by organizations outside the political structure in theory, but in reality tied directly into the political parties, the kinds of campaign expenditures that have benefited many of the Members who now oppose this bill and oppose the soft money ban included in it.

Mr. Chairman, I would be much more respectful of this amendment if it were broadly based and took on all the problems of bundling. This one is targeted to kill this bill and perpetuate a soft money political system.

Ms. DELAURO. Mr. Chairman, this amendment truly does cripple organizations that mobilize thousands of men and women behind issues that they care about. It prevents organizations like Triad Management in Pennsylvania that has gone out and organized all kinds of soft money bundling activities, including an entity called Citizens for the Republic Education Fund, which gave $2 million in the final weeks of the 1996 campaign to Republican candidates in targeted races all across the country. One of them happened to be, by the way, the gentleman from Pennsylvania (Mr. ENGLISH). I am wondering why this amendment is directed only at donors, largely, who are contributing through processes we have just heard described as hard dollars, to the campaigns of candidates. We ought to be attacking soft dollars that are flowing in, bundled by organizations outside the political structure in theory, but in reality tied directly into the political parties, the kinds of campaign expenditures that have benefited many of the Members who now oppose this bill and oppose the soft money ban included in it.

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Mr. Chairman, I would be much more respectful of this amendment if it were broadly based and took on all the problems of bundling. This one is targeted to kill this bill and perpetuate a soft money political system.
the gentleman from Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider amendment No. 53 offered by the gentleman from Pennsylvania (Mr. GEKAS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

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

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

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

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

SEC. 320. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DONATIONS IN TREASURY ACCOUNT.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 433 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end the following new section:

``TREATMENT OF CERTAIN CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 433 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end of section 320 a new section 320a as follows:

``(Section inserted by amendment offered by Mr. G EKAS to the amendment in the nature of a substitute.)

``(A) IN GENERAL.—The Commission shall return a contribution or donation deposited in the escrow account under subsection (a)(3) to the person making the contribution or donation if—

``(i) deposit the amount in the escrow account under subsection (a)(3) to be applied toward the filing of a complaint under section 309(a).
``(ii) notify the Attorney General and the Election Commission or Attorney General of the violation if—
``(1) the contribution or donation was made in violation of section 315, 316, 317, 319, or 320 (other than a contribution or donation made in violation of section 315, 316, 317, or 319).
``(2) the contribution or donation was transferred, the Commission has not made a determination under section 309(a)(2) that the Commission has reason to believe that the making of the contribution or donation was made in violation of this Act; or
``(3) the contribution or donation will not be used to cover fines, penalties, or costs pursuant to section 309(a).
``(B) amounts used to determine amount of penalty for violation. — Section 309(a)(2) of such Act (2 U.S.C. 437a(a)) is amended by inserting after paragraph (9) the following new paragraph:
``(10) For purposes of determining the amount of a civil penalty imposed under this subsection for violations of section 320, the amount of the donation involved shall be treated as the amount of the contribution involved.
``(C) DONATION DEFERRED CONTRIBUTION OR DONATION. — The return of a contribution or donation on which it is earned.
``(D) DISGORGEMENT AUTHORITY. — Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:
``(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may require a person to forfeit any contribution, donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 326.''.

``(B) TREATMENT OF RETURNED CONTRIBUTION OR DONATION TO COVER FINES AND PENALTIES.—The Commission shall include with any contribution or donation transferred under paragraph (1) the information regarding the circumstances surrounding the contribution or donation or the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.

``(C) Amounts Used to Determine Amount of Penalty for Violation.—Section 309(a) of such Act (2 U.S.C. 437a(a)) is amended by inserting after paragraph (9) the following new paragraph:
``(10) For purposes of determining the amount of a civil penalty imposed under this subsection for violations of section 320, the amount of the donation involved shall be treated as the amount of the contribution involved.''.

``(D) DONATION DEFERRED CONTRIBUTION OR DONATION. — The return of a contribution or donation on which it is earned.

``(E) DISGORGEMENT AUTHORITY. — Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:
``(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may require a person to forfeit any contribution, donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 326.''.

``(D) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply to contributions or donations refunded on or after the date of enactment of this Act, without regard to whether the Federal Election Commission or Attorney General has commenced disciplinary action under section 309 of the Federal Election Campaign Act of 1971 (as added by subsection (a)) by such date.''

The CHAIRMAN pro tempore. Pursuant to the Order of the House of Friday, July 17, 1998, the gentleman from Pennsylvania (Mr. GEKAS) and a Member opposed each will control 5 minutes.

Mr. GEKAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS and with some representatives of the collaborators on the Democrat side in this venture. This is an amendment that simply takes a political party, for instance, discovers all of a sudden that it has in its hands let us say $100,000 which it knows has an illegal source, my amendment would compel that organization to turn that money over to the FEC for a transfer of it to the Federal Election Commission and would determine the source, the nature of the illegality, and to see whether or not the IRS or the Attorney General or some law enforcement agency should be brought into the picture before that money is returned to the donor, as is the practice now. This would go a long way in bolstering our confidence that some illegal foreign source or some drug dealer who contributes grand sums of monies to a political party does not get the benefit twice, first of getting favor from a political party to which he makes a donation, and then when it is declared illegal, he gets the money back; he sort of launderers his own money, as it were. The way we would accomplish with my amendment would be to have a scrutiny placed upon that money before, and it may still be returned, before it be returned to the donor when it is found to be illegal. That is the simple text of my amendment.

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

Mr. SHAYS. Mr. Chairman, I ask unanimous consent to control the 5 minutes, since I do support the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Chairman, I yield my time to the gentleman from Pennsylvania (Mr. GEKAS), and I appreciate him waiting until after this debate to discuss his text of my amendment.

It makes logical sense that if money that was donated is not donated
properly and may not be that individual’s money, it should not be returned to that individual, it should be rushed to the FEC to determine whose money it is and if it properly should be returned, and so I compliment the gentleman’s amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Meehan.)

Mr. MEEHAN. Mr. Chairman, this is an amendment that would require the FEC to expend its resources on investigating a minor violation at the expense of focusing some of its time on other resources.

I would just point out that I support the amendment, but I am a little concerned about the resources of the FEC, and I would hope that as we look down the road when we give the FEC more responsibility that requires them, for example, in this case to keep track of these contributions, I hope that in the future we look to try to give the FEC not only its job, but the resources that they need in order to do their job and keep the laws that are on the books and enforce the laws that will be on the books.

So, I certainly support the gentleman’s amendment and would like all of us to keep in mind the importance of fully funding the FEC in the future so that they can do not only their job on this amendment, but their job in other amendments and enforcing the laws that are on the books.

Mr. GEKAS. Mr. Chairman, I do not care to offer any more debate, but we do need to do something in order to implement the text to the sections that are outlined in Shays-Meehan.

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

MODIFICATION TO AMENDMENT NO. 53 OFFERED BY MR. GEKAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to modify my amendment pursuant to form A, which is at the desk.

The CHAIRMAN pro tempore. The modification to the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS) is agreed to.

The Clerk will report second modification to the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS).

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that my amendment be modified pursuant to form B, which is at the desk, which is another conforming amendment to the Shays-Meehan language.

The CHAIRMAN pro tempore. The Clerk will report second modification to the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS).

The Clerk read as follows:

Modification to amendment No. 53 offered by Mr. GEKAS to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Strike the phrase “section 315, 316, 317, 319, or 320” and insert in lieu thereof the phrase “section 315, 316, 317, 319, 320, or 325” in the one place where the former phrase appears in my amendment.

Mr. GEKAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CAMPBELL. Mr. Chairman, reserving the right to object, I yield to the gentleman from Pennsylvania (Mr. GEKAS) to explain his modification.

Mr. GEKAS. Mr. Chairman, what we are trying to do here is to offer an alteration to the amendment so it will conform to the Shays-Meehan substitute on contributions by minors which is already in the text. And we are trying to fit it in so that it will make sense.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, I appreciate the gentleman’s explanation. I was yielding to give him a chance to explain if he wanted.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

Mr. SHAYS. Mr. Chairman, I yield back the balance of my time.

Mr. GEKAS. Mr. Chairman, with that we appear to accept everything, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment, as modified, to the amendment in the nature of a substitute No. 13 was agreed to.
requires workers to object—after the fact—to their money being removed from their paycheck, and then requires workers to wait for the union to rebate those funds, if they get around to doing so.

As Chairman of the Subcommittee on Employee-Employee Relations, I have held six hearings on this issue in the past four years. In each one, the Subcommittee has heard from worker after worker telling us about the one thing they wanted from their union—the basic respect of being asked for permission before the union spent their money for purposes unrelated to labor-management obligations. Yes, most of these employees were upset over finding out their head-earned dollars were being funneled into political causes or candidates they did not support. However, these employees supported their union and still overwhelmingly believe in the value of organized labor. A number of them were stewards in their union. All they want is to be able to give their consent before their union spends their money on activities which fall outside collective bargaining activities and which subvert their deeply held ideas and convictions.

As our six hearings demonstrated, individuals attempting to exercise their rights under current law often face incredible burdens, including harassment, coercion, and intimidation. The current system is badly broken and it is Congress' responsibility to fix it—not to legitimize it by adopting the Shays amendment. I urge Members to join me in opposing Section 501's sugar-coated placebo and enact meaningful reform on behalf of union workers.

Mr. THOMPSON. Mr. Chairman, I rise in strong opposition to the amendment by Representative ROGER WICKER. Much like the standard bearers to long dead civilizations, Representative WICKER's amendment illustrates the same antiquated belief that there should be hurdles that citizens must clear in order to exercise their Constitutionally guaranteed right to vote. Land owners. Male. Caucasian. One by one the spirits of freedom and democracy have worked against other misguided attempts to disenfranchise certain American voters, and it is my hope that they will prevail here today.

There is an old saying that states, "Those who cannot remember the past are condemned to repeat it." Well, Mr. Speaker I remember. I remember the days when African Americans in Mississippi sat cowering in their homes on election day because they were too afraid to go to the polls. I remember when men like Medgar Evers and Vernon Dahmer were murdered in cold blood because they realized the importance of voting and tried to impress their convictions onto other African Americans in Mississippi. I remember the two youths wounded by shotgun blasts fired through the window of a home in Ruleville, Mississippi where they were planning ways to register blacks to vote.

I remember the dead bodies of three civil rights workers, who had been trying to register blacks to vote, being discovered on a farm near Philadelphia, Mississippi.

I remember James Meredith being wounded by a white sniper as he walked in a voter registration march from Memphis to Jackson. I remember poll taxes and literacy tests.

Mr. Speaker I remember voter intimidation and have fought long and hard against it. This debate belongs in 1960's not in 1998, and it is time to bury ideas like Representative WICKER's in the same grave with separate drinking fountains and making blacks sit at the back of the bus. This legislation is simply another attempt to appeal to mainstream sensibilities while ignoring the realistic and historically based fears of Black Americans.

Having both grown up in Mississippi, Representative WICKER and I obviously have had universally different experiences, but the things I remember make it impossible for me to support this amendment. It would be a slap in the face of the civil rights pioneers who risked their lives, were beaten and murdered in cold blood to protect both my right to vote and Representative WICKER's.

Mr. SHAYS. Mr. Chairman, may I be clear that all amendment have been dealt with under Shays-Meehan?

The CHAIRMAN pro tempore. That is the Chairman's understanding.

Mr. SHAYS. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GEKAS) having assumed the chair, Mr. SNOWBARGER, 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.
EMERGENCY FARM FINANCIAL RELIEF ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2344, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reported as follows:

A bill (S. 2344) to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

Mr. DASCHLE addressed the Chair.

Mr. DASCHLE. Mr. President, the minority leader is recognized.

Mr. DASCHLE. Mr. President, reserving the right to object, I thought the majority leader and I were working on this. I am a little bit surprised he has chosen to call it up right now. We can object. But I would prefer that we continue to see if we can't resolve this matter. We have been cooperating all night.

I guess I expected a little more reciprocation on the other side. I am disappointed that I was surprised in this manner, and at this hour under these circumstances it is uncalled for.

Mr. LOTT. Mr. President, I think the Senator would like to withhold that last comment about it being uncalled for. I don't do this lightly.

Mr. DASCHLE. I was not informed this was going to happen.

Mr. LOTT. I did it for a reason.

Mr. President, if I could respond to the Senator's comments, this is not a controversial issue. This is an issue that I am sure that all agriculture Members would very much like for us to get resolved. There is no budget impact. All it does is say that this allows farmers suffering from drought, El Nino, fire, and other natural disasters to begin considering and receiving emergency transition payments that they are entitled to under the Freedom to Farm Act. As a matter of fact, I understand that it will allow them to get these benefits in October rather than having to wait until January. I did it for a reason.

If we don't get it resolved before we get to a final vote, then objections later on tonight would make it impossible for us to get any consideration.

If the Senator would indicate to me that there is some idea that we could get this agreed to tonight, I would be glad to work with him like I always do. But the timing was such that we have to do it now in order to get it considered, or it could be objected to after Senators have gone, and we would not get it completed.

I am trying to complete action so that we can go through a long list of Executive Calendar nominations, so that we could complete some more of them tomorrow. If we don't do these two issues now, they are basically gone until September.

I thought that—I understood there was an objection, but that we had worked through that, and that we would not have any problem in getting this cleared.

I had talked to Senators on your side of the aisle that have agriculture interests that indicated they would not object to this.

If there is some problem that we could resolve right quick, I would be glad to withhold. But we need to try to get this resolved, because it is something that is very important timewise to the Department of Agriculture and to the farmers that have been affected by drought.

We have worked this year on both sides of the aisle on the agriculture appropriations bill to get considerations for farmers that have been impacted by these disasters. This is just one way to do that. Since there is no cost factor involved, it just gives authority for this to be moved forward.

Mr. DASCHLE. Mr. President, reserving the right to object again, I was consumed, I guess, in assisting the chairman of the Defense Appropriations Subcommittee in working down the amendments. We have been working on that tirelessly all day. The majority leader and I have worked throughout the day on a number of issues. Not once did he raise this issue with me. That explanation would have been welcome, would have been appreciated 5 minutes ago, a half hour ago, 2 hours ago. But he surprises me at this hour after we cooperated all week on an array of issues working over these appropriations bills amendment after amendment. And I guess it is very, very disappointing to me.

I ask unanimous consent that an amendment that would provide $500 million in indemnity payments to farmers and that was passed unanimously on the Senate floor during the debate on the agricultural appropriations bill be attached to the bill that is now under consideration, and for which the majority has asked unanimous consent.

Would he accept that addition to the bill? Because, if he would, I am sure then that we could accommodate the majority leader and those who wish to pass this, as it was a surprise to the rest of us.

Mr. LOTT. Mr. President, this comes as no surprise to Senators interested in agriculture on either side of the aisle. In fact, I did bring this subject up to Senator Daschle earlier today, standing right there.

By the way, I have been working on amendments and Executive Calendar items while we have been having these last few votes. I have been talking to Senators on both sides of the aisle about nominations. I talked to Senator Dorgan who I know confers with Senator Daschle all the time about this.
particular unanimous consent request within the hour.
I don't believe there is anybody on either side of the aisle surprised by this.
Mr. DASCHLE. I am one.
Mr. ROBERTS. As a matter of fact, we just discussed it a moment ago.
If the Senator wants to object, he can go ahead and object. I think the implication here is that there is some sinister effort here. And it is certainly not true. This is something that is very noncontroversial. I don't know of any problem with it. I can't imagine why any Senator would object to it.
Mr. HARKIN. Will the Senator yield?
Mr. ROBERTS. Will the majority leader yield?
Mr. LOTT. With regard to his unanimous consent request, I have no idea of the ramifications of the unanimous consent request he just asked. I don't know that he has even checked in that legislation with that amendment.
So there is no need in holding up the Senate any further. If the Senator wants to object, he can do so.
I am going to also ask unanimous consent that he go ahead and move on the H-1B issue which has been worked out previously in conference by both sides of the Capitol by both parties. This is an issue that we need to get resolved.
I thought that we had a reasonable resolution of the issue.
Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.
The PRESIDING OFFICER. The majority leader has the floor.
Mr. ROBERTS. Mr. President, will the majority leader yield?
Mr. LOTT. I would be glad to yield.
Mr. ROBERTS. Mr. President, the basic reason that this is so important is that the other body, the House, is going to pass this very same bill, and all it is, is one of the many steps that we need to consider and hopefully pass in regard to growing problems we are experiencing in farm country.
There was a great deal of press last week about the intention of the House to provide something called "advanced transition payments." All that does is provide the farmer an opportunity for a voluntary decision which he can make as to whether or not he can accept next year's transition payments this year.
It means a considerable amount of money. And if we are able to pass the Farm Savings Account that Senator Grassley has introduced, it will be of tremendous cash flow assistance.
I thought it was not controversial. Since the House is going to pass it next week, since the House is out of session, it made a lot of sense, it seemed to me, and we ought to provide for us to deem it passed, or to pass it.
Farmers would then have, under the banner of consistency and predictability, the knowledge that they would have this as a tool.
Now, I can't tell you what we are going to do in September with the $500 million that was referred to by the distinguished Democratic leader. That is not going to be placed on the table, and as we go through the situation of judging what is happening with adverse weather all around the country—in Texas, Oklahoma, Florida, Georgia, South Carolina, and the Northern Plains certainly—perhaps that number will change. I don't take a look at it at that particular point.
As a matter of fact, I was just going to give to all the distinguished Senators from the Dakotas a proposal that I have had in regard to crop insurance and see maybe if the $500 million could be increased somewhat and funneled through crop insurance to answer these indemnity payment questions that have been raised.
But for goodness' sake, to object to this at this particular time—to give farmers the advance news that this is, as a matter of fact, on the table, that they can expect this, that they have some consistency, some idea of what is coming—I think is very untoward.
Mr. ROBERTS. Mr. President, I think we have agreed to in a tremendous bipartisan effort in the House and, I thought, in this as well.
Now, I understand that people perhaps don't get the word on each and every occasion, but I cannot imagine anybody objecting to this knowing full well in September we will get to the $500 million that the distinguished Senator has mentioned. I would certainly urge that we not object to this, we give the farmers a very clear signal, and we get on with the business.
Mr. LOTT. Will the Senator respond to a question?
Mr. ROBERTS. I would be delighted to respond if I can.
Mr. LOTT. Mr. President, have the Senator from Kansas been working on this issue. He knew we were trying to get it done. We have been working on this issue, and we have checked with the chairman of the Agriculture Committee be discharged from further consideration of S. 2344, which is a bill that allows farmers who are suffering from the drought to begin receiving emergency transition payments that they are entitled to in October instead of having to wait until next year.
Mr. HARKIN. Will the Senator yield?
Mr. ROBERTS. I am always pleased, if I can respond to the majority leader, to be Garcia and run the trap lines for anything that could be proposed by the Senator and the distinguished leader of the minority. I have checked with a great many Senators. I thought it was pretty much common knowledge. I have checked with the chairman of the Subcommittee on Ag Appropriations, the distinguished chairman of the Senate Agriculture Committee, checked with Senator Conrad, and checked with others. I could go down the list. But I just did not anticipate that there would be an objection, and so consequently—or, more especially, when the very subject that Senator Daschle indicated is already in the Agriculture appropriations bill.
As a matter of fact, I think if we fund it now, you could make the argument that we are digging ourselves into a hole. In regard to disaster assistance, there would not be any more forthcoming. I apologize if it is my fault, if in fact I was supposed to run the trap line and I didn't run all the traps. I am sorry, but I just did not anticipate that this would be this much of a problem.
Mr. DASCHLE. Mr. President, reserving the right to object, we can play these games all night long, and there are a lot of people who are tired. This isn't the way to end what I thought was a fairly productive week.
We are not going to object. Let's just quit playing these kinds of games. Let's just get on with it. Let's pass it. But let's all be aware of what we have done.
You and I have a good relationship. We ought to keep it that way. I don't like the way we have dealt with this way. I will accept it this time, but I wish we would work in the manner in which we have been working all week.
This is a very serious and important issue. There are a lot of people who are suffering. We have to consider and hopefully pass all it is, is one of the many steps that we need to take in regard to these problems we are experiencing in farm country.
Mr. CONRAD. I hear Senator Cochran in getting it in the agricultural bill. We are going to go to conference right soon. We think that will be in the new fiscal year. You talk about immediacy of payment. We hope that we will be available by late this year to deal with some of these agricultural problems.

But I must say, it has not been shaped to my satisfaction. Senator Conrad and I have talked about how we would work within the conference to make our approach toward a true disaster environment. This is a broader approach that deals with more farmers.

The definition under which Senator Conrad and I shaped that—he being the primary author—dealt with double, back-to-back disasters. It is narrower by scope. We may want to adjust that some. I would not think tonight we would want to just accept it as it was originally crafted with its narrowness. The definition is already much larger today than when we passed it, by character of the drought and heat in Texas and in other States. It is already broader. We will want to look at that again.

It is not that I am objecting. I am saying I think we will be working together in the conference of the Ag approps to make that a viable approach as we originally thought it ought to be.

Mr. LOTT. Mr. President—did we not also offer an amendment to the cap on the loan rates? For a typical Iowa farmer with $500,000 of additional income in the farmer's pocket this fall. Not only does this bill involve significantly less money for that farmer, but it only advances money that he is already going to get anyway. As far as increasing income to the farmer, this bill doesn't do a darned thing.

What we need to do is to get the indemnity payments through that Senator Daschle is talking about, $500 million. There are a lot of farmers out there who are hurting very badly. I have to tell you, there is a crisis in agriculture today. Farmers have been devastated by bad weather, by crop disease in the Upper Midwest, and especially in the Dakotas.

We pay $300 million for indemnity payments tonight. Why don't we pass that measure by unanimous consent right now to get that $500 million in indemnity payments out to farmers immediately? Why can't we do that?

Mr. CRAIG. There is no question it does. Is it something new? No. Is it advanced? You bet it is. When the crops dried out in the field and the banker wants you to pay your bills and you can pay them sooner than later, then it is advanced. It is a right that Congress is putting on Freedom to Farm. This is advancing a payment that is already built within that structure. That is why there is the budget impact of which the majority leader spoke.

I hope we can work together to resolve this, as we thought we had, so that this can move forward this week to deal with the problems that are very current in our agricultural sector

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, reserv- ing the right to object, and I will not object—but I do object to what has occurred here, in terms of the way we are dealing with each other.

When I worked to put together an indemnity plan, I went to Members on the other side and I consulted with everyone. On this matter, there was no consultation.

Mr. LOTT. Mr. President—did we not have conversations with Senators?
Mr. DORGAN. Mr. President, reserving the right to object.

Mr. LOTT. Mr. President, I know there are a lot of Senators on their feet, so I try to be brief before I move for regular order. I am going to withhold so the Senator from North Dakota can comment and then the Senator from Georgia, and then I will ask for the regular order.

Mr. DORGAN. I do not intend to object. I have no quarrel with this provision that is being proposed tonight.

Mr. LOTT. Didn't I call the Senator and ask if there was a problem?

Mr. DORGAN. You did call within the last hour or so. I indicated to you there was no problem with this provision, and I do not object to this provision.

But I do want to make the point that the Senate has debated and passed an emergency provision calling for $500 million indemnity payments. That is the only new money available. It is the only new money around in the appropriations process. If it is completed by October 1, then perhaps we may get money into the pockets of some farmers, whereas previously, as I indicated further in recent weeks, it may get money into the hands of some farmers, perhaps in October—unlikely—perhaps November, maybe December.

My proposition is that to the extent that we have already debated the subject, the Senate, by 99 to nothing, has said we have an emergency in farm country. They have already passed a $500 million indemnity payment program. It makes eminent good sense to me that we would be able to pass that indemnity program this evening and move it to the House. Does the House want to deal with it? I don't know. But they won't have an opportunity to deal with it in any timely way if we don't proceed.

I have no objection at all to what the Senator is requesting. I simply ask that he consider, and we consider, taking the $500 million we have already decimated upon and see if we can't move that to the hands of family farmers, many of whom are desperately strapped for cash.

As soon as the Senator has completed getting his unanimous consent and as soon as I am able to get the floor, I intend to ask unanimous consent the Senate will proceed to the bill providing the $500 million of indemnity payments, which was agreed to as an amendment to the agricultural appropriations bill, and the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

If someone objects to that, fine. But I hope they would not object to it. We will not object to this. I think this may help. I hope you will not object to that, because I know it would help in a more timely way than will be the case if we wait until after recess, and farmers have to wait until November or December. Perhaps we can help farmers to get some help from that provision earlier.

Mr. LOTT. I yield to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I have just returned from a disaster area in our State. It is the most emotional difficulty, I believe, with which I have ever dealt. And I have dealt with a 1000-year flood and a 500-year flood. Back-to-back crises like this are enormous.

I heard the exchange between the majority and minority leaders. I understand the tensions of the day. I appreciate the minority leader, in deference to the issue involved, releasing his right to object. I appreciate that.

That removal of an objection will lead to the movement and option of farmers, in many States, to relieve their cash flow problem. They have an equity problem. The proposal that the minority leader has mentioned, about the $500 million of indemnity, is something for the broader issue. There are many issues we are going to have to bring to the table to deal with this crisis. That is one idea. It is probably not near enough. It wouldn't take care of Georgia, and South Carolina, much less Alabama and Texas and the Midwestern States.

We do have a major issue in front of us dealing with food and fiber and the Nation's security. I hope we could proceed the evening with that which does not require new funds and it is simply a logistical and administrative decision that will move money more rapidly.

I say to the leader, I appreciate the chance to speak on this. Again, I thank the minority leader for removing his objection.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed; and that the motion to reconsider be laid upon the table; and that any statement relating to the bill appear at the appropriate place in the Record.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The bill (S. 2344) was considered read the third time and passed, as follows:

Mr. DASCHLE. Mr. President, there are objections on our side.

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate receives the House bill relative to H.R. 1B, the text of which I send to the desk, the bill be deemed agreed to and the motion to reconsider be laid upon the table. I further ask that if the text of the House-passed bill is not identical to the text just sent to the desk, then the House bill will be appropriately referred.

Mr. DASCHLE. Mr. President, there are objections on our side.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I believe we are ready to go to final passage of the defense bill.

Mr. STEVENS. I ask we proceed with the unanimous consent agreement.

The PRESIDING OFFICER. The question is, Shall the bill, H.R. 4103, as amended, pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Coverdell
Craig
D'Ato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi

Faircloth
Feinstein
Fifie
Frist
Gann
Gorton
Graham
Grann
Grassley
Griffith
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott

Lugar
McCain
McConnell
Mikulski
Moss
Moynihan
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Rockefeller
Roth
Sanford
Sarbanes
Sessions
Sherrod
Smith (NH)
Smith (OR)
Snow
Specter
Stevens
Thomas
Torricelli
Warner
Wyden

NAYS—2

Feingold
Kempthorne

NOT VOTING—1

Helms

The bill (H.R. 4103), as amended, was passed.
Mr. DORGAN. Mr. President, as I indicated to the majority leader, it is my intent to ask unanimous consent that the Senate proceed to the bill which provides $500 million in agricultural indemnity payments which was agreed to as an amendment to the agricultural appropriations bill, and the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

Mr. GREGG. I object.

Mr. DORGAN. Almost a month ago. Mr. WELSTONE. Mr. President, I heard on the other side of the aisle a chorus of "I object." I am not quite sure why.

I was on a show this morning, WCCO Radio, in Minnesota. It is hard to explain to farmers why we can't take the action right now on the indemnity payment, the $500 million. We passed it. The correction would be made later on, but we can get assistance to farmers right now.

Why can't we send this over to the House? I say to my colleagues.

Mr. CRAIG. Will the Senator yield?

Mr. WELSTONE. I am pleased to yield.

Mr. CRAIG. I helped craft that indemnity payment. It is very important we do work with the House. Senator Conrad, I, and others, deserve to go to conference. Senator Dorgan was a part of that.

I can understand a rush to immediate. That is in the next fiscal cycle. I think it is important we deal with it in a fair and balanced way. As it is written, already the circumstances of agriculture have changed significantly enough. We deserve to look at it in a broader spectrum.

We, the Senate, tonight acted to bring some immediacy to the difficulty you are expressing. There may be more to be done in the coming weeks as this whole difficulty with production agriculture can be very difficult for farmers. I have been appointed as the conferee for the Agriculture Appropriations bill.

Mr. WELSTONE. Mr. President, let the Record show I am speaking for myself, but let the Record show that there was no objection to moving forward on advance payments for this "freedom to fail" bill, which is just an admission what an awful piece of legislation it was on our side. In addition, we could have gotten a $500 million indemnity payment out to farmers.

People are asking, when are we going to see this? People are thinking about a lifetime of 2 months or 3 months.

I heard this discussion that we need to take a broader view, it needs to go to the floor, and we need to work it in conference committee, and we haven't had a chance to meet yet in conference committee. Do you know how ridiculous that sounds to the people whom we represent?

Mr. President, I will just say I don't think it is just that simple. Obviously, I am not going to change the course of events tonight.

My colleague from Iowa came out here earlier and spoke about this. First, the minority leader asked whether or not we would have unanimous consent to get this indemnity payment out to the countryside, out to families in rural America. Then the Senator from Iowa spoke about it. Then the Senator from North Dakota commented on the floor, after we have agreed to go forward—fast forward the advance payments was just fine with this Freedom to Farm bill. And now we come out and the Senator from North Dakota asks unanimous consent that we get the $500 million. What did we pass that? I ask my colleagues.

Mr. DORGAN. Almost a month ago. Mr. WELSTONE. A month ago. We get this out now, over to the House of Representatives; they take action this week or next week; and then we get the assistance out to farmers.

And what I hear on this side is this chorus of "No," and then everyone leaves. With all due respect, it is not that simple. I want the farmers in Minnesota to know we across the country to know that there was an effort made tonight to get some additional help to people above and beyond these advance payments, which will help only a little.

It is a desperate situation. Many people are going to go under over the next several months. There was an effort to get $500 million passed, over to the House, and out to farmers all across the country, especially in those areas that were hit hardest. And my colleagues on the other side said no. And they are gone.

I will be willing to yield in 1 second. I would like to speak a little bit more about this for another 3 minutes. It is not that simple. I will just say to my colleagues on the other side, I see that it is late at night, but I will just say to them, it is not as simple as saying no. You said no to a proposal, to an effort to get assistance to people now. We could have gotten at least a part of it out to farmers now.

I think the Record should be very clear. I want every single farm family in northwest Minnesota that is in desperate shape to know that this proposal was turned down by the Republican Party—unwilling to do it. We were more than willing to help out a little bit with moving forward on the advance payments. No reciprocation or cooperation on the other side in getting the $500 million out to people right now.

I don't think it will be very easy to explain to people why we are waiting another month. I don't know whether we should have even left. It is sort of interesting to me, a bitter irony. Now we are gone. We couldn't have gone. We probably shouldn't be going into recess.

How do you say to people, well, it will be in a conference committee and we haven't quite got that together and we just didn't want to do it tonight because there are some things that I am not satisfied with as a Senator and I would like to work on that longer?

The future is now for people. Time is not neutral. We could have passed something which would have provided $500 million to farmer families that are in real trouble, and we didn't do it. I am embarrassed that we are going into recess. I am embarrassed that the U.S. Senate blocked this. I am embarrassed, especially, that my Republican colleagues blocked it.

I didn't get a chance to talk earlier because the majority leader tried to move things along, said he would recognize two Senators, and the Senator from Georgia was the last Senator. So now I get to speak. I think it is just outrageous.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I simply wanted to make the point that the reason I asked the unanimous consent request really has nothing to do with the request by others to advance the Agriculture Marketing Assistance Act, or AMTA payment under the Freedom to Farm bill. I didn't object to that. If that will help a producer here and there, that is good. Anything that helps get assistance into the pockets of family farmers, I am for that. So I didn't object to that. I told folks this evening I wouldn't object to that.

But, this is not new money at all. This is just a payment that they are supposed to get later on. Now, they didn't get this payment earlier or at least they will have the option to get it earlier.

I was thinking about the farmer who testified yesterday at our farm policy hearing. This was young fellow from South Dakota who testified. When he talked about putting the crop in this spring, he could barely continue. His chin was quivering, and he had tears in his eyes. He talked about having to find something on his farm to sell in order to get enough money to put in his crop. Then he went on to say that for him and he was out of money again. He had to sell some of the feed for his cattle that he put aside for this winter. He
didn’t have any money. He talks about the need to feed his kids, the need to provide for his family. He could barely continue because he was talking about something that is much more than a business. It is a way of life. This was life, I had gone to harvest my barley and I’m going to have to take it right to the elevator. Prices have crashed, I am not going to get anything for it. I don’t have a choice. I have to pay back my lender, and feed my family. The pain was so evident in his voice. He was asking, “What can I do? Is there help somewhere?”

The point of both of these producers is that they didn’t cause these conditions. They didn’t cause the Asian fin-

The PRESIDING OFFICER (Mr. DeWINE). The Senator from North Da-

do to Farm payments fine. It may help some producers. If it does, I am for that. But we must do more. This Congress must give family farmers a major tax break. This isn’t just about dollars and cents, or about economic theory. With all that is going on in agriculture, including unfair trade, unfair competition, a choker market, monopolies up and down and sideways, and everywhere, we are losing something very important. We are losing family farmers. Then all the yard lights will be turned off on these farms. You will fly from California to Maine and you won’t see family farms because agri-
life, and his dream. I had a call from a
costs, or about economic theory. With all that is going on in agriculture, including unfair trade, unfair competition, a choker market, monopolies up and down and sideways, and everywhere, we are losing something very important. We are losing family farmers. Then all the yard lights will be turned off on these farms. You will fly from California to Maine and you won’t see family farms because agri-

The point of both of these producers is that they didn’t cause these condi-
tions. They didn’t cause the Asian fin-
countries. In different parts of the coun-
yard lights will be turned off on these farms. Then somebody will scratch their head and say: What happened to our country? What will have happened is that this Congress didn’t understand, as some other countries do, that family farmers are a core part of our na-
tional life. It is not just dollars and cents. It is a lot more than some eco-
nomic calculation made by those who give us a bunch of constipated theories about agriculture. This is everyday living by farm families that just ask for an even chance to make a decent living. Yet they are confronted in every direction by monopolies, price collapse, disease, and then by a Government that says they want to pull the rug out from under their supports. What if the Government tried to do that on the minimum wage? They would say, “Let’s reduce the minimum wage to $1 an hour and call it freedom to work.” It’s the same thing. The fact is, we must come back here in September

The PRESIDING OFFICER (Mr. DeWINE). The Senator from North Da-

Mr. President, the reason there is such a high level of feeling about what is happening in farm country is be-
cause we face an unmitigated disaster. In North Dakota, farm income declined 98 percent from 1996 to 1997. The result is massive number of auction sales, and the result is that the Secretary of Agriculture came to North Dakota and his crisis response team said that we are in danger of losing 30 percent of our farmers in the next 2 years. That is a disaster of staggering proportion.

Of course, it is not limited to North Dakota because we have the lowest prices for wheat and barley in 50 years. Those prices continue to crash. I just received a phone call from a farmer back home in North Dakota, who heard this debate occurring and he said, “Don’t they know down there that just shuffling payments is not going to solve the problem? Don’t they know that this kind of shell game is not what is needed? What is needed are ad-

Mr. President, I just want to con-
clude by saying that we do face low prices in North Dakota. It is not just in North Dakota because now it is spreading to other States as well. They are being hit by the low prices, but they are also being hit by these disaster conditions. In different parts of the country, it is different kinds of weather disasters. In Oklahoma and Texas, it is a massive number of auction sales, in perishable dry conditions, a drought. It’s the same thing in Louisiana. In our part of the country, it is over wet conditions that led to this outbreak of

The PRESIDING OFFICER (Mr. DeWINE). The Senator from North Da-

didn’t have any money. He talks about the need to feed his kids, the need to provide for his family. He could barely continue because he was talking about something that is much more than a business. It is a way of life. This was life, I had gone to harvest my barley and I’m going to have to take it right to the elevator. Prices have crashed, I am not going to get anything for it. I don’t have a choice. I have to pay back my lender, and feed my family. The pain was so evident in his voice. He was asking, “What can I do? Is there help somewhere?”

The point of both of these producers is that they didn’t cause these conditions. They didn’t cause the Asian finance crisis. This caused commodity prices to start to slow down and prices collapse. They didn’t cause the crop diseases that have devastated these crops. They didn’t cause the price collapse of wheat and barley. It is not their fault. The question for this coun-

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the fungus called scab. In other parts of the country, it has been hurricanes.

The combined result is a farm crisis worse than anything we have seen since I have been in public life. I have been in public life now for over 20 years.

Mr. President, I hope when we return that we are ready to aggressively address this problem. What we did tonight will help. It is not new money. It just moves money forward. That will be of some assistance. But it in no way solves the problem. We have a crisis of staggering dimensions, and it requires our full response.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. Enzi). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, we are now in the closing process for the evening, and we have several matters to be considered.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business.

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

MEDIA CAMPAIGN HELPS INFORM CONGRESSIONAL ACTION ON ENCRYPTION

Mr. LOTT. Mr. President, I rise to recognize the continuing efforts of America's Computer Privacy (ACP), a broad-based advocacy coalition, to energize the discussion now taking place in Washington on encryption. ACP has a role since they represent industry, private citizens and interest groups from all sides of the political spectrum. The computer industry believes, as do many members in both the House and Senate, that it is time to reform America's outdated encryption regime. Last week, an important step was taken when a multi-media campaign was launched to raise Congressional and public awareness on the encryption issue. This campaign includes television commercials, print media, and an online banner component with such statements as, "would you give the government the keys to your safety deposit box or home?"

In the past few days, television commercials highlighting the need for encryption reform have appeared during Good Morning America, the Today show, Hardball, and Crossfire.

Mr. President, ACP has an impressive membership which includes such organizations as the Law Enforcement Alliance of America, the Louisiana Sheriffs Association, American Small Business Alliance, Americans for Tax Reform, Electronic Commerce Forum, Information Technology Industry Council, the National Association of Manufacturers, the U.S. Chamber of Commerce, and over sixty technology companies.

It's this coalition that includes several intelligence and law enforcement experts such as former National Security Advisor Richard Allen, former NSA Deputy Director William Crowell, former CIA Director John Deutch, former FBI Director William Webster, and former San Jose Police Chief Joseph McNamara. This array adds credibility to their message.

As you are well aware, encryption plays a significant role in our daily lives. This technology scrambles and unscrambles computer text to keep private communications from being read by unauthorized individuals such as hackers, thieves, and other criminals. Encryption protects private citizens from the enemies they buy something over the Internet, ensures that only authorized medical personnel can read a patients' medical records stored on a hospital database, shields tax information that we send to the IRS, and safeguards personal information that we E-mail to loved ones.

Encryption means that American companies can protect confidential employee information, such as salary and performance data; valuable trade secrets and competitive bidding information; and critical tax data.

Encryption also benefits America's security by protecting our nation's critical infrastructures, like the power grid, telecommunications infrastructure, financial networks, air traffic control operations, and emergency response systems. Strong encryption thwarts infiltration attempts by computer hackers and terrorists who have destructive, life threatening intent.

Yes, this is an issue that truly affects all Americans.

By allowing a public policy that limits encryption to continue, we risk sending more potential U.S. business overseas. This approach only serves to harm America's economic and national security interest by encouraging criminals to purchase foreign made products now widely available with unlimited encryption strength. By contrast, the broad development and use of American encryption products should be advantageous to our law enforcement and intelligence communities.

I must say that I am deeply troubled by the comments made by Commerce Under Secretary William Reinsch, head of the Bureau of Export Administration, in response to ACP's efforts. Apparently, Under Secretary Reinsch doubts that this initiative will work that industry and privacy advocates are wasting their money. I disagree. I believe this media campaign is a technique. It is educating the public about the importance of encryption in our every day lives.

These advertisements make clear that encryption technology preserves our First Amendment right to freedom of speech and our Fourth Amendment freedom against unreasonable search and seizure. They illustrate that we need strong security to keep all Americans safe from infrastructure attack. It is a technique. And computer users everywhere must feel confident in the knowledge that their private information will remain private. Clearly, the development and use and strong encryption is critical if Internet commerce is going to realize its full potential and sustain the economic engine that is driving this country into the 21st century.

I believe this advertising campaign is another indicator of industry's willingness and desire to find a reasonable solution to the encryption issue. Industry and privacy groups, for example, have been working in earnest with Administration officials for several months. In May, a proposed interim solution to the encryption issue was offered. The Administration responded that it would take five to six months to review the proposal. This reaction in conjunction with Under Secretary Reinsch's recent comments, lead many in Congress from both sides of the aisle to conclude that the Administration, despite what it has been saying publicly, does not want to see a balanced resolution before this Congress adjourns.

Mr. President, I think it is also important to reiterate that the Administration's restrictions against U.S. encryption exports and its proposals to control domestic use just cannot work. Innovation in the high tech industry is relentless and ubiquitous. The government cannot stop it. It is for this reason that industry is trying to persuade the Administration that innovation is the solution to this issue, not the enemy. Two weeks ago, a coalition of thirteen companies proposed "a proposal that would provide law enforcement with court approved access to computer messages. Clearly, industry leaders want to help officials capture criminals and terrorists. I believe the ideas they have put forward are reasonable and responsible. On the other hand, I do not believe the Administration's response has been forthcoming. Encryption policy can be modernized with the stroke of a pen, but the Administration has shown little willingness to allow the industry to take appropriate action by implementing a media campaign.

While encryption is a complex and divisive information technology issue, this media initiative reinforces the need for legislation to bring America's encryption policy into the 21st century. The national security and law enforcement communities have legitimate concerns that must be considered. I believe that the best way to deal with these concerns is to pass during this Congress legislation that strikes a balance on encryption. Legislation that would help keep private and corporate communications away from...
hikers, terrorists and other criminals, provide a level playing field for U.S. encryption manufacturers, and ensure Constitutional protections for all Americans. A number of my colleagues have been pushing for this type of reform. Several encryption bills have been offered in both the House and Senate during this session.

Mr. President, as you may recall, I engaged in a colloquy with my colleague which reinforces the need for Congress to act during this session to break the impasse. This is a difficult issue, not easily explained or understood, but it is a crucial one. Momentum has been built in both the House and Senate toward finding a workable solution. Congress must seize upon these efforts and pass a consensus encryption bill now or risk starting all over during the next session. Congress has come too far on this issue to go back to the beginning.

All Americans need a sound and reasonable encryption policy that protects public safety, reinforces security, promotes digital privacy, and encourages online commerce and economic growth. Without the development and use of powerful encryption, we may bear the consequences of the next hacker's attack on the Pentagon's information network, a terrorist attack on the city's power supply, or a thief's attack on the international financial markets. With over 50 billion and over 200,000 jobs at stake by the year 2000, the House and Senate cannot continue to hope that the Administration will reach a amicable solution that satisfies the needs of all parties. I strongly encourage my colleagues to report out a balanced encryption bill that Congress can act on before the end of this session. Before it is too late.

INSTALLATION OF WILLIAM B. GREENWOOD AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

Mr. FORD. Mr. President, I rise today to commend a fellow Kentuckian and my friend, William B. Greenwood of Central City, who will be installed as president of the nation's largest insurance association—the Independent Insurance Agents of America (IIAA)—next month in Boston. Bill is president of C.A. Lawton Insurance, an independent insurance agency located in Central City.

Bill's career as an independent insurance agent has been marked with outstanding dedication to his clients, his community, IIAA, the State association—the Independent Insurance Agents of Kentucky—his colleagues and his profession.

At the state level, Bill served as president of the Independent Insurance Agents of Kentucky in 1983, and was named one of Kentucky's most outstanding insurance men by the Kentucky Association of Insurers in 1990. He was Kentucky's representative to IIAA's National Board of State Directors for seven years beginning in 1985.

Bill also has been very active with IIAA. He served as chairman of its Communications and Membership Committees as well as chairman of the Future One Communications Task Force. Bill was elected to IIAA's Executive Committee and since then he has exhibited a spirit of dedication and concern for his 300,000 independent agent colleagues around the country.

Bill's selfless attitude also extends to his involvement in numerous Central City community activities. He received the 1989 Kentucky Chamber of Commerce Volunteer of the Year Award. He is on the Boards of Directors for the Leadership Kentucky Foundation, Kentucky Audubon Council Boy Scouts of America, and Central City, Main Street, Inc.

In the past, Bill served on the Board of Directors of the Muhlenberg Community Theater, the Everly Brothers Foundation, and the Central City Main Street and Redy Downtown Development Corporation. Also, Bill is past president of the Central City Chamber of Commerce and the Central City Lions Club.

Bill's professional endeavors outside IIAA extend to serving on the board of directors and serving as president of the First United Holding Company, which owns Central City's First National Bank.

I have complete confidence that Bill will serve with distinction and provide strong leadership as president of the Independent Insurance Agents of America. I wish him and his lovely wife, Leslie, all the best as IIAA President and First Lady over the next year.

UTAH ASSISTIVE TECHNOLOGY PROGRAM

Mr. HATCH. Mr. President, today I pay tribute to the noteworthy efforts of the Utah Assistive Technology Program, which has helped empower individuals with disabilities, allowing them to live a meaningful, productive, and independent lives.

An estimated 216,100 Utahns of all ages—approximately 10 percent of our state's population—live with a disabling condition. Assistive technology provides a means whereby these individuals can live and work in virtually all areas of society. Stated plainly, assistive technology not only improves the quality of life for individuals with disabilities but also enables the rest of us to have the benefit of their contributions.

The term "assistive technology" encompasses all devices that improve the functional capabilities of individuals with disabilities. Such devices can be simple, as simple as a chair or as high-tech as an electronic Liberator, a technological apparatus that makes communication possible for disabled individuals who are not able to speak. Organizations such as the Utah Assistive Technology Program provide services that assist disabled individuals in the selection and acquisition of these products.

With the help of assistive technology, children have received a more meaningful and challenging education; adults have undertaken rewarding careers; and senior citizens have continued to live independently in their own homes.

The Tech Act, as it is known, passed by Congress in 1988, has proven invaluable to the realization of these goals. Under this act, Utah has established an impressive assistive technology program. According to my fellow Utahn, Mr. Math, and the members of the National Council on Independent Living Assistive Technology Task Force, the effectiveness of the Utah Assistive Technology Program lies in its ability to initiate and coordinate projects with all relevant Utah agencies—an integrated effort that transcends any one piece of federal legislation.

Prominent among its achievements is the creation of the Utah Center for Assistive Technology in Salt Lake City—a statewide service center that provides invaluable assessments and demonstrations of applicable assistive technology devices to consumers. This center also provides people with informative guidance concerning available resources to acquire these services. While federal funds from the Tech Act were crucial to the center's creation, it is now fully funded by the state. This is an excellent example of how Utah has been able to leverage a small amount of federal funds.

Mr. President, we must make sure that the Tech Act is reauthorized. While this act has already enhanced the lives of many Americans, a great need still exists. We must do more. It seems clear that the need for assistive technology in the coming years will increase as America's population ages. Moreover, we must take full advantage of scientific and technological advances that can be applied to persons with disabilities.

Congress will have the opportunity this year to continue a modest federal effort to empower individuals with disabilities to learn, to work, and to prosper. I hope that all my colleagues will support this program.

HONORING THE WRIGHTS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death do us part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Lonnie and Regina Wright of Goshen, Arkansas, who on August 4, 1998, will celebrate their 50th
wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Wrights' commitment to the principles and values of their marriage deserves to be saluted and recognized.

RECOGNITION OF ACHIEVEMENT
Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to Arsalan Iftikhar for his service as an intern in my office during the Spring of 1998. Arsalan set the highest standard of excellence on a project undertaken by my Operations Team.

Since I was elected in 1994, my staff and I have made an oath of service, commitment, and dedication. We dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty, and to work with energy and spirit. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

Arsalan has not only achieved this standard, he set a new standard on the project he was given. He exemplified a competitive level of work while maintaining a cooperative spirit. His performance truly was inspiring to me and my staff in our effort to fulfill our office pledge and to serve all people by whose consent we govern.

COMMUNITY SERVICES BLOCK GRANT LEGISLATION
Mr. ASHCROFT. Mr. President, I would like to take this opportunity to thank Senator COATS, the Chairman of the Labor Committee's Subcommittee on Children and Families, for the excellent work he has undertaken in drafting legislation to authorize the Community Services Block Grant, which recently passed in the Senate. The CSBG program is intended to fight poverty and alleviate its effects on people and their communities throughout the states and local communities to create programs that help low-income people secure employment, get an adequate education, make better use of their available income, and maintain adequate housing.

These block grants free states and communities to develop programs that meet the needs of people who need help. As a former governor, I learned that state and local governments are far more effective in serving local communities than Washington's bureaucracy.

Further, Community Services Block Grants provide opportunities for the government to partner with the non-governmental sector to provide a variety of services to the poor. I am grateful that Senator COATS has led a bipartisan effort in this reauthorization bill language that can expand the opportunities for charitable and faith-based organizations to serve their communities with CSBG funds.

The provisions included in this legislation will help faith-based organizations to maintain their religious character and integrity when providing social services with government funds.

For years, America's charities and churches have been transforming shattered lives in the deeper needs of people—by instilling hope and values which help change behavior and attitudes. As a matter of sound public policy, we in Congress need to find ways to allow these successful organizations to unleash the cultural remedy that our society so desperately needs. Senator COATS' legislation reauthorizing the Community Services Block Grant will help to further this goal.

The language in this bill regarding charitable choice providers is similar to my Charitable Choice provision contained in the welfare reform law which we passed two years ago, but it does contain some differences. For non-governmental organizations wishing to participate in both the Community Service Block Grant and the Temporary Assistance for Needy Families programs, the differences between the two provisions may cause some confusion and lead to additional administrative burdens.

This situation demonstrates the need to pass legislation that applies the same Charitable Choice language to all federally funded social service programs in which the government is authorized to use nongovernmental organizations to provide services to beneficiaries. Under my Charitable Choice Expansion Act, which I introduced in May of this year, uniform protections and guidelines would apply to faith-based entities using federal dollars to provide housing, substance abuse prevention and treatment, juvenile services, seniors services, abstinence education, and child welfare services, as well as services under the Community Development Block Grant, the Social Services Block Grant, and of course, the Community Services Block Grant. One uniform Charitable Choice provision will certainly make it easier for both the government and faith-based organizations to work together more efficiently to help our nation's needy.

Again, I thank Senator COATS and all the members of the Labor Committee, as well as their staff, for their hard work on this legislation and commend them for their decision to include provisions that invite the greater participation of charitable and faith-based providers in the Community Services Block Grant program. I hope that the Senate in the remainder of this Congress will continue working together to pursue legislative proposals that encourage successful non-governmental organizations to expand their life-transforming programs to serve our nation's poor and needy.

NUCLEAR NON-PROLIFERATION AND SENATE RATIFICATION OF THE COMPREHENSIVE NUCLEAR TEST-BAN TREATY

Mr. BIDEN. Thank you, Mr. President. It is a truism that despite the end of the Cold War, we live in a dangerous world. The ultimate danger we face, however, is that nuclear weapons will be obtained—or even used—by unstable countries or terrorist groups.

We must undertake a range of activities to reduce that danger. There is no single bullet. No single initiative will rid the world of the threat of nuclear cataclysm at the hands of a new or unstable nuclear power.

Rather, we need a coherent strategy with many elements—a strategy designed to reduce both the supply of nuclear weapons technology to would-be nuclear powers and the regional tensions that fuel their demand for those weapons.

I would like to spend a few minutes today talking about one piece of that strategy that this body can implement: We can and should give our advice and consent to ratification of the Comprehensive Nuclear Test-Ban Treaty. And we should do that promptly.

In her speech on the 35th anniversary of John F. Kennedy's American University speech, Secretary of State Madeleine Albright called for U.S. ratification of the Comprehensive Nuclear Test-Ban Treaty. Noting the recent Indian and Pakistani nuclear tests, she said that ratification was needed "now, more than ever."
One lesson of this decade's nuclear developments in India, Pakistan, Iraq and North Korea is that very basic nuclear weapon design information is no longer a tightly held secret. The technology required to produce nuclear weapons remains expensive and complex, but within the reach of literally scores of countries.

To keep countries from producing what scores of them could produce, you need more than pressure or sanctions. You must constantly maintain their consent to remain non-nuclear weapons states.

Ideally, we would maintain that consent by removing the security concerns that propel countries to seek nuclear weapons. But that is terribly difficult, be it in Kashmir or the Middle East, in the Balkans or the Korean Peninsula or the Taiwan Straits.

In the world of today and of the foreseeable future, peace does not reign. Nuclear non-proliferation will not prevail in this world either, unless we convince states that nuclear weapons are not the key to survival, to status or to power.

The Comprehensive Nuclear Test-Ban Treaty is not merely emblematic of the nuclear non-proliferation regime to the non-nuclear weapons states. It also will put a cap on the development of new classes of nuclear weapons by the nuclear powers.

The test-ban treaty will also limit the ability of any non-nuclear weapons state to develop sophisticated nuclear weapons or to gain confidence in more primitive nuclear weapons if it were to illegally acquire or produce them. If you can't test your weapon, you are very unlikely to rely upon it as an instrument of war.

These are important reassertions to the non-nuclear nations of the world. They are why those countries agreed to foreshadow all nuclear tests and to accept intrusive on-site inspection if a suspicion arose that they might have tested a nuclear device.

Will the Test-Ban Treaty also gradually reduce a country's confidence in the reliability of its nuclear weapons over 60 years, as its opponents assert? If so, that is actually reassuring to the non-nuclear weapons states, for it gives them hope of the eventual realization of that "cessation of the nuclear arms race" encouraged by Article VI of the Non-Proliferation Treaty. So even the cloud that most frightens test-ban opponents has a silver lining: it helps keep the rest of the world on board the non-proliferation bandwagon.

Now it is true, Mr. President, that some countries have never accepted the world non-proliferation regime. The so-called "threshold states" of India, Pakistan and Israel all viewed nuclear weapons as essential to their national security. Thus the Comprehensive Nuclear Non-Proliferation Treaty because it did not require immediate nuclear disarmament.

Still other countries, like Iran, Iraq, and North Korea, signed the Non-Proliferation Treaty but maintained covert nuclear weapons programs.

But the vast majority of the world's states, including many prospective nuclear powers, have gone along with this bargain. And it is vital to our national security that we maintain their adherence to the world non-proliferation regime. They must not become "threshold states," let alone actually test nuclear weapons.

So, how well do we maintain the adherence of this world's non-nuclear weapons states to the nuclear proliferation regime? The Indian and Pakistani nuclear tests are a direct challenge to that regime. The regime—and the countries who support it—can only meet that challenge if the United States leads the way.

On one level, we are already doing that. We have imposed severe sanctions on both India and Pakistan, and both of their economies are at risk. We have adjusted our sanctions to limit their effect upon innocent populations, and we are working to give the President the flexibility to lift them in return for serious steps by India and Pakistan toward capping their arms race and addressing their differences.

On the world-wide level, however, our record is mixed. Some countries have joined us in imposing sanctions on India and Pakistan. We have also been joined in strong statements by countries ranging from Japan to Russia and China.

Statements and resolutions by the G-8, the Organization of American States, the Conference on Disarmament, and the United Nations Security Council all have highlighted the need for India and Pakistan's nuclear tests and called upon them to join the Nuclear Non-Proliferation Treaty, to refrain from actual deployment of their weapons, to ratify the Comprehensive Nuclear Test-Ban Treaty and to move toward a peaceful settlement of the Kashmir dispute.

But the world is acutely aware of our failure to persuade more countries to impose sanctions, and also of our own failure to ratify the Comprehensive Nuclear Test-Ban Treaty and to move toward a peaceful settlement of the Kashmir dispute.

The fate of the test-ban treaty. But we need not fail, Mr. President. The Comprehensive Nuclear Test-Ban Treaty is a very sensible treaty that is clearly in our national interest.

On the world-wide level, however, our record is mixed. Some countries have joined us in imposing sanctions on India and Pakistan. We have also been joined in strong statements by countries ranging from Japan to Russia and China.

One of the major arguments against the treaty was that otherwise we might well have to spend anyway in order to monitor world-wide nuclear weapons programs.

But we do have a problem. We have been unable to hold hearings on this treaty in the Foreign Relations Committee, even though committees with lesser roles have held them. And the Majority Leader has said that he will not bring this treaty to the floor.

The truth is that we have little choice. If we fail to keep faith with the non-nuclear states because we cannot even ratify the Test-Ban Treaty, then we will also fail to keep them from developing nuclear weapons of their own. And in that case, Mr. President, we might as well prepare for a world of at least 15 or 20 nuclear weapons states, rather than the 5 or 7 or 8 we have today.

That is the stark reality we face:

THE FATE OF THE TEST-BAN TREATY

But we need not fail, Mr. President. The Comprehensive Nuclear Test-Ban Treaty is a very sensible treaty that is clearly in our national interest.

It is a treaty to limit the threat from nuclear testing, just as we have bound our own government for the last 6 years.

The Test-Ban Treaty forces us to rely upon so-called "stockpile stewardship" to maintain the transparency and reliability of our nuclear weapons, but we are in a better position economically and scientifically to do that than is any other country in the world.

Treaty verification will require our attention and our resources, but those are resources that we would have to spend anyway in order to monitor world-wide nuclear weapons programs.

Indeed, the International Monitoring System under the Treaty may save us money, as we will pay only a quarter of those costs for monitoring resources that otherwise we might well have to finance in full.

But we do have a problem. We have been unable to hold hearings on this treaty in the Foreign Relations Committee, even though committees with lesser roles have held them. And the Majority Leader has said that he will not bring this treaty to the floor.
that he will consider every year whether we must withdraw from the Treaty and resume testing to maintain nuclear deterrence. I also know, Mr. President, that the American people overwhelmingly support ratification of the Test-Ban Treaty. A nation-wide poll in mid-May, after the Indian tests, found 73 percent in favor of ratification and only 16 percent against it. Later polls in 5 States—7 with Republican senators—found support for the Treaty ranging from 79 percent to 88 percent.

The May poll also found that the American people knew there was a risk that other countries would try to cheat, so the public is not supporting ratification because they wear rose-colored glasses. The people are pretty level-headed on this issue, as on so many others. They know that no treaty is perfect. They also know that this Treaty, on balance, is good for America.

So perhaps those who block the Senate from fulfilling its Constitutional duty regarding this Treaty are doing that because they know the people overwhelmingly support this Treaty, and they know that ratification would pass.

Perhaps they just don’t like arms control treaties. Perhaps they would rather rely only upon American military might, including nuclear weapons tests. Perhaps they want a nation-wide ballistic missile defense and figure that then it won’t matter how many countries have nuclear weapons. Perhaps they figure our weapons will keep us safe, even if we let the rest of the world fall into the abyss of nuclear war.

I don’t share that view, Mr. President. I believe we can keep non-proliferation on track. I believe that we can maintain nuclear deterrence without enacting in nuclear testing, and that the Comprehensive Test-Ban Treaty is vital for keeping the non-nuclear states with us on an issue where the fate of the world is truly at stake.

I cannot force a resolution of ratification on this Treaty through the Foreign Relations Committee and onto the floor of this body.

But the American people want us to ratify this Treaty. They are absolutely right to want that. I will remind my colleagues—however often I must—of their Constitutional duty and figure that then they won’t matter how many countries have nuclear weapons. Perhaps they figure our weapons will keep us safe, even if we let the rest of the world fall into the abyss of nuclear war.

I do not share that view, Mr. President. Mr. President, no less an authority than Alan Greenspan recently pronounced our economy in the best shape he has seen in his professional life.

Unemployment, inflation, and interest rates are low; incomes, investment, and optimism remain high. Clearly, Mr. President, now is the time to work.

Now is the time to worry, Mr. President, because these are exactly the circumstances that breed overconfidence and complacency. Pride, Mr. President, goeth before the fall.

Mr. President, we enjoy this excellent economic performance because we have got our own house in order—we have gone through a painful period of restructuring that has made our economy more efficient, and we have taken the tough steps to balance our federal budget.

So our factories and businesses are operating efficiently, our workers are earning more, and our sound government finances are helping to keep interest rates down. What could go wrong?

Well, what if the markets for this new, more productive economy were not there? What if international investors pull their money out of some of our major trading partners? What if those countries stop buying our products and services? What if they can’t pay back their loans, and American investments there lose money instead of sending profits back home?

Unfortunately, Mr. President, that is just what is happening now, and instead of acting quickly to limit the threat of these developments, the majority in the House has chosen to play a dangerous game of chicken with our international financial markets.

Mr. President, the Senate went on record in March, by an overwhelming vote of 84 to 16, in favor of full funding of U.S. participation in the International Monetary Fund. But those funds were dropped by the House in the Conference.

I am pleased to see that Chairman Stevens, who, along with my colleague Senator Hagel on the Foreign Relations Committee has shown real leadership on this issue, has taken a second crack at the problem by including this funding in the Foreign Operations Appropriations bill. Unfortunately, we will not be able to vote on that bill until after the August recess.

But just last week, the House pulled its version of the Foreign Ops bill from further consideration because of their internal squabbling over funding for the IMF. I fear that those squabbles may mask an even more cynical motive—to hold the IMF, and by extension global financial stability, hostage to increase their bargaining leverage on unrelated issues at the end of the legislative session this fall.

Mr. President, I want to stress what is at stake while the majority in the House dithers. The financial crisis that began a year ago in Asia has not gone away—it continues to fester, and the plans to spruce it up are indeed. In the resources of the IMF already stretched thin, we may be entering the most critical phase of this threat to the global economy.

If the worst case happens, Mr. President, we will have no place to hide, no matter how well things have been going for us lately. Just look at the risks.

Japan is the keystone of the Asian economy—it could pull that already fragile region into a real depression if current trends are not quickly and dramatically reversed. That’s why the recent elections there were so important, and why international investors are watching closely to see if Japan has the political muscle to overhaul its financial system and restore growth at the same time. That is a lot to ask, and much hangs on the outcome, including the health of important markets for American exports throughout Asia.

Mr. President, in May our trade deficit soared to $15.8 billion, as exports to Asia dropped by 21 percent compared to a year ago. Still, our friends in the House suggest that we wait until the fall to see if things get worse.

Russia presents an additional threat to our economic and security interests. Despite the announcement of a new IMF package, the Moscow stock market index has dropped 24 percent. An economically foundering Russia, facing political collapse, opens Tajikistan’s box of issues for stability in Europe and around the world.

On top of all this, other countries, including South Africa, Ukraine, and Malaysia, are lined up in the IMF’s waiting room.

But because of the severity of the Asian crisis, the IMF’s resources are so low that international investors must now have real fear that it will not be able to provide further support to its current clients, or support additional countries down the line. This will add uncertainty to an already shaky situation, and can only make further panic more likely.
Mr. President, the distinguished Senator from Maryland, Senator Sarbanes, recently warned those who think we can do without the IMF that they are "playing with fire." He's right.

They have decided, for short-term political reasons—some as small as their own fight over the Speaker's job—that they are willing to fiddle while the international economy burns. The IMF is not a perfect institution, Mr. President, but right now it is the only fire insurance we have.

By delaying indefinitely the funding for the IMF, these gambler is taking deadly risks with our own economy, an economy that has taken years of sacrifice to restore to health. They are squandering our ability to lead economically and politically in a time of international crisis in exchange for some short-term political gains.

It is time to cease this recklessness, Mr. President. It's time to provide the IMF with the funds it needs, and remove short-sighted bickering and self-serving calculations in the U.S. Congress from the list of threats to our own economy.

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 three withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 872. An act to establish a federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the 'Terry Sanford Federal Building'; to the Committee on Appropriations.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 294. Concurrent resolution commending the United States Arms Forces for their efforts, leadership, and success in providing quality of treatment and opportunity for their military and civilian personnel without regard to race, color, religion, or natural origin;

H. Con. Res. 305. Concurrent resolution authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association;

The message further announced that the House agrees to the following conference asked by the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to 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 message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4059) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. McDade, Mr. Rogers, Mr. Knollenberg, Mr. Frelinghuysen, Mr. Parker, Mr. Callahan, Mr. Dickey, Mr. Livingston, Mr. Fazio of California, Mr. Visclosky, Mr. Edwards, Mr. Obey, and Mr. Obey, as the managers of the conference on the part of the House.

At 10:31 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4237. An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such Act, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3982. An act to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building"; to the Committee on Environment and Public Works.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 294. Concurrent resolution commending the Armed Forces for their efforts, leadership, and success in providing equality of treatment and opportunity for their military and civilian personnel without regard to race, color, religion, or natural origin; to the Committee on Armed Services.

H. Con. Res. 305. Concurrent resolution authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association; to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6287. A communication from the Associate Managing Director for Performance, Regulation, and Research, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems" (Docket 93-61) received on July 29, 1998, to the Committee on Commerce, Science, and Transportation.

EC-6288. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Export Program" (RIN1545-AW34) received on July 29, 1998, to the Committee on Finance.

EC-6289. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (Docket KY-217-FORE) received on July 29, 1998, to the Committee on Energy and Natural Resources.

EC-6290. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, certification of a proposed Technical Assistance Agreement for the export of defense services to the Federation of Bosnia and Herzegovina (DTC-71-98); to the Committee on Foreign Relations.

EC-6291. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports to the Federal Republic of Yugoslavia (Serbia and Montenegro); Imposition of Foreign Policy Controls" (RIN0994-A194) received on July 29, 1998, to the Committee on Banking, Housing, and Urban Affairs.

EC-6292. A communication from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports to the Federal Republic of Yugoslavia (Serbia and Montenegro); Imposition of Foreign Policy Controls" (RIN0994-A194) received on July 29, 1998, to the Committee on Banking, Housing, and Urban Affairs.

EC-6293. A communication from the Employment Benefits Manager, AgFirst Farm Credit Bank, transmitting, pursuant to law, the financial statements of the Bank's Retirement Plan and Employee Thrift Plan for calendar year 1997; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 442. A bill to establish a national policy with respect to the national health insurance program, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of restrictions that would interfere with the free flow of commerce via the Internet, and for other purposes (Rept. No. 105-276).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:...
and West Virginia.

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 1999" (Rept. No. 105-279).

By Mr. HATCH, from the Committee on the Judiciary, with amendments:
H. R. 3528: A bill to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.
By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:
S. Res. 193: A resolution designating December 13, 1998, as "National Children's Memorial Day".
By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:
S. 1031: A bill to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:
S. J. Res. 51: A joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:
By Mr. D'AMATO, from the Committee on Banking, Finance, and Urban Affairs:
Rebecca M. Blank, of Illinois, to be a Member of the Council of Economic Advisers.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:
Rebecca R. Pallmeyer, of Illinois, to be United States District Judge for the Northern District of Illinois.
Nora M. Manella, of California, to be United States District Judge for the Central District of California.
J. E. Scott, of Illinois, to be United States District Judge for the Central District of Illinois.
David R. Herndon, of Illinois, to be United States District Judge for the Northern District of Illinois.
Carl J. Barbier, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.
Gerald Bruce Lee, of Virginia, to be United States District Judge for the Eastern District of Virginia.
Patricia Hunt, of Florida, to be United States District Judge for the Southern District of Florida.
Howard Hikaru Tagomori, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.
Paul M. Warner, of Utah, to be United States Attorney for the District of Utah for the term of four years.

THEREFORE, the above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:
By Mr. GRASSLEY (for himself, Mr. LOTT, Mr. GRASSLEY, Mr. HAGEL, Mr. ROBERTS, Mr. BURNS, Mr. CRAIG, Mr. SHELBY, Mr. SESSIONS, Mr. THOMAN, Mr. COVERDELL, and Mr. COCHRAN):
S. 2371: A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for farmers; to the Committee on Finance.

By Mr. BOND (for himself, Ms. SNOWE, and Mr. HARKIN):
S. 2372. A bill to provide for a pilot loan guarantee program to address year 2000 problems of small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. GRASSLEY (for himself and Mr. HANCOCK):
S. 2373. A bill to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes; to the Committee on the Judiciary.

By Mr. SARBANES:
S. 2374. A bill to provide additional funding for repair of the Korean War Veterans Memorial; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:
S. 2375. An original bill to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions against national bribery and other corrupt practices, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. J EFFORDS:
S. 2376. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for lands sales for conservation purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. LEVIN, Mr. EFFORDS, Mr. LEAHY, Mr. CLELAND, Mr. DURBIN, Mr. D'AMATO, and Mrs. BOXER):
S. 2377. A bill to amend the Clean Air Act to limit the consumption of sulfur in gasoline used in motor vehicles; to the Committee on Environment and Public Works.

By Mr. AKAKA:
S. 2378. 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 Finance.

By Mr. MURKOWSKI (for himself and Mr. DASCHLE):
S. 2379. A bill to establish a program to establish and sustain viable rural and remote communities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BERKOWITZ (for himself and Mr. DASCHLE):
S. 2380. A bill to require the written consent of a parent of an unemancipated minor prior to the provision of contraceptive drugs or devices to such a minor, or the referral of such minor for abortion services, under any Federally funded program; to the Committee on the Judiciary.

By Mr. MACK (for himself and Mr. GRAHAM):
S. 2381. A bill to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself and Mr. KERRY):
S. 2382. A bill to amend title XIX of the Social Security Act to allow certain community-based organizations and health care providers to determine that a child is presumptively eligible for medical assistance under a State plan under that title; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. KENEDY, Mr. KERRY, and Ms. MOSELEY-BRAUN):
S. 2383. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Labor and Human Resources.

By Mr. ASHCROFT (for himself and Mr. FAIRCLOTH):
S. 2384. A bill entitled "Year 2000 Enhance Cooperation Solution"; to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. HATCH):
S. 2385. A bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FAIRCLOTH (for himself and Mrs. FEINSTEIN):
S. 2386. A bill to provide that a charitable contribution deduction shall be allowed for that portion of the cost breast cancer research stamp which is in excess of the cost of a regular first-class stamp; to the Committee on Finance.

By Mr. BIDEN:
S. 2387. A bill to confer and confirm Presidential authority to use force abroad, to set forth procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States forces abroad in situations of actual or potential hostilities; to the Committee on Foreign Relations.

By Mr. DORGAN:
S. 2388. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain on the sale of real property, to the exclusion from gain on the sale of a principal residence; to the Committee on Finance.

By Mr. WELLSTONE:
S. 2389. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BROWNBACK (for himself and Mr. HELMS):
S. 2390. A bill to permit ships built in foreign countries to engage in coastwise in the transport of certain products; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:
S. 2391. A bill to authorize and direct the Secretary of Commerce to initiate an investigation under section 702 of the Tariff Act of 1930 by reason of alleged importation of methyl tertiary butyl ether transported from Saudi Arabia; to the Committee on Finance.
By Mr. BENNETT (for himself, Mr. DODD, Mr. MOYNIHAN, Mr. KOHL, and Mr. ROBB) (request):
S. 2392. A bill to encourage the disclosure and exchange of information about certain processing problems and related matters in connection with the transition to the Year 2000, to the Committee on the Judiciary.

By Mr. MURKOWSKI:
S. 2393. A bill to protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources; read the first time.

By Mr. ROTH (for himself and Mr. MOYNIHAN) (request):
S. 2394. A bill to amend section 334 of the Uruguay Round Agreements Act to clarify the rate of tax that a taxpayer who resides in a foreign country would be required to pay on a payment of a tax-deferred account to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself, Mr. MURR, Mr. DORGAN, Mr. SARBANES, Mr. LEVIN, Mr. MOYNIHAN, Mr. BYRD, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mrs. BOXER, Mr. LEVIN, Mr. KOHL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. DEWINE, Mr. FAIRCLOTH, Mr. SPECTER, Mr. BOND, and Mr. COCHRAN):
S. Res. 260. A resolution expressing the sense of the Senate that the government of the United States and the leadership of the Senate take a step to help America's farmers as representatives of States with major agricultural economies. All of us introducing this legislation agree that farmers are facing some difficult times.

By Mr. BROWNBACK:
S. Res. 261. A resolution requiring the privatization of the Senate barber and beauty shops and the Senate restaurants; to the Committee on Rules and Administration.

By Mr. ROTH (for himself and Mr. BINGAMAN):
S. Res. 262. A resolution to state the sense of the Senate that the government of the United States should place priority on formulating a comprehensive and strategic policy of cooperating with Japan in advancing science and technology for the benefit of both nations as well as the rest of the world; to the Committee on Foreign Relations.

By Mr. WARNER:
S. Res. 263. A resolution to authorize the paymessages of representatives of the Senate attending the funeral of a Senator; considered and agreed to.

By Mr. LOTT:
S. Con. Res. 114. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. WARNER:
S. Con. Res. 115. A concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capital" as a Senate document; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for Mr. LOTT (for himself, Mr. HAGEL, Mr. ROBERTS, Mr. BURNS, Mr. TOOMEY, Mr. SHELBY, Mr. SISEN, and Mr. THOMAS)):
S. 2371. A bill to amend the Internal Revenue Code of 1986 to reduce individual capital gains tax rates and to provide tax incentives for farmers; to the Committee on Finance.

FAMILY INVESTMENT AND RURAL SAVINGS TAX ACT

Mr. GRASSLEY, Mr. President, today several of us are here from rural States and the leadership of the Senate take a step to help America's farmers as representatives of States with major agricultural economies. All of us introducing this legislation agree that farmers are facing some difficult times.

While we cannot make sure that farmers survive for the short term, the key to the agricultural economic situation is long-term solutions. While we can't eliminate every risk and we can't control every factor that governs the success of the family farm, there are initiatives that we can pursue that will help smooth out some of the bumps that are in the road.

That is why today several of us are introducing the FIRST Act, the Family Investment and Rural Savings Tax Act of 1998. As I said at the outset, there are some genuine problems in the ag community. Some parts of the country are experiencing problems that are worse than we are seeing in my own State of Iowa. We can offer reforms that address short-term and long-term needs.

To address short-term needs and help give farmers that extra support that some will need to get through this year, I have joined with several of my colleagues in supporting legislation that will speed up transition payments, payments that would be made during 1999 and could, upon election by individual farmers, be taken in 1998. In my State of Iowa, that will bring 36 cents per bushel into the farmer's income in 1998 that would otherwise not be there.

But the focus of this legislation which I am speaking about today, the FIRST Act, is to address long-term need, because what we are describing to you, advancing the transition payments, is obviously a short-term solution.

What we are saying is that we must ensure economic stability for everyone first through the transition proposition I described, and then we must help our farmers plan for the future.

This measure takes a three-prong approach to assist farmers and families through tax reform.

The first section of our bill reduces the capital gains tax rate for individuals from 20 percent to 15 percent. This will spur growth, entrepreneurship and help farmers make the most of their capital assets. It will also encourage movement of capital investment from one generation to the other to help young farmers get started.

This language builds on the capital gains tax reform that we made in last year's Tax Relief Act.

Secondly, the FIRST Act includes my legislation that creates savings accounts for farmers. This initiative would allow farmers to make contributions to tax-deferred accounts. These Grassley savings accounts, as I call them, will give farmers a tool to control their lives. This savings account legislation will encourage farmers to save during good years to help cushion the fall from the inevitable bad years.

The accounts will give farmers even more control over their own decisions rather than giving the Government more authority over farmers and their lives.

As a working farmer myself, and an American, I know that we want to control our own destiny. It is not the Government's job to manage our own business. We want to make those decisions that are connected with being a good business operator. We do not want to have to wait for the bureaucrats at the USDA in Washington, DC, in that bureaucracy to tell us how much land to plant or when to plant or how much of one crop to plant versus another crop.

This legislation is a long-term solution that helps our farmers and our families survive and to keep control of their own decisions, so that we can let Washington make decisions for Washington but let farmers make decisions for themselves.

I am very pleased to see the majority leader, TRENT LOTT, the Senator from Mississippi, taking a strong stand in favor of this. I thank my colleagues who have worked with me on this legislation. I wholeheartedly agree passing this measure as soon as possible is one of the best things that we can do for our farmers in our States and across the country.

This legislation is a long-term solution that helps our farmers and our families survive and to keep control of their own decisions, so that we can let Washington make decisions for Washington but let farmers make decisions for themselves.
Mr. THOMAS. Mr. President, I rise to support, as an original cosponsor, the Family Investment and Rural Savings Tax Act of 1998. I thank the majority leader, the Senator from Iowa for their leadership on this important bill for our farmers and ranchers. It will provide farmers and ranchers with the tools they need in managing the unique financial situations that they alone face on their farms and ranches.

This bill has three provisions, which Senator GRASSLEY has just outlined accurately and succinctly: One, the farm and ranch risk management accounts; two, the permanent extension of income averaging for farmers; and three, reduction of capital gains rates not just for American agriculture but for all of America.

Mr. President, I have said over the last 2 years I would like to see the capital gains tax completely eliminated. But that is a debate for another day.

Mr. THOMAS. Mr. President, I rise just for a moment to thank the Senator from Nebraska and the Senator from Iowa for their leadership on this agricultural issue that we have before us. I join, as an original cosponsor to the effort.

I hope a majority of my colleagues will join us in support of this bill, an important bill for America, an important bill for our farmers and ranchers.

Mr. THOMAS. Mr. President, I rise just for a moment to thank the Senator from Nebraska and the Senator from Iowa for their leadership on this agricultural issue that we have before us. I join, as an original cosponsor to the effort.

It seems to me that clearly there are two areas that have to be pursued. The Senator from Nebraska talked about one, and that is seeking to reopen and thus strengthen these foreign markets that are there that are critical to agricultural production.

One of the areas, of course, in this matter is unilateral sanctions, of which the Chinese have already been taken in the case of Pakistan and India. We need to do more of that. The other, of course, is to do something domestically. I agree entirely that we should not try to return to the managed agriculture that we had before, but to continue to move towards market agriculture in which our production is based on demand. But it is a difficult transition. And that, coupled with the Asian crisis, coupled with the fact that, particularly in the northern tier and in the south, we have had drought, we have had floods, we have had freezes—we have had a series of difficult things that lend to the difficulty of agriculture.

So I am pleased that the Congress has taken some steps, I think this idea of moving forward with the transition payments is a good idea. Certainly we can do that for farmers. Then if we can provide a farmer savings account which will allow them to have these payments, in advance, without being taxed until they are used, is a good one.

Certainly, as the Senator from Nebraska has indicated, I, too, favor the idea of reducing and, indeed, eventually eliminating the capital gains taxes. I just want to say I support this very much.

There perhaps are other activities that we can undertake that will be helpful, but we do need to get started. I think this is a good beginning. I want to say again that I appreciate the leadership of the Senator from Iowa and the Senator from Nebraska.

I yield the floor.

Mr. CRAIG addressed the Chair. The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I, too, have come to the floor this morning to thank you, and certainly the Senator from Iowa, the Senator from Wyoming, who has been involved with us, along with our leader, TREAT LOTT, Senator BURNS of Montana, Senator ROBERTS, and myself in looking at the current agricultural situation in this country, which is very concerning to all of us as commodity prices plummet in the face of overproduction and as foreign markets diminish because of the Asian crisis and world competition.

As a result of that, we have come together to look at tools that we could bring to American agriculture, production agriculture, farmers and ranchers, that would assist them now and into the future to build stability there and allow them not only to invest but to save during years of profits in a way that is unique for American agriculture.

In 1986, when this Congress made sweeping tax reform, they eliminated income averaging. I was in the House at that time and I opposed that legislation. I remember from the University of Virginia saying that it would take a decade or more, but there would come a time when all of us in Congress would begin to see the problems that a denial of income averaging would do to production agriculture, that slowly but surely the ability to divert income during cyclical market patterns would, in effect, weaken production agriculture at the farm.
and ranch level to a point that they could not sustain themselves during these cyclical patterns. Bankruptcies would occur; family operations that had been in business for two or three generations would begin to fail.

We cannot wait. We have been at that point for several years. I remember the words of that economist in a hearing before one of the House committees echoing, saying, "Don't do this. This is the wrong approach." In those days, though, I wasn't, but others in Congress were shouting that the money and spend it here in Washington and return it in farm products, recycle it, skim off the 15 or 20 percent that it oftentimes takes to run a government operation, and then somehow appear to be magnanimous by returning it in some form of farm program.

That day is over. We ought to be looking at the tools that we can offer production agriculture of the kind that is now before the Senate in the legislation that we call the Family Investment and Rural Savings Act, not only looking at a permanency income averaging, but looking at real estate depreciation, recapturing, and a variety of tools that we think will be extremely valuable to production agriculture at a time when they are in very real need.

Also, the transition payments' extension that we have talked about moving forward to give some immediate cash to production agriculture, that is appropriate under the Freedom to Farm transitions in which we are currently involved, becomes increasingly valuable.

I join today and applaud those who have worked on this issue, to bring it immediately, and I hope that we clearly can move it in this Congress, to give farmers and ranchers today those tools—be it drought or be it a very wet year or be it the collapse of foreign markets. Prices in some of our commodities today are at a 20-plus year low, yet, of course, the tractor and the combine purchased is at an all-time high.

I do applaud those who have worked with us in bringing this legislation to the floor, and I thank the chairman for the time.

The PRESIDENT OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

Mr. ROBERTS. I thank the President and the distinguished Senator from Wyoming.

Mr. ROBERTS. Mr. President, I am pleased to join my friends and colleagues in introducing the Family Investment and Rural Savings Tax (FIRST) Act. I would especially like to thank our Leader, Senator LOTT, for his strong commitment to this effort. His dedication and interest in these important issues should underscore how seriously we are about providing tax relief and improvements for farmers and ranchers before the 105th Congress adjourns.

America's producers are currently experiencing a troubling time. Thanks in large part to the Asian economic crisis and the Administration's inability to open up new markets for U.S. farm products, commodity prices across the board have fallen to dangerously low levels. Low prices, combined with isolated weather-related problems in some regions of the country on one hand and election-year posturing on the other, have prompted some of our Democratic colleagues to focus on the failed agriculture policies of the past. They support loan programs that price the United States out of the world market. They support a return to the system whereby the U.S. Government is in the grain business. And they support a return to command-and-control agriculture whereby producers are required to limit their production in a foolish and futile attempt to try to bolster commodity prices. These policies did not work for 50 years and they will not work now.

The FIRST Act is designed to address the real needs of producers today. The FIRST Act provides tax relief for every farmer and rancher in the United States. Specifically, income averaging—now a component of the 1996 tax bill—would become permanent, the capital gains tax brackets would be cut by 25 percent across the board and a new Farm and Ranch Risk Management Account would be established to allow producers to manage the volatile shifts in farm income from one year to another.

I specifically want to address the capital gains tax cut and the FARRM accounts. The capital gains tax represents one of the most burdensome, expensive provisions of the U.S. Tax Code for America's farmers and ranchers and for America's families. Production agriculture is a capital-intensive business. Without equipment and inputs—expensive equipment and inputs—you simply can't survive in the incredibly competitive agriculture world. Therefore, because of the tremendous costs of depreciating that expensive equipment, the capital gains tax hits farmers and ranchers especially hard. In addition, today the Congress encourages middle-income families to save for their future in part to take pressure off of the Social Security system. However, we continue to allow capital gains on the sale of a family's home to hit America's families twice. Investors' money is taxed both as income when they get their paycheck and as capital gain when they make a smart investment. That's a strange and counterproductive way to encourage personal responsibility and savings for the future. As a result, I am very grateful to our Majority Leader for including the "Crown Jewel" of his tax and Speaker Gingrich's tax bill in the FIRST Act today and I look forward to working with the Majority Leader to provide tax relief before the Senate adjourns.

I also want to address the creation of the new FARRM Accounts. While Chairman of the House Agriculture Committee, I was charged with producing the 1996 farm bill. As we were producing that legislation, I wanted very badly to create what I called a "farmer IRA." Basically, the farmer IRA would be a rainy day account whereby if a farmer or rancher had good profits, he could invest part of his profits in a tax-deferred account. Then, when a bad year hits, he could withdraw that money to offset the downturn. That's exactly what the FARRM Accounts would do. Producers would be able to invest up to 20 percent of their Schedule F (farm) income in any interest-bearing account. They may withdraw that money at any time during a five-year period. If passed, FARRM Accounts will correct the huge problem in our existing Tax Code that encourages producers to buy a new tractor or combine at the end of the year in order to reduce taxable income instead of saving for the future. Again, I wanted to do this during the farm bill, but we ran out of time. I'm very pleased that the Congress may finally get the opportunity to provide the flexibility and tax relief producers so desperately need.

I want to thank my colleagues again for their leadership in this area and I look forward to working with them and the rest of the Senate to pass this important legislation.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record. Without objection, the bill was ordered to be printed in the Record, as follows:

S. 2371

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the "Family Investment and Rural Savings Tax Act".
(b) TABLE OF CONTENTS.—
Sec. 1. Short title; table of contents.

TITLE I—REDUCTION IN INDIVIDUAL CAPITAL GAINS TAX RATES
Sec. 101. Reduction in individual capital gains tax rates.

TITLE II—TAX INCENTIVES FOR FARMERS
Sec. 201. Farm and ranch risk management accounts.
Sec. 202. Permanent extension of income averaging for farmers.

TITLE III—REDUCTION IN INDIVIDUAL CAPITAL GAINS TAX RATES
Sec. 102. Reduction in individual capital gains tax rates.

(a) IN GENERAL.—Subsection (h) of section 1 of the Internal Revenue Code of 1986 is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—
"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, the tax imposed by this section for such taxable year shall not exceed the sum of—
"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on taxable income reduced by the net capital gain.
"(B) 25 percent of so much of the net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—

SEC. 202. PERMANENT EXTENSION OF Income Averaging FOR FARMERS.
"(i) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 28 percent, over
(ii) the taxable income reduced by the net capital gain,
"(C) 15 percent of the amount of taxable income in excess of the sum of the amounts on which tax is determined under subparagraph (B) and
"(2) Net capital gain taken into account as investment income.—For purposes of this section, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer takes into account as investment income under section 163(r)(3),
(b) Alternative minimum tax.—Paragraph (3) of section 55(b) of such Code is amended to read as follows:
"(3) Maximum rate of tax on net capital gain of noncorporate taxpayers.—The amount determined under the first sentence of paragraph (1)(A)(i) shall not exceed the sum of—
"(A) the amount determined under such first sentence computed at the rates and in the same manner as if this paragraph had not been inserted; and
"(B) 7.5 percent of so much of the net capital gain as exceeds the amount so determined.
"(C) 15 percent of the amount of taxable income in excess of the sum of the amounts on which tax is determined under subparagraphs (A) and (B).
"(c) Conforming amendments.—
"(1) The first sentence of section 7518(g)(6)(A) of such Code is amended by striking "1 year" and inserting "15 percent".
"(2) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, is amended by striking "20 percent" and inserting "15 percent".
"(3) Section 311 of the Taxpayer Relief Act of 1997 is amended by striking subsection (e).
"(4) Paragraph (7) of section 57(a) of such Code is amended by adding at the end the following new sentence: "For purposes of applying this paragraph for a taxable year which includes June 24, 1998, rules similar to the rules of section 1(h)(1) shall apply."
"(e) Effective dates.—
"(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning on or after June 24, 1998.
"(2) Transitional rules for taxable years which include June 24, 1998.—The amendments made by subsection (d) shall apply to taxable years beginning before such date and ending on or after June 24, 1998.
"(3) Withholding.—The amendment made by subsection (c)(1) shall apply only to amounts paid after the date of the enactment of this Act.
"(4) Certain conforming amendments.—The amendments made by subsection (c)(3) shall take effect on June 24, 1998.

Title II—Tax Incentives for Farmers

Sec. 201. Farm and Ranch Risk Management Accounts.

(a) In general.—Subpart C of part II of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by inserting after section 4688 the following new section:

"Sec. 4688. Farm and Ranch Risk Management Accounts.

"(a) Deduction allowed.—In the case of an individual engaged in an eligible farming business, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year to a Farm and Ranch Risk Management Account (hereinafter referred to as the 'FARRM Account').

"(b) Limitation.—The amount which a taxpayer may pay into the FARRM Account for any taxable year shall not exceed 20 percent of the net earnings from farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(c) Eligible farming business.—For purposes of this section, the term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(d) FARRM Account.—For purposes of this section—
"(i) In general.—The term 'FARRM Account' means a trust created or organized in the United States for the exclusive benefit of the grantor (as defined in section 530(c)(1)) to which the written governing instrument creating the trust meets the following requirements:
"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.
"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust is consistent with the requirements of this section.
"(C) The assets of the trust consist entirely of cash or of obligations which have a term of at least 1 year (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.
"(D) All income of the trust is distributed currently to the grantor (or to other persons treated as the grantor).
"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) Account taxed as grantor trust.—The grantor of a FARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with part B of subpart E of part I of subchapter J of chapter 1 of the Code (relating to grantors and others treated as sub-
Title two of the bill consists of two separate measures which work hand in hand: First, the bill will allow farmers to open their own tax deferred savings accounts. These accounts would provide farmers and ranchers an opportunity to set aside income in high-in-
come years and withdraw it in low-income years. The money is taxed only when it is withdrawn and can be deferred for up to five years.

In 1995, 2.2 million taxpayers, qualified as farmers under IRS definitions, have been expressing an interest in these accounts. Only 725,000 of those filed a net income while 1.5 million filed a net loss.

Now that could mean one of two things: (1) fewer and fewer farmers are able to stay in the black or; (2) more and more farmers are going out of business. We cannot continue to treat our farmers and ranchers as second class citizens in our tax code.

The second part of this title contains language that I introduced earlier this year. This language would allow farmers to use average their income over three years and make that tool permanent in the tax code. This bill will give American farmers a fair tool to offset the unpredictable nature of their business.

The question is who will benefit most from income averaging and farm savings accounts. This is the best part—this legislation will allow farmers to defer income and spreading it out over a number of years.

However, based on the tax rate schedule, this bill would favor farmers in the lower tax bracket. If a farmer could use these tools to reduce their tax burden from one year to the next, it is very conceivable that taxpayer would pay only 15% on his income compared to 28%. That is a significant savings.

This bill leaves the business decisions in the hands of farmers, not the government. Farmers can decide whether to defer income and when to withdraw funds to supplement operations.

Farmers and ranchers labor seven days a week, from dawn until dusk, to provide our nation with the world’s best produce, dairy products and meats. Farming is a difficult business requiring calloused hands and rarely a profitable financial reward. This profession is not getting any easier. Today, we are seeing more and more of our family farms swallowed up by the corporate farms.

Farming has always been a family affair. Rural communities rely on the family farm for their own economic sustenance. Although family farms are traditionally passed on from father to son—it is becoming more and more difficult as the economics of farming are becoming more and more complicated. Further tightening of the belt on these farms can only mean the eventual loss of the family farm.

Montana’s farmers take pride in their harvests. You could call today’s farmer the ultimate environmentalist.
They know how to take care of the land and ensure that future harvests will be plentiful. As land managers, farmers understand the importance of proper land stewardship.

Those colleagues of mine who grew up on a farm or ranch would certainly understand the frustration of this business. Farmers and ranchers don't receive an annual salary. They cannot rely on income that may not be there at the end of the year and they certainly cannot count on a monthly paycheck. It can be a crucial time for family farms and tax relief can mean the difference between keeping the family farm for future generations or losing it.

With the recent passage of the Farm Bill, farmers are more than ever impacted by market forces and in the farming business, those market forces can be very unpredictable. Market forces in farming are very unique—drought, flooding, infestation and everyday play a vital role in a farmer's bottom line. And it's not often when the elements of mother nature allow for a profitable harvest.

At best, most farmers are lucky to break even more than two years in a row. One year may be a windfall, while the next may mean bankruptcy. Farmers and ranchers are forced to make large capital investments in machinery, livestock and improvements to their properties.

Agricultural markets are rarely predictable. Farmers, more than any other sector of our economy are likely to experience substantial fluctuations in income. We also need to address the issue of the estate tax. This is a death blow to a family farm that has been passed down through the generations. A family farm in Montana is not really referred to as an estate. We call it home, and it's not often when the elements of mother nature allow for a profitable harvest.

I urge my colleagues to support this bill and urge you also to support future bills such as estate tax relief legislation to encourage America's farming family of a safe and secure future.

I have letters in support of this bill signed by numerous agriculture groups as well as a letter from the National Federation of Independent Businesses (NFIB). I ask unanimous consent to have both of these letters printed in the RECORD.

Hon. CONRAD BURNS, U.S. Senate, Washington, D.C.

DEAR SENATOR BURNS: I am writing to commend you for introducing legislation, "The Family Investment and Rural Savings Tax (FIRST) Act of 1998," that will provide needed tax relief to small businesses and farms.

Among other provisions, this legislation would reduce and simplify the current capital gains tax for the many small business owners who file as individuals. Small businesses face unique difficulties trying to obtain capital, including lack of access to the securities market and difficulty in getting bank loans. They often must get their capital from the business itself, family members or associates. Small businesses, therefore, need capital gains relief that will promote investment by both investors and business owners themselves.

The FIRST Act also contains needed relief to help farmers and ranchers by allowing eligible ones to make contributions to tax deferred accounts and by restoring income averaging. We very much support extending income averaging to small businesses, as well, and hope that Congress will consider this soon.

We applaud your efforts to reduce the tax burden on small businesses, farmers and ranchers, and look forward to working with you in the future.

Sincerely,

DAN DANIEL, Vice President, Federal Governmental Relations.

By Mr. BOND (for himself, Ms. SNOWE, and Mr. BENNETT): S. 2372. A bill to provide for a pilot loan guarantee program to address Year 2000 problems of small business concerns, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS YEAR 2000 READINESS ACT

Mr. BOND. Mr. President, I rise today to introduce the Small Business Year 2000 Readiness Act along with my colleagues Senators BENNETT and SNOWE. This bill provides small businesses with the resources necessary to repair Year 2000 computer problems. This legislation is an important step toward avoiding the widespread failure of small businesses.

The problem, as many Senators are aware, is that certain computers and processors in automated systems will fail because such systems will not recognize the Year 2000. My colleague Senator BENNETT, who is the Chairman of the Senate Special Year 2000 Technology Problem Committee Co-sponsoring this bill, is very well versed in this problem and has been active in getting the word out to industries and to agencies of the federal government of the drastic consequences that may result from the Y2K problem.

Recently, the Committee on Small Business, which I chair, held hearings on the effect the Y2K problem will have on small businesses. The outlook is not good. The Committee received testimony that the companies most at risk from Y2K failures are small and medium-sized industries, not larger companies. The major reasons for this anomaly is that many small companies have not begun to realize how much of a problem Y2K failures will have. They may not have the access to capital to cure such problems before they cause disastrous effects.

A study on Small Business and the Y2K Problem sponsored by Wells Fargo Bank and the NFIB found that an estimated four and three-quarter million small employers are exposed to the Y2K problem. This equals approximately 82 percent of all small businesses that have at least two employees. Such exposure to the Y2K problem will have devastating affects on our economy generally. As the result of communications with small businesses, computer manufacturers, consultants and groups, the Small Business Committee has found there is significant likelihood that the Y2K issue will cause many small businesses to close, playing a large role in Federal Reserve Chairman Greenspan's prediction of a 40 percent chance for recession at the beginning of the new millennium.

The Committee received information indicating that approximately 330,000 small businesses will shut down due to the Y2K problem and an even larger
number will be severely crippled. Such failures will affect not only the employees and owners of such small businesses, but also the creditors, suppliers and customers of such failed small businesses. Lenders, including banks and non-bank lenders, that make or extend credit to small businesses will face significant losses if small businesses either go out of business or have a sustained period in which they cannot operate. It could be remembered that the Y2K problem is not a problem for only those businesses that have large computer networks or mainframes. A small business is at risk if it uses any computers in its business, if it has customized software, if it is conducting e-commerce, if it accepts credit card payments, if it uses a service bureau for its payroll, if it depends on a data bank for information, if it has automated equipment for communicating with its sales or service force, if it has automated manufacturing equipment.

A good example of how small businesses are dramatically affected by the Y2K problem is the experience of John Healy, the owner of Coventry Spares Ltd., a small business in Manchester, reported in INC Magazine. Coventry Spares is a distributor of vintage motorcycle parts. Like many small business owners, Mr. Healy's business depends on trailing technology purchased over the years. Mr. Healy purchased a computer, with software that is 14 years old and an operating system that is six or seven versions out of date. Mr. Healy uses this computer equipment, among other matters, for handling the company's payroll, ordering, inventory control, product lookup and maintaining a database of customers and subscribers to a vintage motorcycle magazine he publishes. The system handles 85 percent of his business and, without it, he would not work properly after December 31, 1999. Therefore, Mr. Healy will continue to be at risk. Even if one computer, with software that is 14 years old and an operating systems that is six or seven versions out of date, fails, it will mean the end of the Coventry Spares Ltd.

Unlike many small business owners, however, Mr. Healy is aware of the Y2K problem and tested his equipment to see if his equipment could handle the Year 2000. His tests confirmed his fear—the equipment and software could not process the year 2000 date and would not work properly after December 21, 1999. Therefore, Mr. Healy will have to expand over $20,000 to keep his business afloat. The experience of Mr. Healy will continue to be repeated across the country as small businesses realize the impact the Y2K problem will have on their business.

The Gartner Group, an international computer consulting firm, has conducted studies showing small businesses are way behind—the worst of all sectors studied—where they need to be in order to avoid significant failures due to non-Y2K compliance. It estimates that only 15 percent of all businesses will be ready for the Year 2000 computer problems. Small businesses that have not even begun to inventory the automated systems that may be affected by this computer glitch. That means that 85 percent of small businesses have not been even begun the initial task of determining how much of a problem they may have or taken steps to ensure that their businesses are not impaired by this problem.

Given the effects of a substantial number of small businesses that will have on our nation's economy, it is imperative that Congress take steps to ensure that small businesses are aware of the Y2K problem and have access to capital to fix such problems. Moreover, it is imperative that Congress take such steps before the problem occurs, not after it has already happened. Therefore, today I am introducing the Small Business Year 2000 Readiness Act.

This Act will serve the dual purpose of providing small businesses with the means to continue operating successfully after January 1, 2000, and making lenders and small firms more aware of the dangers that lie ahead. The Act requires the Small Business Administration to establish a limited-term loan guarantee program whereby SBA would guarantee 50 percent of the principal amount of a loan made by a private lender to assist small businesses in correcting Year 2000 computer problems. The loan amount would be capped at $50,000. The guarantee line amount will limit the exposure of the government and ensure that eligible lenders retain sufficient risk so that they make sound underwriting decisions.

The Y2K loan program guidelines will be based on the guidelines SBA has already established governing its FASTRACK pilot program. Lenders originating loans under the Y2K loan program would be permitted to process and document loans using the same internal procedures they would on loans of a similar type and size not governed by a government guarantee. Otherwise, the loans are subject to the same requirements as all other loans made under the (7)(a) loan program.

Under the program, each lender designated as a Preferred Lender or Certified Lender by SBA would be eligible to participate in the Y2K loan program. This would include approximately 1,000 lenders that have received special authority from the SBA to originate loans under SBA's existing 7(a) loan program. The Year 2000 loan program would sunset after October 31, 2001.

To assure that the loan program is made available to those small businesses that need it, the legislation requires SBA to inform all lenders eligible to participate in the program of the loan program's availability. It is intended that these lenders, in their own self-interest, will contact their small business customers to ensure that they are Y2K complaint and inform them of the loan program if they are not.

The Small Business Year 2000 Readiness Act is a necessary step to ensure that, as small businesses of this country is not marred by a substantial number of small business failures following January 1, 2000, and that small businesses continue to be the fastest growing segment of our economy in the Year 2000 and beyond.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

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S 2372

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 "Small Business Year 2000 Readiness Act".

SEC. 2. FINDINGS.
Congress finds that—
(1) the failure of many computer programs to recognize the Year 2000 will have extreme negative financial consequences in the Year 2000 and in subsequent years for both large and small businesses;
(2) small businesses are well behind larger businesses in implementing corrective changes to their automated systems—85 percent of businesses with 200 employees or less have not commenced inventorying the changes they must make to their automated systems to avoid Year 2000 problems;
(3) many small businesses do not have access to capital to fix mission critical automated systems; and
(4) the failure of a large number of small businesses will have a highly detrimental effect on the economy in the Year 2000 and in subsequent years.

SEC. 3. YEAR 2000 COMPUTER PROBLEM LOAN GUARANTEE PROGRAM.
(a) PROGRAM ESTABLISHED.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:
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balance of the financing outstanding at the time of disbursement of the loan.

"(F) REPORT.—The Administration shall annually submit to the Committees on Small Business and Entrepreneurship of the House of Representatives and to the Senate a report on the results of the program under this paragraph, which shall include information relating to—

"(i) the number of loans guaranteed under this paragraph;

"(ii) whether the loans guaranteed were made to repair or replace information technology and other automated systems; and

"(iii) the number of eligible lenders participating in the program.

SEC. 4. PILOT PROGRAM REQUIREMENTS.

Section 7(a)(27) of the Small Business Act (15 U.S.C. 636(a)(25)) is amended by adding at the end the following:

"(D) N O T I F I C A T I O N OF CHANGE.—Not later than 30 days prior to initiating any pilot program or making any change in a pilot program under this subsection that may affect the rates for the loan program under this subsection, the Administration shall notify the Committees on Small Business of the House of Representatives and the Senate, which notification shall include—

"(i) a description of the proposed change; and

"(ii) an explanation, which shall be developed by the Administration in consultation with the Director of the Office of Management and Budget, of the estimated effect that the change will have on the subsidy rate.

"(E) R E P O R T O N P I L O T P R O G R A M S.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on each pilot program under this subsection, which report shall include information relating to—

"(i) the number and amount of loans made under the pilot program; and

"(ii) the number of lenders participating in the pilot program; and

"(iii) the default rate, delinquency rate, and recovery rate for loans under each pilot program, as compared to those rates for other loan programs under this subsection.

By Mr. GRASSLEY (for himself and Mr. DURBIN):

S. 2373. A bill to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 2374. A bill to provide additional funding for repair of the Korean War Veterans Memorial; to the Committee on Energy and Natural Resources.

By Mr. SARBANES:

S. 2375. A bill to authorize the Secretary of the Army to provide, within existing funds, up to $2 million to complete essential repairs to the Korean War Veterans Memorial;

By Mr. SARBANES:

S. 2376. A bill to authorize the Secretary of the Army to provide, within existing funds, up to $2 million to complete essential repairs to the Korean War Veterans Memorial;

KOREAN WAR VETERANS MEMORIAL

LEGISLATION

Mr. SARBANES. Mr. President, today I am introducing legislation to fix and restore one of our most important monuments, the Korean War Veterans Memorial. My bill would authorize the Secretary of the Army to provide, within existing funds, up to $2 million to complete essential repairs to the Memorial.

The Korean War Memorial is the newest war monument in Washington, DC. It was authorized in 1986 by Public Law 99±752 which established a Presidential Advisory Board to raise funds and oversee the design of the project, and charged the American Battle Monuments Commission with the management of this project. The authorization provided $1 million in federal funds for the design and initial construction of the memorial and Korean War Veterans’ organizations and the Advisory Board raised over $13 million in private donations to complete the facility. Construction on the memorial began in 1992 and it was dedicated on July 27, 1995.

For those who haven’t visited the Memorial, it is located south of the Vietnam Veteran’s Memorial on the Mall, to the east of the Lincoln Memorial. Designed by world class Cooper Lecky Architects, the monument contains a triangular "field of service," with 19 stainless steel statues depicting a squad of soldiers on patrol. A curb of granite north of the statues lists the 22 countries of the United Nations that sent troops in defense of
South Korea. To the south of the patrol stands a wall of black granite, with engraved images of more than 2,400 unnamed servicemen and women detailing the countless ways in which Americans answered the call to service. Adjacent to this wall is a fountain of linden trees, creating a peaceful setting for quiet reflection. When this memorial was originally created, it was intended to be a lasting and fitting tribute to our veterans. To use sacrificial of our troops who fought in the “Forgotten War.” Unfortunately, just three years after its dedication, the monument is not lasting and is no longer fitting.

The Memorial has not functioned as it was originally conceived and designed and has instead been plagued by a series of problems in its construction. The grove of linden trees have all died and been removed from the ground, leaving forty gaping holes. The pipes of the “pool of remembrance” system have cracked and the pool has been cordon off. The monument’s lighting system has been deemed inadequate and has caused safety problems for those who wish to visit the site at night. As a result, most of the 13 million who visit the monument each year—many of whom are veterans—must cope with construction gates or areas which have been cordoned off instead of experiencing the full memorial.

Let me read a quote from the Washington Post—From a Korean War Veteran, John LeGault who visited the site—that I think captures the frustration associated with not having a fitting and complete tribute for the Korean War. He says, “Who cares?” “That was the forgotten war and this is the forgotten memorial.” Mr. President, we ought not to be sunshine patriots when it comes to making decisions which affect our veterans. Too often, we are very high on the contributions that our military makes in times of crisis, but when a crisis fades from the scene, we seem to forget about this sacrifice. Our veterans deserve better.

To resolve these problems and restore this monument to something that our Korean War Veterans can be proud of, the U.S. Army Corps of Engineers conducted an extensive study of the site in an effort to identify, comprehensively, what corrective actions would be required. The Corps has determined that an additional $2 million would be required to complete the restoration of the grove work and replace the statutory lighting. My legislation would provide the authority for the funds to make these repairs swiftly and once and for all.

With the 50th anniversary of the Korean War conflict fast approaching, we must ensure that these repairs are made so all our veterans who are not able to visit the site have a fitting, proper, and lasting tribute to those who served in Korea and that we will never forget those who served in the “Forgotten War.” I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

SEC. 1. ADDITIONAL FUNDING FOR KOREAN WAR VETERANS MEMORIAL.

Section 3 of Public Law 99-572 (40 U.S.C. 1003 note) is amended by adding at the end the following:

“(c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—In addition to amounts made available under subsections (a) and (b), the Secretary of the Army may expend, from any funds available to the Secretary on the date of enactment of this paragraph, $2,000,000 for repair of the memorial.

(2) DISPOSITION OF FUNDS RECEIVED FROM CLAIMS.—Any funds received by the Secretary of the Army as a result of any claim against a contractor in connection with construction of the memorial shall be deposited in the general fund of the Treasury.”

By Mr. JEFFORDS:

S. 2376. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes; to the Committee on Finance.

THE CONSERVATION TAX INCENTIVES ACT OF 1998

Mr. JEFFORDS, Mr. President, today, I am introducing the Conservation Tax Incentives Act of 1998, a bill that will result in a reduction in the capital gains tax for landowners who sell property for conservation purposes. This bill creates a new incentive for private, voluntary land protection. This legislation is a cost-effective, non-regulatory, market-based approach to conservation, and I urge my colleagues to join me in support of it.

The tax code’s charitable contribution deduction currently provides an incentive to taxpayers who give land away for conservation purposes. That is, we already have a tax incentive to encourage people to donate land or conservation easements to government agencies like the Fish and Wildlife Service or to citizens’ groups like the Vermont Land Trust. This incentive has been instrumental in the conservation of environmentally significant land across the country.

Not all land worth preserving, however, is owned by people who can afford to give it away. For many landowners, their land is their primary financial asset, and they cannot afford to donate it for conservation purposes. While they might like to see their land preserved in its underdeveloped state, the tax code’s incentive for donations is of no help.

The Conservation Tax Incentives Act will provide a new tax incentive for sales of land for conservation by reducing the amount of income that landowners would ordinarily have to report—and pay tax on—when they sell their land. The bill provides that when land is sold for conservation purposes, only one half of any gain will be included in income. The other half can be excluded from income, and the effect of this exclusion is to cut in half the capital gains tax the seller otherwise have to pay. The bill will apply to land and to partial interests in land and water.

It will enable landowners to permanently protect a private, environmental value without forgoing the financial security it provides. The bill’s benefits are available to landowners who sell land either to a government agency or to a qualified conservation nonprofit organization, as long as the land will be used for such conservation purposes as protection of fish, wildlife or plant habitat, or as open space for agriculture, forestry, outdoor recreation or scenic beauty.

Land is being lost to development and commercial use at an alarming rate. By Department of Agriculture estimates, more than four square miles of farmland are lost to development every day, often with devastating effects on the habitat wildlife need to thrive. Without additional incentives for conservation, we will continue to lose ecologically valuable land.

A real-life example from my home state illustrates the need for this bill. A few years ago, in an area of Vermont known as the Northeast Kingdom, a large, well-managed forested property came on the market. The land had appreciated greatly over the years and was very valuable. With more than 3,000 acres of mountains, forests, and ponds, with hiking trails, towering cliffs, scenic views and habitat for many wildlife species, the property was very valuable environmentally. Indeed, the State of Vermont was anxious to acquire it and preserve it for traditional agricultural uses and habitat conservation.

After the property had been on the market for a few weeks, the seller was contacted by an out-of-state buyer who planned to sell the timber on the land and to dispose of the rest of the property for development. After learning of this, the State quickly moved to obtain appraisals and a legislative appropriation in preparation for a possible purchase of the land by the State. Subsequently, the State and The Nature Conservancy made a series of purchase offers to the landowner. The out-of-state offer hovered just above the landowner to accept his offer. Local newspaper headlines read, “State of Vermont Loses Out On Northeast Kingdom Land Deal.” The price accepted by the landowner was only slightly lower than the amount the State had offered. Had the bill I’m introducing today been on the books, the lower offer by the State may well have been as attractive—perhaps more so—than the amount offered by the developer.

This bill provides an incentive-based means for accomplishing conservation in the public interest. It helps tax dollars accomplish more, allowing public
and charitable conservation funds to go to higher-priority conservation projects. Preliminary estimates indicate that with the benefits of this bill, nine percent more land could be acquired, with no increase in the amount government currently spends on conservation land acquisition. At a time when little money is available for conservation, it is important that we stretch as far as possible the dollars that are available.

State and local governments will be important beneficiaries of this bill. Many local communities have voted in favor of raising taxes to finance bond initiatives to acquire land for conservation. My bill will help stretch these bond proceeds so that they can go further in improving the conservation results for local communities. In addition, because the bill applies to sales to publicly-supported national, regional, State and local citizen conservation groups, its provisions will strengthen private, voluntary work to save places important to the quality of life in communities across the country. Private funding efforts for land conservation will be enhanced by this bill, as landowners will be able to conserve more, or more valuable, land.

Let me provide an example to show how I intend the bill to work. Let's suppose that in 1952 a young couple purchased a house and a tract of adjoining land for which they have maintained as open land. Recently, the county where they lived passed a bond initiative to buy land for open space, as county residents wanted to protect the quality of their life from rampant development and uncontrolled sprawl. Let's further assume that the couple, now contemplating retirement, is considering competing offers for their land, one from a developer, the other from the county, which will preserve the land in furtherance of its open-space values. Originally purchased for $25,000, the land is now worth $250,000 on the open market. If they sell the land to the developer for its fair market value, the couple would realize a gain of $225,000 ($250,000 sales price minus $25,000 costs), owe tax of $45,000 (at a rate of 20% on the $225,000 gain), and thus net $205,000 after tax.

Under my bill, if the couple sold the land for conservation purposes, they could exclude from income one half of any gain they realized upon the sale. This means they would pay a lower capital gains tax; consequently, they would be in a position to accept a lower offer from a local government or a conservation organization, yet still end up with more money in their pockets than they would have had if they had accepted the developer's offer. Continuing with the example from the preceding paragraph, let's assume the couple sold the property to the county, for the purporses currently spent for conservation, $240,000. They would realize a gain of $215,000 ($240,000 sales price minus $25,000 cost). Under my bill, only half of this gain $107,500, would be includible in income. The couple would pay $21,500 in capital gains tax (at a rate of 20% on the $107,500 gain includible in income) and thus net $218,500 ($240,000 sales price minus $21,500 tax). Despite having accepted a sales price $10,000 below the developer's offer, the couple will keep $13,000 more money in their pocket had they kept if they had accepted his offer.

The end result is a win both for the landowners, who end up with more money in their pocket than they would have had after a sale to an outsider, and for the county, which is able to preserve the land at a lower price. This example illustrates how the exclusion from income will be especially beneficial to middle-income, "land rich/cash poor" landowners who can't avail themselves of the tax benefits available to those who can afford to donate land.

As this bill also applies to partial interests in land, the exclusion from income—and the resulting reduction in capital gains tax—will in certain instances, also be available to landowners selling partial interests in their land for conservation purposes. A farmer could, for example, sell a conservation easement, continuing to own and still be able to take advantage of the provisions in this bill. The conservation easement must meet the tax code's requirements i.e., it must serve a conservation purpose, such as the protection of fish or wildlife habitat or the preservation of open space (including farmland and forest land).

There are some things this bill does not do. It does not impose new regulations or controls on people who own environmentally-sensitive land. It does not compel anyone to do anything; it is entirely voluntary. Nor will it increase government spending for land conservation. In fact, the effect of this bill will be to allow better investment of tax and charitable dollars used for land conservation.

The estimated cost of this bill is just $50 million annually. This modest cost, however, does not take into account the value of the land conserved. It is estimated that for every dollar foregone by the Federal treasury, $1.76 in land will be permanently preserved.

I urge all my colleagues to join me in support of the Conservation Tax Incentives Act of 1998.

By Mr. MOYNIHAN (for himself, Mr. LEVIN, Mr. JEFFORDS, Mr. LEAHY, Mr. CLELAND, Mr. DURBIN, Mr. D’AMATO, and Mrs. BOXER).

S. 2377. To amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles; to the committee on Environment and Public Works.

Mr. MOYNIHAN. Mr. President, I am proud to introduce today the Clean Gasoline Act of 1998, a bill to establish a nationwide, year-round cap on the sulfur content of gasoline. My bill presents an opportunity to make tremendous progress in improving our national air quality through a simple, cost-effective measure. Today, 70 million people—30 percent of the nation's population—live in counties which exceed health-based ozone standards. For just a few pennies a gallon, we can make our urban environment appreciably better.

Sulfur in gasoline contaminates catalytic converters so that they release the nitrogen oxide (NO₂), carbon monoxide (CO), and hydrocarbons (HC) contained in tailpipe emissions. These pollutants elevate the levels of particulate matter (PM) and contribute to ground-level ozone. By strengthening the amount of sulfur allowed in gasoline sold nationwide, my bill will substantially improve air quality, especially in America's largest cities.

The current average sulfur content in U.S. gasoline sold in 1998 is 330 parts per million (ppm), and ranges as high as 1,000 ppm. The Clean Gasoline Act will impose a year-round cap of 40 ppm on the sulfur content of all gasoline sold in the United States. Under my bill, refineries will be given the option of meeting an 80 ppm cap, provided that they maintain an overall average sulfur content of no more than 30 ppm.

Imposing limits on the sulfur content of gasoline will achieve tremendous—and virtually immediate—air quality benefits. The emissions reductions achieved by lowering gasoline sulfur levels to 40 ppm would be equivalent to removing 3 million vehicles from the streets of New York, and nearly 54 million vehicles from our roads nationwide.

California imposed a similar cap on gasoline sulfur beginning in 1996, resulting in significant air quality gains. Japan has already established a 50 ppm gasoline standard, and the European Union currently has a gasoline sulfur standard of 150 ppm—which will drop to 50 ppm beginning in the year 2005.

The gasoline sulfur cap established by my bill will apply year-round. A seasonal cap is insufficient because the damage done to catalytic converters by sulfur poisoning is not fully reversible by typical driving—meaning that vehicle emission controls would be re-poisoned every year when high-sulfur gasoline returned to the market. In the absence of national standards, travel over state boundaries could disable emission controls.

The current high-sulfur content of U.S. gasoline will also preclude the introduction of the next generation of fuel efficiency technologies—most notably fuel cells and direct-injection gasoline engines. U.S. citizen will not have access to these advanced technologies—unless we adopt low sulfur gasoline standards.

Mr. President, I believe our task is clear: we can and we should—by adopting a sulfur standard that will result in considerable health and environmental benefits. It will maximize the effectiveness of currently available vehicle emissions.
New York, Senator MOYNIHAN, for his first like to thank my colleague from ing this important legislation. I would and to express my reasons for support-

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Mr. CLELAND. Mr. President, I am pleased today to announce that I have

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Members of the European Union. Our national fleet is already comprised of world-class vehicles. It is time for us to pro-

vide this fleet with world-class fuel. I urge my colleagues to join my cospon-

sors and me in supporting this important measure.

• Mr. JEFFORDS. Mr. President, I join Senator MOYNIHAN in offering legisla-

tion that would reduce the sulfur content of gasoline. Current levels of sul-

fur in gasoline lead to high nitrogen oxide, carbon monoxide, and hydro-

carbon emissions by weakening cata-
ytic converter emission controls. These emissions elevate ground-level ozone and particulate matter pollution.

As we all have learned, long-term exposure to ozone pollution can have sig-

nificant health impacts, including asthma attacks, breathing and respira-
tory problems, loss of lung function, and lowered immunity to disease. The EPA has compared breathing ozone to getting a sunburn. Sunburn is a severe skin injury that can lead to permanent damage. Children, including Vermont’s approximately 10,000 asthmatic chil-

dren, are at special risk for adverse health effects from ozone pollution. Children playing outside in the sum-

mer time, when concentrations of ground-level ozone are the greatest, may suffer from coughing, de-

creased lung function, and have trouble catching their breath. Exposure to par-
ticulate matter pollution is similarly dangerous causing premature death, in-

creased respiratory symptoms and dis-

dease, decreased lung function, and al-
terations in lung tissue. These pollut-
ants also result in adverse environmental effects such as acid rain and visi-

bility impairment.

Mr. President, this bill will reduce these pollutants in our communities, and more importantly, it will reduce these pollutants cost-effectively. To re-
duce the sulfur content of gasoline, re-

fineries can use currently available technology. These measures will not break the bank. California has already adopted the measures in this bill on a state-wide basis. So have Japan and the members of the European Union.

Mr. President, my colleagues and I are committed to cleaner, more fuel ef-

cient gasoline. Further, we should

take such a cost-effective step to meet air quality goals. In my review of this bill, I sent a copy to Harold Reheis, Director of the Georgia Environmental Protection Division (EPD), an agency of the Geo-

rgia Department of Natural Resources (DNR), has voted to implement reduced sulfur con-


Continued...
This large disparity between the reimbursement rate and the actual cost may force labs in Hawaii and other states to discontinue Pap smear testing. Additionally, the below-cost-reimbursement may compel some labs to process tests faster and in higher volume to improve cost efficiency. This situation increases the risk of inaccurate results and can severely handicap patient outcomes.

If the Pap smear is to continue as an effective cancer screening tool, it must remain widely available and reasonably priced for all women. Adequate payment is a necessary component of ensuring women’s continued access to quality Pap smears.

My bill will increase the Medicare reimbursement rate for Pap smear lab work from its current $7.15 to $14.60—the national average cost of the test. This rate is important because it establishes a benchmark for many private insurers.

No other cancer screening procedure is as effective for early detection of cancer as the Pap smear. Over the last 50 years, the incidence of cervical cancer deaths has declined by 70 percent due in large part to the use of this cancer detection measure. Experts agree that the detection and treatment of precancerous lesions can actually prevent cervical cancer. Evidence also shows that the likelihood of survival when cervical cancer is detected in its earliest stage is almost 100 percent with timely and appropriate treatment and follow-up.

Mr. President, an estimated 13,700 new cases of invasive cervical cancer will be diagnosed in 1998 and 4,900 women will die of the disease. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a list of the average Pap smear production costs for 23 states be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

<table>
<thead>
<tr>
<th>Pap Smear Production Costs—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia .................................. 10.73</td>
</tr>
<tr>
<td>Hawaii ................................... 13.04</td>
</tr>
<tr>
<td>Illinois .................................. 13.12</td>
</tr>
<tr>
<td>Iowa ...................................... 13.78</td>
</tr>
<tr>
<td>Kansas .................................... 14.02</td>
</tr>
<tr>
<td>Kentucky .................................. 16.00</td>
</tr>
<tr>
<td>Louisiana .................................. 13.01</td>
</tr>
<tr>
<td>Maryland .................................. 14.05</td>
</tr>
<tr>
<td>Michigan .................................. 13.16</td>
</tr>
<tr>
<td>Nebraska .................................. 16.12</td>
</tr>
<tr>
<td>New Mexico ................................ 20.65</td>
</tr>
<tr>
<td>Ohio ........................................ 18.46</td>
</tr>
<tr>
<td>South Carolina ............................ 16.89</td>
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<tr>
<td>South Dakota ................................ 13.00</td>
</tr>
<tr>
<td>Tennessee .................................. 12.36</td>
</tr>
<tr>
<td>Texas ...................................... 13.50</td>
</tr>
<tr>
<td>Vermont .................................... 18.92</td>
</tr>
<tr>
<td>Washington ................................. 11.64</td>
</tr>
<tr>
<td>Wisconsin .................................. 13.00</td>
</tr>
</tbody>
</table>

Note—This data was obtained from the American Pathology Foundation.

By Mr. MURKOWSKI (for himself and Mr. DASCHLE):

S. 2379. A bill to establish a program to establish and sustain viable rural and remote communities to the Committee on Banking, Housing, and Urban Affairs

THE RURAL AND REMOTE COMMUNITY FAIRNESS ACT OF 1998

Mr. MURKOWSKI. Mr. President, today I introduce the Rural and Remote Community Fairness Act of 1998. This Act will lead to a brighter future for rural and remote communities by establishing two new grant programs that will address the unique economic and environmental challenges faced by small communities in rural and remote areas across this country. I am pleased that this legislation is co-sponsored by the Minority Leader, Senator DASCHLE.

The bill authorizes up to $100 million a year in grant aid from 1999 through 2005 for any communities across the nation with populations of less than 10,000 which face electric rates in excess of 150 percent of the national average retail price. The money can go for the electrification of rural Alaskan villages, the electrification of rural Alaskan villages, the electrification of remote areas. The existence of this infrastructure, including efficient housing, electricity, bulk fuel storage, wastewater and water service, is a necessity for the health and welfare of our children, the development of a prosperous economy and minimizing environmental problems.

The experience of many Alaskans is a perfect example. Most small communities or villages in Alaska are not interconnected to an electricity grid, and rely upon diesel generators for their electricity. Often, the fuel can only be delivered by barge or airplane, and stored in tanks. The end result is expensive to maintain, and in many cases, must be completely replaced to prevent leakage of fuel into the environment. While economic and environmental savings clearly justify the construction of new facilities, these communities simply don’t have the ability to raise enough capital to make the necessary investments.

As a result, these communities are forced to bear an oppressive economic and environmental burden that can be eased with a relatively small investment on the part of the Federal government. I can give you some examples: in Manley Hot Springs, Alaska, the citizens pay almost 70 cents per kilowatt hour for electricity. In Iqiglu, Kakanuk, Akiachak Community, and Middle Kuskokwim, consumers all pay over 50 cents per kilowatt hour for electricity. The national average is around 7 cents per kilowatt hour.

Further, in Alaska, for example, many rural villages still lack modern water and sewer sanitation systems taken for granted in all other areas of America. According to a Federal Field Working Group, 190 of the state’s villages have “unsafe” sanitation systems, 135 villages still using “honey buckets” for waste disposal. Only 31 villages have a fully safe, piped water system. 71 villages having only one central water source.

Concerning leaking storage tanks, the Alaska Department of Community
and Regional Affairs estimates that there are more than 2,000 leaking above-ground fuel storage tanks in Alaska. There are several hundred other below-ground tanks that need repair, according to the Alaska Department of Environmental Conservation.

These are not only an Alaskan problem. The highest electricity rates in America are paid by a small community in Missouri, and communities in Maine, as well as islands in Rhode Island and New York will likely qualify for the funding required to provide safe drinking water and adequate waste treatment facilities is a problem for very small communities all across this land. What will this Act do to address these problems? First, the Act authorizes $100 million per year for the years 1999-2005 for block grants to communities of under 10,000 inhabitants who pay more than 150 percent of the national average retail price for electricity.

The grants will be allocated by the Secretary of Housing and Urban Development among eligible communities proportionate to cost of electricity in the community, as compared to the national average. The communities may use the grants only for the following eligible activities:

- Low-cost weatherization of homes and other buildings;
- Construction and repair of electrical generation, transmission, distribution, and related facilities;
- Construction, remediation, and repair of bulk fuel storage facilities;
- Facilities and training to reduce costs of maintaining and operating electrical generation, distribution, transmission, and related facilities;
- Professional management and maintenance for electrical generation, distribution and transmission, and related facilities;
- Investigation of the feasibility of alternative energy services;
- Construction, operation, maintenance and repair of water and waste water services;
- Acquisition and disposition of real property for eligible activities and facilities; and
- Development of an implementation plan, including administrative costs for eligible activities and facilities.

In addition, this bill will amend the rural Electrification Act of 1936 to authorize Rural Electric Assistance Grants for $20 million per year for years 1999-2005 for grants to qualified borrowers under the Act that are in rural and remote communities who pay more than 150 percent of the national average retail price for electricity. These grants can be used to increase energy efficiency, lower electricity rates, or provide or modernize electric facilities.

This Act makes a significant step toward resolving the social, economic, and environmental problems faced by our Nation’s rural and remote communities. I encourage my colleagues to support this legislation.

By Mr. ASHCROFT:

S. 2380. A bill to require the written consent of a parent of an unemancipated minor prior to the provision of contraceptive drugs or devices to such minor, or the referral of such minor to any health care professional under any Federally funded program; to the Committee on the Judiciary.

PUTTING PARENTS FIRST ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation to reaffirm the role of parents in the vital life decisions of their children. My legislation, the Putting Parents First Act, will guarantee that parents have the opportunity to be involved in their children’s most important decisions—whether or not to have an abortion and whether or not to receive federally-subsidized contraception.

The American people have long understood the unique role the family plays in our most cherished values. As usual, President Reagan said it best. When President Reagan said, “the seeds of personal character are planted, the roots of public value first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and public citizenship.”

The Putting Parents First Act contains two distinct provisions to protect the role of parents in the important life decisions of their minor children. The first part ensures that parents are given every opportunity to be involved in a child’s decision whether or not to have an abortion. Specifically, the Act prohibits any individual from performing an abortion upon a woman under the age of 18 unless that individual has secured the informed written consent of the minor and a parent or guardian. In accordance with Supreme Court decisions concerning state-passed parental consent laws, the Putting Parents First Act recognizes that the consent of a minor’s parents before per- forming doctors to notify or seek the consent of a minor’s parents before performing an abortion also demonstrates the consensus in favor of parental involvement in this crucial decision.

The instruction and guidance of which President Reagan spoke are needed most when children are forced to make important life decisions. It is hard to imagine a decision more fundamental in our culture than whether or not to beget a child. Parental involvement in this crucial decision is necessary to ensure that the sanctity of human life is given appropriate consideration. There are few more issues deserving of our attention than protection of parental involvement.

Only half of the 39 states with parental involvement laws on the books currently enforce them. Some states have enacted laws that have been struck down by state or federal courts while in other states the executive department has chosen not to enforce the legislature’s will. As a result, just over 20 states have parental laws in effect today. In these states, parents do not have the right to protect their child’s most fundamental decisions, decisions that can have severe physical and emotional health consequences for young women.

Moreover, in those states where laws requiring consent are on the books and being enforced, those laws are frequently circumvented by pregnant minors who cross state lines to avoid the laws’ requirements. Sadly, nowhere is this problem more apparent than in my home state of Missouri. I was proud to have successfully advanced Missouri’s parental consent law before the Supreme Court in Planned Parenthood versus Ashcroft. Unfortunately, the law has not been as effective as I had hoped. A study last year in the American Journal of Public Health found that the odds of a minor traveling out of state for an abortion increased by over 50 percent after Missouri’s parental consent law went into effect.

The limited degree of enforcement and the ease with which state laws can be evaded demand a national solution. The importance of protecting life demands a national solution. It is time for Congress to act. Requiring a parent’s consent before a minor can receive an abortion is one way states have chosen to protect not only the role of parents and the health and safety of young women, but also, the lives of the unborn. Congress shares with the states the authority—and duty—to protect the lives of all citizens. Thus, enactment of a federal parental consent law will allow Congress to protect the guiding role of parents as it protects human life.
The Putting Parents First Act is based on state statutes that already have been determined to be constitutional by the U.S. Supreme Court. The legislation establishes a minimum level of parental involvement that must be used nationwide. It does not preempt state parental involvement laws that provide additional protections to the parents of pregnant minors.

The second part of the Putting Parents First Act extends the idea of parental involvement to the arena of federally-subsidized contraception. Currently, the federal government funds many different programs through the Department of Health and Human Services and the Department of Education that can provide prescription contraceptives and devices, as well as abortion referrals, to minors without parental consent.

The case of the little girl from Crystal Lake, IL is just one example, but it makes clear everything that is wrong with current law in this area. In that case, the young girl was just 14 years old when her 37-year-old teacher brought her to the county health department for birth control injections. He wanted to continue having sex with her, but had grown tired of using condoms. A county health official injected the young girl with the controversial birth control drug Depo-Provera without notifying the girl's parents. A parental exception to Title X rules prohibited clinics from notifying parents when issuing birth control drugs to minors. He continued to molest her for 18 months until the girl finally broke down and told her parents. The teacher was arrested and sentenced to ten years in prison. The young girl spent five days a week in therapy and is still recovering from effects of anorexia nervosa.

Although the teacher's crime was unspeakable, the federal government's policy that allowed him to shield his crime for so long is an outrage. The policy of the Government of the United States should be to help parents to help their children. Providing contraceptives and abortion referrals to children without involving parents undermines, not strengthens the role of parents. Worse yet, it jeopardizes the health of children.

The current law for federally-funded contraception is one in front of parents when it comes to a child's decision-making process. That is intolerable. We must put parents first when it comes to such critical decisions. The legislation I am introducing today restores common sense government policy by requiring programs that receive federal funds to obtain a parent's consent before dispensing contraceptives or referring abortion services to the parent's minor child.

In my view, Mr. President, sound and sensible public policy requires that parents be involved in critical, life-shaping decisions involving their children. A young person whose life is in crisis may be highly anxious, and may want to take a fateful step without their parents' knowledge. But it is at these times of crisis that children need their parents, not government bureaucrats or uninvolved strangers. This legislation strengthens the family and protect human life by ensuring that parents have the primary role in helping their children when they are making decisions that will shape the rest of their lives.

By Mr. McCain (for himself and Mr. Kerry): S. 2382. A bill to amend title XIX of the Social Security Act to allow certain community-based organizations and health care providers to determine that a child is presumptively eligible for medical assistance under a State plan under that title; to the Committee on Finance.

CHILDREN'S HEALTH ASSURANCE THROUGH THE MEDICAID PROGRAM (CHAMP) ACT

Mr. McCain. Mr. President, today I am proud to rise with my colleague and dear friend, John Kerry, to introduce legislation which would help provide health care to thousands of children, it is with health care coverage. Clearly, a bipartisan priority in the 105th Congress has been to find a solution for providing access to health insurance for the approximately 10 million uninsured children in our nation. This matter has been a high priority for me since coming to Congress. The legislation we are introducing today, the "Children's Health Assurance through the Medicaid Program" (CHAMP), would help our states reach more than 3 million uninsured children who are eligible for the Medicaid program but not enrolled.

The consequences of lack of insurance are problematic for everyone, but they are particularly serious for children. Uninsured and low income children are less likely to receive vital primary and preventative care services. This is quite discouraging since it is repeatedly demonstrated that regular health care visits facilitate the continuity of care which plays a critical role in the development of a healthy child. For example, one analysis found that children living in families with incomes below the poverty line were more likely to go without a physician visit than those with Medicaid coverage or those with other insurance. The result is many uninsured, low-income children not seeking health care services until they are seriously sick.

Studies have further demonstrated that many of these children are more likely to be hospitalized or receive their care in emergency rooms, which means higher health care costs for conditions that could have been treated with appropriate outpatient services or prevented through regular checkups.

Last year the General Accounting Office conducted an in-depth analysis to provide Congress data on uninsured Medicaid eligible children. This information would provide the necessary tools to develop community outreach strategies and education programs to address this problem.

The GAO study was completed in March. The data shows that 3.4 million children are eligible for the Medicaid program (under the minimum federal standards) but are not enrolled. It also shows that these kids are more likely to be part of a working family with parents who are employed but earning a low income. A significant number of these children come from two-parent families rather than single-parent families. The study also discovered that more than thirty-five percent of these children are Hispanic, with seventy-four percent of them residing in Southern or Western states. Finally, the GAO report suggested that states need to be developing and implementing creative outreach and enrollment strategies which specifically target the unenrolled children.

It is important that we build upon these findings and develop methods for states to reach out to these families and educate them about the resources which exist for their children. The CHAMP bill is an important step in this process and would assist these children by expanding the state offices which can presume Medicaid eligibility for a child.

As you know, the 1997 Balanced Budget Act provided states with the option of utilizing "presumptive eligibility" as an outreach method for enrolling eligible children into their state Medicaid programs. Presumptive eligibility allows certain agencies to temporarily enroll children in the state Medicaid program for a brief period if the child appears to be eligible for the program based on their family's income. Health care services can be provided to these children if necessary during this "presumptive" period while the state Medicaid agency processes the child's application and makes a final determination of their eligibility.

Presumptive eligibility is completely optional for the states and is not mandatory.

Under current law, states are only given the limited choice of using a few specific community agencies for presumptive eligibility including: Head Start Centers, WIC clinics, Medicaid providers and state or local child care agencies. The McCain-Kerry CHAMP Act would expand the types of community-based organizations which would be recognized as qualified entities and permitted to presume eligibility for children. Under our bill, public schools,
entities operating child welfare programs under Title IV-A, Temporary Assistance to Needy Families (TANF) offices and the new Children Health Insurance Program (CHIP) offices would be permitted to help identify Medicaid eligible kids, allowing more children without health care services because their families are not familiar, comfortable or aware of the Medicaid program and its enrollment process.

Our bill would help millions of children gain access to health care without health care services because their families are not familiar, comfortable or aware of the Medicaid program and its enrollment process.

Our bill would help millions of children gain access to health care without creating a new government program, imposing mandates on states, or expanding the role of government in our communities. This is important to note—we would not be creating new agencies, bureaus or benefits. Instead we would be increasing the efficiency and effectiveness of a long-standing program designed to help one of our most vulnerable populations, children. We urge our colleagues to support this innovative piece of legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2892

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 "Children's Health Assurance through the Medicaid Program Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Twenty-three percent or 3,400,000 of the 15,000,000 Medicaid-eligible children went without health insurance in 1996.

(2) More than 35 percent of the 3,400,000 Medicaid-eligible children are Hispanic.

(3) Almost three-fourths of the uninsured Medicaid-eligible children live in the Western and Southern States.

(4) Multiple studies have shown that uninsured children are more likely to receive preventive and primary health care services as well as to have a relationship with a physician.

(5) Studies have shown that a lack of health insurance prevents parents from trying to obtain preventive health care for their children.

(6) Studies demonstrate that low-income and uninsured children are more likely to be hospitalized for conditions that could have been treated with appropriate outpatient services, resulting in higher health care costs.

SEC. 3. ADDITIONAL ENTITIES QUALIFIED TO DETERMINE MEDICAID PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME CHILDREN.


(1) by striking "or (II)" and inserting ", (II)"; and

(2) by inserting "eligibility of a child for medical assistance under the State plan for the medical care of a child that the child health assistance under the program funded under title XXI, or (III) is an elementary or secondary school, as such term is defined in section 11101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), an elementary or secondary school operated or supported by the Indian bureau of the Department of the Interior.

The cost of these changes to the program is estimated to be $250 million over five years.

Once again, I would like to thank Senator McCain for his invaluable work on behalf of children. I look forward to working with him and the Senate to pass this important legislation.

By Mr. HARKIN (for himself, Mr. KERRY, and Ms. MOSELEY-BRAUN):

S. 2893. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Labor and Human Resources.

The children's act for responsible employment

Mr. HARKIN. Mr. President, on behalf of myself, Mr. KERRY, and Ms. MOSELEY-BRAUN, I introduce the Children's Act for Responsible Employment or the CARE Act that will modernize our antiquated domestic child labor laws.

Congressman RICHARD GEPHARDT and Congressman TOM TANFOS are introducing companion legislation in the House.

It is hard to imagine that we are on the verge of entering the 21st century and still have young children working under hazardous conditions in the United States. Unfortunately, outdated U.S. child labor laws that have not been revamped since the 1930's allow this practice to continue.

I have been working on the eradication of child labor overseas since 1992. At that time, I introduced the Child Labor Deterrence Act, which prohibits the importation of products made by abusive and exploitative child labor. Since then, we have made some important progress, but in order to end child labor overseas the U.S. must lead by example and address child labor in our own backyard.

Now, when I talk about child labor, I'm not talking about a part time job or a teenager who helps out in the family farm after school. There is nothing wrong with that. What I am talking about is the nearly 300,000 children illegally employed in the U.S. I would like to insert for the record at this time the testimony of Sergio Reyes, who was expected to testify at a hearing before the Senate Subcommittee on Employment and Training I requested on June 11 of this year. Mr. Reyes was unable to attend that hearing but his written testimony tells a story that is becoming all too familiar in the United States.

According to a recent study by economist Douglas L. Krause of Rutgers University, there are nearly 60,000 children under age 14 working in the U.S. Of those children, one will die every year in a work related accident. This year, we are introducing legislation to reform the National Institute of Occupational Safety and Health. Nowhere is this more true than children who work in agriculture.

In general, children receive fewer protections in agriculture than other industries. The legal minimum age for hazardous work in agriculture is 16, it is 18 for all other occupations.

In a GAO preliminary report released in March 1998,
the researchers noted that "children working in agriculture are legally permitted to work at younger ages, in more hazardous occupations, and for longer periods of time than their peers in other industries." For example, a 13 year old may work away from home in an air conditioned office building, but can pick strawberries in a field in the middle of summer. That same report noted that over 150,000 children are working in agriculture. However, because the data is based on census data, the Farm Worker Union places the number at nearly 800,000 children working in agriculture.

In December 1997, the Associated Press (AP) released a five part series on child labor in the United States documenting 4 year olds picking chili peppers in New Mexico and 10 year olds harvesting cucumbers in Ohio. In one tragic example reported by the AP, 14 year old Darrielle Lee, was crushed to death when a 5000 lb. hammer fell on him while working on a construction site in Texas. I was outraged.

At the June hearing of the Senate Employment and Training Subcommittee, I came clear with regard to U.S. domestic child labor. First, agricultural child laborers are dropping out of school at an alarming rate. Over of 45 percent of farm worker youth will never complete high school. Second, the laws that we do have regarding child labor are inadequate to protect a modern workforce. Our present civil and criminal penalties are simply insufficient to deter compliance with the law and need to be strengthened and more vigorously enforced.

My legislation, which is supported by the Administration and children's advocates across the country, such as the Child Labor Coalition and the Senate Employment and Training Subcommittee, will help to address this alarming situation. It will: raise the current age of 16 to 18 in order to engage in hazardous agricultural work, close the loopholes in federal child labor laws which allow a three year old to work, and increase the civil and criminal penalties for child labor violations to a minimum of $500, up from $100 and a maximum of $15,000, up from $10,000.

In closing, let me say that we must end child labor—the last vestige of slavery in the world. It is time to give all children the chance at a real childhood and give them the skills necessary to compete in tomorrow's workforce. Our present civil and criminal penalties are simply insufficient to deter compliance with the law and need to be strengthened and more vigorously enforced.

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Mr. President, I hope that we will be able to vote on this legislation in the near future so that we can prepare our children for the 21st century. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill, a letter from the Child Labor Coalition, and the testimony of Sergio Reyes be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SEC. 4. CIVIL AND CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

(a) CIVIL MONEY PENALTIES.—Section 16(e) (29 U.S.C. 216(e)) is amended in the first sentence—

(1) by striking "$10,000" and inserting "$15,000";

(2) by inserting after "subject to a civil penalty" of the following: "not less than $500 and";

(b) CRIMINAL PENALTIES.—Section 16(a) (29 U.S.C. 216(a)) is amended by adding at the end the following: "Any person who violates the provision of section 15(a)(4) concerning oppressive child labor, shall on conviction be subject to a fine of not more than $15,000, or to imprisonment for not more than 5 years, or both, in the case of a willful or repeat violation that results in or contributes to a fatality of a minor employee, or the disability of a minor employee, or a violation which is concurrent with a criminal vio-

lation of any other provision of this Act or of any other Federal or State law.

SEC. 5. GOODS TAINTED BY OPPRESSIVE CHILD LABOR.

Section 12(a) (29 U.S.C. 212(a)) is amended by striking the period at the end and inserting the following: "and provided further, that the Secretary shall determine the circumstances under which such goods may be allowed to be shipped or delivered for shipment in interstate commerce.

SEC. 6. COORDINATION.

Section 4 (29 U.S.C. 204) is amended by adding at the end the following:

"(g) The Secretary shall encourage and establish closer working relationships with the national, state, and local government agencies which have responsibility for administering and enforcing labor and safety and health laws. Upon the request of the Secretary, and to the extent permissible under applicable law, State and local government agencies with information regarding injuries and deaths of employees shall submit such information to the Secretary for use as appropriate in the enforcement of section 12 and in the promulgation and interpretation of the regulations and orders authorized by section 3(f). The Secretary may reimburse State and local government agencies for such services.

SEC. 7. REGULATIONS AND MEMORANDUM OF UNDERSTANDING.

(a) REGULATIONS.—The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Labor and the Secretary of Agriculture shall, not later than 60 days after the date of enactment of this Act, enter into a memorandum of understanding to coordinate the development and enforcement of standards to minimize child labor.

SEC. 8. AUTHORIZATION.

There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary for to carry out this Act and the amendments made by this Act.
the protections of all children who are working, regardless of the occupation, is applauded.

On behalf of the more than 50 organizational members of the Child Labor Coalition we thank you for your efforts to update our nation’s child labor laws and wholeheartedly support this legislation.

Sincerely,
Darlene S. Adkins, Coordinator.

Testimony of Sergio Reyes Before the Senate Subcommittee on Employment and Training, June 11, 1998

Good morning. My name is Sergio Reyes, and I am 15 years old. This is my brother Oscar and he is nine years old. We’re from Hollister, California, and we are farmworkers like our father and our grandfather. We are permanent residents here in the United States. Thank you for inviting us to speak today about our experience being frameworkers. We both have been farmworkers for five years now, ever since our family came from Mexico. I started working when I was 10 years old, and Oscar started when he was four. He has been working for more than half of his life. We work these long and going to school too. We work after school, during the weekends, during the summer and on holidays. Oscar can show you some of the tools that we use and how we cut garlic and cut onions. I don’t have any idea when pesticides are used on these crops or not.

To do this work we have to stay bent over for most of the time and have to lift heavy bags and buckets filled with the crops that we’re picking. It’s hard work for adults and very hard work for kids. We work because our family needs the money. I’d rather be in school. I am in the 10th grade and someday I’d like to be a lawyer. Oscar wants to be a fireman when he grows up. My family knows how important it is to go to school and get an education. But there are times when working is more important. We know lots of families like ours where the kids drop out of school because they need to work. It’s sad because they really need an education or to learn another job skill if they’re ever going to get out of the fields. Without an education, how would I become a lawyer and Oscar will never be a fireman.

My dad is trying to get out of farmwork. He is working in a program and learning a new skill in a farmer work training program to learn another skill. He is trying to get another job so that he can earn more money and have some health insurance. We’ve never had health insurance before. As hard as my dad works, he’s not guaranteed to make a good living. And my dad works very hard. I just hope that when I get older and if I happen to keep me from graduating from school, that there will be a program for Oscar and me.

That is why we are here. We appreciate all the you do that will help our dad, other farmworker kids and my brother and me.

By Mr. Mr. ASHCROFT (for himself and Mr. FAIRCLOTH):
S. 2384. A bill entitled “Year 2000 Enhance Cooperation Solution”; to the Committee on the Judiciary.

Mr. ASHCROFT. Mr. President, I rise today to introduce a bill that addresses a critical problem that demands immediate attention from the Congress.

For many years now I have been involved with a variety of issues that affect the technology sector. As I have said before, no other sector of the economy is as vibrant and forward looking. The ingenuity, drive and vision of this industry is all of us, including those of us in the Senate. Moreover, the importance of this industry should only grow in the coming years. However, as I look to the future with the hope of seeing the next century stamped “Made in America” I see one large impediment—the Year 2000 bug.

The 105th Congress must consider this problem and assist the country in trying to avoid a potentially disastrous crisis. We cannot wait for disaster to strike. We must act now to enable companies to avert the crisis. No individual will be left untouched if the country fails to address this problem and experiences widespread ramifications. No company will escape huge costs if they experience widespread ramifications. No company will escape huge costs if they fail to address this problem and experience widespread ramifications. No individual and company will escape huge costs if they fail to address this problem and experience widespread ramifications.

Together with the antitrust legislation I introduce today, this should provide sufficient protection to promote the kind of cooperation that will be essential to addressing this looming problem.

The final piece of the package will be the Year 2000 Litigation Solution. Real harm from inadequate efforts to address this problem must be compensated. However, we cannot allow the prospect of frivolous litigation to block efforts to avoid such harm. We also must ensure that frivolous litigation over the Year 2000 problem does not consume the lion’s share of the next millennium. While it is not possible for Congress to guarantee that private individuals and companies will be able to solve the Year 2000 problem, Congress can eliminate legal obstacles that stand in the way of private solutions. Information sharing among companies is the key to addressing the Year 2000 problem.

The 105th Congress must consider point—as important as it is that this legislation be enacted and enacted soon, it is merely the first piece of a difficult puzzle. The Administration has presented the Congress with their view of how information sharing on the Year 2000 problem should be furthered. Based on my initial review, that proposal appears to show the right direction but falls far short of the target destination. Most importantly, the proposed approach which purports to promote information sharing does not accomplish its objective as it leaves the problem of potential antitrust liability on other hands, it does not accomplish the task that it set out to complete.

I will seek the introduction of the second piece of the solution, the Year 2000 Enhance Litigation Solution, which while working within the guidelines of the Administration’s language will add the teeth, make clear that good faith disclosure of information will be protected, and provide for protection of individual rights. Together with the antitrust legislation I introduce today, this should provide sufficient protection to promote the kind of cooperation that will be essential to addressing this looming problem.

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S. 2395. A bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

THE SAN RAFAEL NATIONAL HERITAGE AND CONSERVATION ACT

Mr. BENNETT. Mr. President, I am pleased to introduce the “San Rafael National Heritage and Conservation Act” and I am pleased to be joined by Senator HATCH in this effort. The San Rafael National Heritage and Conservation Act not only accomplishes the preservation of an important historic area, but it is the result of a collaborative approach among Federal land managers, state and local governments and other concerned agencies and organizations. This revised legislation incorporates several of the suggestions of the Administration, the House and those who originally expressed concerns about the bill as introduced in the Senate. The legislation we introduce today is the result of months of discussions between the Bureau of Land Management, the citizens of Emery County and Members of Congress. It is a good-faith effort to initiate a process that will bring resolution to the larger philosophical differences between land management practices in Utah. With a little luck, we might even begin a process which could lead to a resolution to the ongoing Utah wilderness debate.

The San Rafael Swell region in the State of Utah was one of America’s last frontiers. I have in my office, a map of the State of Utah drafted in 1876 in which large portions of the San Rafael Swell were simply left blank because they were yet to be explored. Visitors who comment on this map are amazed when they see that large portions of the San Rafael area remained unmapped thirty years after the Mormon pioneers arrived in the Salt Lake Valley.

This area is known for its important historical sites, notable tradition of mining, widely recognized paleontological resources, and numerous recreational opportunities. As such, it needs to be protected. The San Rafael Swell National Conservation Area created through this legislation will be approximately 630,000 acres in size and will comprise wilderness, a Bighorn Sheep Area, a scenic area of Critical Environmental Concern, and Semi-Primitive Area of Non-Motorized Use. The value of the new management structure for the National Conservation Area can be found in the flexibility it gives in addressing a broad array of issues from the protection of critical lands to the oversight of recreational uses.

The San Rafael National Heritage and Conservation Act sets aside 130,000 acres as BLM Wilderness lands. This permanently removes the threat of mining, oil drilling, and timbering from the Swell. It also sets aside a conservation area of significant size to protect Utah’s largest herd of Desert Bighorn Sheep. Vehicle travel is restricted to designated roads and trails in other areas and visitors recreational facilities are provided. Finally, it will assist the BLM and the local communities in developing a long term strategy to preserve and protect the important heritage and conservation values of the region through the National Heritage Area. Careful study of the bill shows that the San Rafael Swell National Heritage and Conservation Act is a multidimensional management plan which anticipates with administrative and financial needs. It provides comprehensive protection and management for an entire ecosystem.

My colleagues in the House have worked hard to address the concerns of the Administration and they have made several changes to the House version as introduced in an effort to improve the legislation. We have redrawn maps, eliminated roads from wilderness areas, eliminated cherry stems of other lands, increased the size of public lands, and semi-primitive areas. Specifically, by including new provisions dealing with the Compact and Heritage Plan, the new language ensures that the resources found in the Swell are properly surveyed and understood prior to the Heritage Area moving forward.

With regards to the Conservation Area, bill language guarantees that the management plan will not impair any of the important resources within Utah. We have also included new language that ensures the Secretaries of the Interior is fully represented on the Advisory Council.

The San Rafael Swell National Heritage and Conservation Act is unique in that it sets the San Rafael Swell apart from Utah’s other national parks and monuments. It protects not only the important lands in this area but also another resource just as precious—its historical heritage. This bill is an example of how a legislative solution can result from a grassroots effort involving both state and local government officials, the BLM, historical preservation groups, and wildlife enthusiasts. Most important, it takes the necessary steps to present the wilderness value of these lands.

This legislation has broad statewide and local support. It is sound, reasonable, and innovative in its approach to protecting the other areas and managing the public land treasures of the San Rafael Swell. Finally, it is based on the scientific methods of ecosystem management and prevents the fracturing of large areas of multiple use lands with small parcels of wilderness interspersed between.

Mr. President, I conclude with this point; the wilderness debate in Utah has gone on too long. My colleagues will be reminded that in the last Congress, the debate centered on whether over two million acres or 7.1 million acres were the proper amount of wilderness to designate. We are now trying to protect more than 600,000 acres in one county in Utah alone. The Emery County Commissioners should be commended for their foresight and vision in preparing this proposal. I hope that this legislation can become a model for future conflict resolutions.

Unfortunately, the shouting match over the Swell has obscured the fact that the discussion over what types of protection were in order for these lands. I doubt that there are few people who would debate the need to protect these lands. But too often in the past we have focused on the need for what constitutes “protection.” Unfortunately for some groups, a certain designation is the only method of acceptable protection. I urge those groups to look beyond the trees and see the forest for a change. Should these groups decide to come to the table, lend their considerable expertise to our efforts and try to reach a consensus, the first steps toward resolving the decades-old wilderness debate in Utah will have been taken.

I urge my colleagues to carefully review this legislation and support for this bill.

Mr. HATCH. Mr. President, I rise in support of the San Rafael Swell National Heritage and Conservation Act. As a cosponsor of this measure, I applaud the efforts of my friend and colleague, Senator BENNETT, for bringing this matter before the United States Senate. This is a refreshing approach to managing public lands in the West. This legislation reflects the ability of our citizens to make wise decisions about how land in their area should be used and protected. It is an article of our democracy that we recognize the prerogatives and preferences of citizens who are most affected by public policy. This measure gives citizens who live next to these lands a say as to what is right and appropriate for the land’s management. I believe this initiative, which began locally at the grass roots level, will provide a cynosure for future land management decisions in the West.

Much more than simply protecting rocks and soil, this legislation safeguards wildlife and their habitat, cultural sites and artifacts, and Indian and Western heritage. This is not your standard one-size-fits-all land management plan. It provides for the conservation of this unique area, opting to encourage visitors not development.

Mr. President, the San Rafael Swell is the largest area of immensity, beauty and cultural heritage. It was once the home to Native Americans who adorned the area with petroglyphs on the rock outcrops and canyon walls. What were once their dwellings are now significant archaeological sites scattered throughout the Swell. After the Indian tribes came explorers, trappers, and outlaws. In the 1870s, ranchers and cowboys came to the area and began grazing the land, managing it for beef production and utilizing the land for other purposes; to the Committee on Energy and Natural Resources.

THE SAN RAFAEL NATIONAL HERITAGE AND CONSERVATION ACT
By Mr. BIDEN: S. 2387. A bill to confer and confirm Presidential authority to use force abroad, to set forth procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce legislation designed to provide a framework for joint congressional-executive decision-making about the most solemn decision that a nation can make: to send men and women to fight and die for their country.

Entitled the “Use of Force Act,” the legislation would replace the war powers resolution of 1973 with a new mechanism, that is, a more effective than the existing statute.

Enacted nearly a quarter century ago, over the veto of President Nixon, the war powers resolution has enjoyed an unhappy history among Presidents. Congressional inquiry into the purposes that the resolution was designed to meet has been extensive. The resolution was not, of course, the intent of its framers, who sought to improve executive-congressional cooperation on questions involving the use of force—and to remedy a dangerous constitutional imbalance.

This imbalance resulted from what I call the “monarchist” view of the war power—the thesis that the President holds nearly unlimited power to direct American forces into action.

The thesis is largely a product of the cold war and the nuclear age: the view that, at a time when the fate of the planet itself appeared to rest with two men thousands of miles apart, Congress had little choice, or so it was claimed about whether Congress itself should respond was required to Saddam Hussein’s invasion of Kuwait. In this case, the question was not clear-cut—as it was in 1991. But two things emerged in the debate that reinforce the need for this legislation. First, it demonstrated that the executive instinct to find “sufficient legal authority” to use force is undiluted.

Second, it demonstrated that Congress often lacks the institutional will to carry out its responsibilities under the war power. Although there was strong consensus that a strong response was required to Saddam Hussein’s resistance to U.N. inspections, there was no consensus in this body about whether Congress itself should authorize military action. Lacking such a consensus, Congress did nothing.

Congress’ responsibilities could not be clearer. Article one, section eight, clause eleven of the Constitution grants to Congress the power “to declare war, grant letters of marque and reprisal and to make rules concerning captures on land and water.”

To the President, the Constitution provides in article two, section two the role of “Commander in Chief of the Army and Navy of the United States.”

It may fairly be said that, with regard to many constitutional provisions, the Framers’ intent was ambiguous. But on the war power, both the contemporaneous evidence and the early construction of that clause make it clear that Congress does not leave much room for doubt.

The original draft of the Constitution would have given to Congress the power to “make war.” At the Constitutional Convention, George Washington made it clear that this was meant to change this to “declare war.” The reason for the change is instructive.

At the Convention, James Madison and Elbridge Gerry argued for the
amendment solely in order to permit the President the power “to repel sudden attacks.”) Just one delegate, Pierce Butler of South Carolina, suggested that the President should be given the power to initiate war.

The Framers' views were dominated by their experience with the British King, who had unfettered power to start wars. Such powers the Framers were determined to deny the President.

Even Alexander Hamilton, a staunch advocate of Presidential power, emphasized that the President’s power as Commander in Chief would be “much inferior” to that of the King. Hamilton argued that the Framers intended to provide the President with “nothing more than the supreme command and direction of the military and naval forces,” while that of the British King “extends to declaring of war and to the raising and regulating of fleets and armies—all which, by [the U.S.] Constitution, would appertain to the legislature.”

It is frequently contended by those who favor vast Presidential powers that Congress was granted only the ceremonial power to declare war. But the Framers had little interest, it seems, in the ceremonial aspects of war. The real issue was congressional authorization of war. As Hamilton noted in Federalist twenty-five, the “ceremonial denunciation of war has of late fallen into disuse.”

The conclusion that Congress was given the power to initiate all wars, except to repel attacks on the United States, is so strengthened in view of the second part of the war clause: the power to “grant letters of marque and reprisal.”

An anachronism today, letters of marque and reprisal were licenses issued by governments empowering agents to seize enemy ships or take action on land short of all-out war. In essence, it was an eighteenth century version of what we now regard as “limited war” or “police actions.” The British King, of course, doubtless knew that reprisals, or “imperfect war,” could lead to an all-out war. England, for example, had fought five wars between 1652 and 1756 which were preceded by public naval reprisals.

Surely, those who met at Philadelphia—all learned men—knew and understood this history. Given this, the only logical conclusion is that the framers intended to grant to Congress the power to initiate all hostilities, even limited wars.

In sum, to accept the proposition that the war power is merely ceremonial, or applies only to “big wars,” is to read much of the war clause out of the Constitution. Such a reading, supported neither by the plain language of the text, or the original intent of the framers.

Any doubt about the wisdom of reining in the President’s power to declare war is dispelled in view of the actions of early Presidents, early Congresses, and early Supreme Court decisions.

Our earliest Presidents were extremely cautious about encroaching on Congress’ power under the war clause. For example, in 1793, the first President, George Washington, stated that offensive operations against an Indian tribe, believed to be窥reid on the War Order, “are proceeding on this interpretation of the intent of the framers.

During the Presidency of John Adams, the United States engaged in an undeclared naval war with France. But it bears emphasis that these military engagements were clearly authorized by Congress in a series of incremental statutes.

The naval war with France also yielded three important Supreme Court decisions regarding the scope of the war power.

In 1799, Congress authorized the President to intercept any U.S. vessels headed to France. President Adams subsequently ordered the Navy to seize any ships traveling to or from France. The Supreme Court declared the seizure of a U.S. vessel traveling from France to be illegal—thus ruling that Congress had the power not only to authorize limited war, and but also to limit Presidential power to take military action.

The court ruled in two other cases bearing on the question of limited war. Wars, the Court said, even if “imperfect,” are nonetheless wars. In still another case, Chief Justice Marshall opined that “the whole powers of war [are] by the Constitution... vested in Congress... [which] may authorize general hostilities... or partial war.”

These precedents, and the historical record of actions taken by other early Presidents, have significantly more bearing on the meaning of the war clause than the modern era.

As Chief Justice Warren once wrote, “The precedential value of [prior practice] tends to increase in proportion to the proximity” to the constitutional convention.

Unfortunately, this constitutional history seems largely forgotten, and the doctrine of Presidential power that arose during the cold war remains in vogue.

To accept the status quo requires us to believe that the constitutional imbalance serves our nation well. But it can hardly be said that it does.

As matters now stand, Congress is denied its proper role in sharing in the President’s power of command and direction of the military and naval forces—all which, by the [U.S.] Constitution, would appertain to the legislature.

Thus, if the President requests authority for a sustained use of force—one outside the realm of emergency—and Congress fails to vote, the President’s authority is extended indefinitely.

In the past two decades, a premise has gained wide acceptance that the war powers resolution is fatally flawed. Indeed, there are flaws in the resolution but they need not have been fatal. In 1988, determining that a review of the war powers resolution was not in order, the Foreign Relations Committee established a special subcommittee to assume the task.

As chairman of the subcommittee, I conducted extensive hearings. Over the course of two months, the subcommittee heard from many distinguished witnesses: former President Ford, former Secretaries of State and Defense, former Joint Chiefs of Staff, former Members of Congress who drafted the war powers resolution, and many constitutional scholars.

At the end of that process, I wrote a law review article describing how the war powers resolution might be thoroughly rewritten to overcome its actual and perceived liabilities.

To provide the legislation I introduced in the 104th Congress, and that I reintroduce today. The bill has many elements; I will briefly summarize it.

First, the bill replaces the war powers resolution with a new version. But I should make clear that I retain its central element: a time-clock mechanism that limits the President’s power to use force abroad. That mechanism, it bears emphasis, was found to be unambiguously constitutional in a 1980 opinion issued by the Office of Legal Counsel at the Department of Justice. It is often ascribed to the time-clock provisions is “unworkable,” or that it invites our adversaries to make a conflict so painful in the short run so as to induce timidity in the Congress.

But with or without a war powers law, American willingness to undertake sustained hostilities will always be subject to democratic pressures. A statutory mechanism is simply a means of delineating procedure.

That procedure, contained in this legislation assures that if the President wants an early congressional vote on a use of force abroad, his congressional supporters can produce it.

Recent history tells us, of course, that the American people, as well as Congress, rally around the flag—and the Commander-in-Chief—in the early moments of a military deployment.

Second, my bill defuses the specter that a “timid Congress” can simply sit on its hands and permit the authority for a deployment to expire.

First, it establishes elaborate expedited procedures designed to ensure that a vote will occur. And it explicitly defeats the “timid Congress” specter by providing, to the President the authority he has sought if these procedures nonetheless fail to produce a vote.

Thus if the President requests the war powers resolution in order—one outside the realm of emergency—and Congress fails to vote, the President’s authority is extended indefinitely.
Third, the legislation delineates what I call the "going in" authorities for the President to use force. One fundamental weakness of the war powers resolution is that it fails to acknowledge powers that most scholars agree are inherent in the Constitution to repel an armed attack upon the United States or its Armed Forces, or to rescue Americans abroad.

My legislation corrects this deficiency by enumerating five instances where the President may use force:

1. To repel an attack on U.S. territory or U.S. forces;
2. To deal with urgent situations threatening U.S. interests;
3. To extricate imperiled U.S. citizens;
4. To forestall or retaliate against specific acts of terrorism; and
5. To defend against substantial threats to international sea lanes or airspace.

It may be that no such enumeration can be exhaustive. But the circumstances set forth would have sanctioned virtually every use of force by the United States since World War Two.

This concession of authority is circumscribed by the maintenance of the time-clock provision.

After sixty days have passed, the President's authority would expire, unless one of three conditions had been met:

1. Congress has declared war or enacted specific statutory authorization;
2. The President has requested authority for an extended use of force but Congress has failed to act on that request, notwithstanding the expedited procedures established by this act;
3. The President has certified the existence of an emergency threatening the supreme national interests of the United States.

The legislation also affirms the importance of consultation between the President and Congress and establishes a new means to facilitate it.

To overcome the common complaint that Presidents must contend with "535 secretaries of state," the bill establishes a Congressional Leadership Group with whom the President is mandated to consult on the use of force.

Another infirmity of the war powers resolution is that it fails to define "hostilities." Thus Presidents frequently engaged in a verbal gymnastics of insisting that "hostilities" were not "imminent"—even when hundreds of thousands of troops were positioned in the Arabian desert opposite Saddam's legions.

Therefore, the legislation includes a more precise definition of what constitutes a "use of force."

Finally, to make the statutory mechanism complete, the use of force act provides a means for judicial review. Because I recognize the reluctance of many of my colleagues to inject the judiciary into decisions that should be made by the political branches, this provision is extremely limited. It empowers a three-judge panel to decide only whether the time-clock mechanism has been triggered.

The bill contains a provision granting standing to Members of Congress, a door that the Supreme Court appears to have largely closed in the case of Raines versus Byrd. The one-vehicle veto challenge brought by the senior Senator from West Virginia. I believe, notwithstanding the holding of that case, that a Member of Congress would suffer the concrete injury necessary to satisfy the standing under article three of the Constitution.

The reason is this: The failure of the President to submit a use of force report would harm the ability of a Member of Congress to exercise a power clearly reposed in Congress under article one, section eight. That injury, I believe, should suffice in clearing the high hurdle on standing which the Court imposed in the Byrd case. No private individual can bring such a suit; if a Member of Congress cannot, then no one can.

I have no illusions that enacting this legislation will be easy. But I am determined to try.

The status quo—under Presidents asserting broad executive power, and Congress often content to surrender its constitutional powers—does not serve the American people well.

More fundamentally, it does not serve the men and women who risk their lives to defend our interests. For that, ultimate, must be the test of any war powers law.

Mr. President, I ask unanimous consent that the section-by-section analysis be included in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The title of the bill is the "Use of Force Act (UFA)."

Section 2. Table of Contents.

Section 3. Findings.

This section sets forth three findings regarding the need to provide a statutory framework to facilitate joint decisionmaking between Congress and the President regarding decisions to use force abroad.

Section 4. Statement of Purpose. The key phrase in this section is: "confer and confirm Presidential authority." The Use of Force Act is designed to bridge the long-standing and, for all practical purposes, unresolvable—dispute over precisely what constitutes the President's "inherent" authority to use force. Whereas the War Powers Resolution purported to delineate the President's constitutional authority and to limit it, the Use of Force Act sets forth a range of authorities that are practicable for the modern age and sufficiently broad to subsume all presidential authorities deemed "inherent" by any reasonable constitutional interpretation.

Section 5. Definitions. This section defines a number of terms, including the term "use of force" as a major and persistent flaw of the War Powers Resolution, which left undefined the term "hostilities."

As defined in the Use of Force Act, a "use of force abroad" means:

1. A deployment of U.S. armed forces (either a new introduction of forces, a significant expansion of the U.S. military presence in a country, or a commitment to a new mission or objective); and
2. The deployment is aimed at deterring an identified threat, or the forces deployed are incurring or inflicting casualties (or are operating with a substantial possibility of incurring or inflicting casualties).

TITLE I—GENERAL PROVISIONS

Section 101. Authority and Governing Principles.

This section sets forth the Presidential authorities being "conferred and confirmed." Based on the Constitution and this Act, the President may use force—

1. To repel an attack on U.S. territory or U.S. forces;
2. To deal with urgent situations threatening supreme U.S. interests;
3. To extricate imperiled U.S. citizens;
4. To forestall or retaliate against specific acts of terrorism;
5. To defend against substantial threats to international sea lanes or airspace.

Against a complaint that this list is excessively permissive, it should be emphasized that all the authorities the President is mandated to undertake a use of force—so-called "going in" authorities—and that the "staying in" conditions set forth in section 103 will, in most cases, rest heavily on the President's original decision.

Section 102. Consultation. Section 102 affirms the importance of consultation between the President and Congress and establishes new means to facilitate it. To overcome the common complaint that Presidents must contend with "535 secretaries of state," the UFA establishes a Congressional Leadership Group with whom the President is mandated to consult on the use of force.

Framework of regular consultations between specified Executive branch officials and relevant congressional committees is mandated in almost a "norm" of consultative interaction and in hope of overcoming what many find to be the overly theatrical public-hearing process that has superseded the more frank and informal consultations of earlier years.

Note: An alternative to the Use of Force Act is to repeal (or effectively repeal) the War Powers Resolution and leave its place only a Congressional Leadership Group. (This is the essence of S.J. Res. 23. 101st Congress, Senate Amendment to amend or repeal the Resolution introduced by Senators Byrd, Warner, Nunn, and Mitchell in 1988.) This approach, which relies on "consultation and the Constitution," avoids the complexities of enacting legislation such as the UFA but fails to solve chronic problems of procedure or authority, leaving matters of process and power to be debated anew as each crisis arises. In contrast, the Use of Force Act will perform one of the valuable functions of law, which is to guide individual and institutional behavior.

Section 103. Reporting Requirements. Section 103 requires that the President report in writing to the Congress concerning any use of force, not later than 48 hours after commencing a use of force abroad.

Section 104. Definitions. This section sets forth the "staying in" conditions: that is, the conditions that must be met if the President is to sustain a use of force he has begun under the authorities set forth in section 101. A use of force may extend beyond 60 days only if—

1. Congress has declared war or enacted specific statutory authorization;
2. The President has requested authority for an extended use of force but Congress has failed to act on that request, notwithstanding the expedited procedures established by Title II of this Act; and
3. The President has certified the existence of an emergency threatening the supreme national interests of the United States.
The second and third conditions are designed to provide sound means other than a declaration of war or the enactment of specific statutory authority by which the President might be extended use of force. Through these conditions, the Use of Force Act avoids two principal criticisms of the War Powers Resolution: (1) that Congress could not require a forcible withdrawal simply through inaction; and (2) that the law might, under certain circumstances, unconstitutionally deny the President the use of his "inherent" authority.

To defuse the specter of a President hamstrung by a Congress too timid or inept to face its responsibilities, the UFA provides for the expedited parliamentary procedures designed to ensure that a vote will occur; second, it explicitly defies the "timid Congress" specter by granting to the President the authority he has sought if these procedures nonetheless fail to produce a vote. Thus, if the President requests authority for a sustained use of force—one outside the realm of emergency—and Congress fails to vote, the President's authority is extended indefinitely.

The purpose of the UFA should satisfy all but proponents of an extreme "monarchist" interpretation under which the President has the constitutional authority to use force as he sees fit. In other interpretations, the concept of an "inherent" authority depends upon the element of emergency: the need for the President to act under urgent circumstances to protect the nation's security and its citizens. If so, the UFA protects any "inherent" presidential authority by affirming his ability to act for up to 60 days under the Use of Force Act by certifying that the UFA was intended indefinitely.

If the President requests authority for a sustained use of force—this situation should satisfy all but proponents of an extreme "monarchist" interpretation under which the President has the constitutional authority to use force as he sees fit. In other interpretations, the concept of an "inherent" authority depends upon the element of emergency: the need for the President to act under urgent circumstances to protect the nation's security and its citizens. If so, the UFA protects any "inherent" presidential authority by affirming his ability to act for up to 60 days under the Use of Force Act by certifying that the UFA was intended indefinitely.
prices in major growth markets such as Washington, D.C., New York, or California may start at hundreds of thousands of dollars. As a result, the urban dwellers who have owned their homes through many years of appreciation can often benefit from a large portion of this new $500,000 capital gains tax exclusion. Unfortunately this provision, as currently applied, is virtually useless to family farmers.

For farm families, their farm is their major financial asset. Unfortunately, family farmers under current law receive little or no benefit from the new $500,000 exclusion because the IRS separates the value of their homes from the value of the farm and the homes sit on. As people from any state of North Dakota know, houses out on the farmsteads of rural America are more commonly sold for $5,000 to $40,000. Most farmers plow all profits they make into the whole farm rather than into a household retirement fund. They would hold little value when the farm is sold. It’s not surprising that the IRS often judges that homes far out in the country have very little value and thus farmers receive no benefit from this $500,000 exclusion that they do their urban and suburban counterparts. As a result, the capital gain exclusion is little or no help to farmers who are being forced out of business. They may immediately face a hefty capital gains tax bill from the IRS. This is simply wrong, Mr. President. It is unfair. Federal farm policy helped create the hole that many of these farmers find themselves in. Federal tax policy failed to fill the hole as they attempt to shovel their way out.

The legislation that I’m introducing today recognizes the unique character and role of our family farmers and their important contributions to our economy. It expands the $500,000 capital gains tax exclusion for sales of principal residences to cover the entire farm, as currently in a union say they would join one if they had the opportunity, why aren’t there more opportunities? Since we know that union workers earn up to one-third more than non-union workers and are more likely to have pensions and health benefits, why aren’t there more opportunities?

Mr. President, in the past few years, working men and women across the country have been fighting and organizing with a new energy. They are fighting for better health care, pensions, a living wage, better education policy and fairer trade policy. They also are fighting and organizing to ensure that they have the opportunity to improve their own and their families’ standard of living and quality of life, which is to join, belong to and participate in a union.

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that is its intended purpose. I have walked some picket lines during the past two years. I have joined in solidarity with workers seeking to organize. I have called on employers to bargain in good faith with their employees during disputes. I have continued to fight for the NLRA and urge colleagues to do the same. At the same time, it is clear to nearly any organizer and to many workers who have sought to join a union that the rules in crucial ways are stacked against them. My bill seeks to address that fact.

First, it is a central tenet of U.S. labor policy that employers should be free to make informed and free decisions about union representation. Yet, union organizers have limited access to employees while employers have unfiltered access. Employers have daily contact with employees. They may distribute written materials about unions. They may require employees to attend meetings where they present their views on union representation. They may talk to employees one-on-one about how they view union representation. On the other hand, union organizers are restricted from worksites and even public areas.

It would be possible to make independent, informed decisions about whether they should be represented by a union, then we have to give them equal access to both sides of the story. This bill would amend the National Labor Relations Act to provide equal time to labor organizations to provide information about union representation. Equal time. That means that an employer would trigger the equal time provision that this bill would insert into the NLRA by expressing opinions on union representation during work hours or at the worksite. The provision would give a union equal time to use the same media used by the employer to distribute information, and would allow the union access to the worksite to communicate with employees.

The second reform in the bill would toughen penalties for wrongful discharge violations. It would require the National Labor Relations Board to award back pay equal to 3 times the employee’s wages when the Board finds that an employee is discharged as a result of an unfair labor practice. It also would allow employees to file civil actions to recover punitive damages when they have been discharged as a result of an unfair labor practice.

Third, the bill would put in place mediation and arbitration procedures to help employers and employees reach mutually agreeable first-contract collective bargaining agreements. It would require mediation if the parties cannot reach agreement on their own after 60 days. Should the parties not reach agreement 30 days after a mediator is selected, then either party could ask the Federal Mediation and Conciliation Service for binding arbitration. I believe that this proposal represents a balanced solution—one that would help both parties reach agreements they can live with. It gives both parties incentive to reach genuine agreement without allowing either side to indefinitely hold the other hostage to unrealistic proposals.

Mr. President, this bill would be a step toward fairness for working families in America. The proposals are not new. I hope my colleagues will support the bill.

By Mr. DASCHLE:

S. 2391. A bill to authorize and direct the Secretary of Commerce to initiate an investigation under section 702 of the Tariff Act of 1930 of methyl tertiary butyl ether (MTBE) from Saudi Arabia; to determine whether a subsidy has been provided with respect to Saudi Arabian exports of methyl tertiary butyl ether (MTBE). If the Secretary finds that a subsidy has indeed been provided to Saudi producers, he would be required under the terms of our existing law to impose an import duty in the amount necessary to offset the subsidy. Because Saudi Arabia is not a member of the WTO, there would be no requirement for a demonstration of injury to the domestic industry as a result of the subsidy.

Let’s talk for a moment about what is at stake here for American consumers. Last year, I asked the U.S. General Accounting Office (GAO) to assess the impact on U.S. oil imports of the Reformulated Gasoline (RFG) program that was created by Congress in 1991. The GAO found that the U.S. RFG program has already resulted in over 250,000 barrels per day less imported petroleum due to the addition of oxygenates, such as MTBE, ETBE and MTBE. That means, at an average of $2 per barrel of imported oil, we currently save nearly $2 billion per year due to domestically produced oxygenates.

The GAO further found that, if all gasoline in the U.S. were reformulated (compared to the current 35%), the U.S. would import 777,000 fewer barrels of oil per day. That is more than $5.5 billion per year that would not be flowing to foreign oil producers and could be re-invested in the United States.

This is not "pie-in-the-sky" theory. Ethanol production and domestically produced MTBE can reduce oil imports...
and strengthen our economy. In rural America, for example, new ethanol and ETBE plants will be built, so long as we wise up and create a level playing field against subsidized Saudi competition.

Phase II of the Clean Air Act’s reformed gasoline program (RFG) requires transportation fuels to meet even tougher emissions standards starting in the year 2000. That gasoline market is growing, with demand for ethanol, ETBE, and MTBE in 2005 estimated to be 300,000 barrels per day. Unless we act to ensure that American-made oxygenated fuels can compete in American fuels markets, we stand to cede those markets to subsidized Saudi Arabian MTBE.

Mr. President, I am hopeful that my legislation will help level the playing field for American producers of ethanol, ETBE, and MTBE and add new economic vitality to their associated communities of workers, farmers, and business owners. I urge my colleagues to give it serious consideration and to enact it as soon as possible so that we may begin the process of bringing fairness back into the realm of international trade in oxygenated fuels.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2391

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 “Fair Trade in MTBE Act of 1998”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Section 814 of Public Law 101-549 (commonly referred to as the “Clean Air Act Amendments of 1990”) expressed the sense of the Congress that import duties should be made available to purchase and produce American-made reformulated gasoline and other clean fuel products.

(2) Since the passage of the Clean Air Amendments Act of 1990, Saudi Arabia has added substantial industrial capacity for the production of methyl tertiary butyl ether (in this Act referred to as “MTBE”).

(3) The expansion of Saudi Arabian production capacity has been stimulated by government subsidies, notably in the form of a governmental decree guaranteeing Saudi Arabian MTBE producers a 30 percent discount relative to world prices on feedstock.

(4) The subsidized Saudi Arabian production has been accompanied by a major increase in Saudi Arabian MTBE exports to the United States.

(5) The subsidized Saudi Arabian MTBE exports have reduced the market share of American producers of MTBE, ETBE, and ethanol, as well as discouraged capital investment into American producers.

(6) Saudi Arabia is not a member of the World Trade Organization and is not subject to the terms and conditions of the Agreement
to Adjust Tariffs and Countervailing Measures negotiated as part of the Uruguay Round Agreements.

SEC. 3. INITIATION OF COUNTERVAILING DUTY INVESTIGATION.

(a) In General.—Not later than 30 days after the date of enactment of this Act, the administering authority shall initiate an investigation pursuant to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) to determine if the necessary elements exist for the imposition of a duty under section 701 of such Act with respect to the importation into the United States of MTBE from Saudi Arabia.

(b) ADMINISTERING AUTHORITY.—For purposes of this section, the term “administering authority” has the meaning given such term by section 771(3) of the Tariff Act of 1930 (19 U.S.C 1671(3)).

By Mr. BENNETT (for himself, Mr. DODD, Mr. MOYNIHAN, Mr. KOHL, and Mr. ROBB) (by request):

S. 2392. A bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000, to the Committee on the Judiciary.

YEAR 2000 INFORMATION DISCLOSURE ACT

Mr. BENNETT. Mr. President, today I introduce, by request of President Bill Clinton, the Administration’s “Good Samaritan” legislation referred to as the “Year 2000 Information Disclosure Act.”

I want to thank the White House for joining Vice Chairman Dodd and the rest of the members of the Special Committee on the Year 2000 Technology Problem in the debate on how to promote the flow of information on Year 2000 readiness throughout the private sector. The Administration’s recognition of this problem, the fear of law suits and its stiffing effect on companies’ willingness to disclose helpful Y2K information, is invaluable in helping all of us deal with this national crisis.

The existing legal framework clearly discourages the sharing of critical information between private sector companies. The President’s bill attempts to affirm that the willingness of corporations and other organizations who in good faith openly share information about computer and technology processing problems and related matters in connection with the transition to the Year 2000. We welcome the thoughtful ideas of the White House and the hard work of the Office of Management and Budget, as well I John Koskinen, the Chairman of the President’s Council on Year 2000 Conversion.

President Clinton’s proposal represents a good starting point from which to begin the process of addressing the critical need for private sector information sharing informed his speech before the National Sciences Foundation on Tuesday, July 14. The Senate Committee on the Year 2000 Technology Problem, which I chair, has to date held hearings on Year 2000 problems in several industry sectors including energy utilities, financial institutions, and health care. This Friday, July 31, the Committee will hold its fourth hearing on the subject of which will be the telecommunications industry. In each of the prior hearings, it has become increasingly evident that the fear of legal liability has proven to be the single biggest deterrant to the open sharing of Year 2000 information. With just over 500 days remaining before the Year 2000 problem manifests itself in full, we must do everything we can to encourage the sharing of vital Year 2000 information. Through this sharing, organizations can save valuable time and resources in addressing their Year 2000 problems.

But, we must be careful to pass meaningful legislation that will indeed encourage disclosure and sharing of Year 2000 information. For example, small companies which cannot afford to share all of their own testing and who, for the most part, are not as knowledgeable about where the dangers of the Y2K bug may appear are significant elements of our economy and their Y2K failures could have devastating impacts on those who depend on their services.

We look forward to hearing the input of those companies and individuals who are affected both as plaintiffs and defendants. To be of value, we must pass legislation this year. That to end, we will be working closely with the administration, and with Senators HATCH and LEAHY of the Judiciary Committee which has the primary jurisdiction for this legislation.

Mr. MOYNIHAN, Mr. President, I am pleased to join with Senators ROBERT BENNETT (R-UT) and CHRISTOPHER DODD (D-CT) today as original cosponsors of President Clinton’s “Year 2000 (Y2K) Information Disclosure Act.” This legislation is intended to promote the open sharing of information about Y2K solutions by protecting those who share information in good faith from liability claims based on exchanges of information. As the President stated in his speech at the National Academy of Sciences on July 14, 1998, the purpose of this legislation is to “guarantee that businesses which share information about their readiness with the public or with each other, and do it honestly and voluntarily, cannot be liable for the exchange of that information if it turns out to be inaccurate.”

The open sharing of information on the Y2K problem will play a significant role in preparing the nation and the world for the millennial malady. I urge the prompt and favorable consideration of this legislation. There is no time to waste.

Mr. DODD. Mr. President, today I join with Senator ROBERT BENNETT, the chairman of the Senate Special Committee on the Year 2000 Technology Problem, to introduce, at the request of the President of the United States, “The Year 2000 Information Disclosure Act.” We are joined in this introduction by Senators MOYNIHAN, KOHL, and ROBB.

It should be clear to even the most disinterested observer that we are facing a serious economic challenge in
form of the Year 2000 computer problem. There is little doubt that the mil- lennium conversion will have a signifi- cant impact on the economy; the out- standing question is how large that im- pact will be.

One of the most relevant factors in assessing the potential impact of this problem is the expected readiness of small and medium sized businesses to deal with this issue. Many of the na- tion's largest corporations are spend- ing hundreds of millions of dollars to prepare for Year 2000 conversion: Citibank is spending $600 million, Aetna is spending more than $125 mil- lion, and the list goes on and on. How- ever, it is not so clear that small and medium sized businesses are approach- ing the problem with similar vigor.

As a result, it is my opinion that it will become increasingly necessary for those companies that have successfully completed remediation and are now testing to be able to share those results with others that might not be as far along. It will be an increasing national economic priority to use all the tools available to help businesses and government entities meet the mil- lennium deadline, and encouraging the sharing of information that can cut precious weeks off the time it takes to get ready will be essential.

I agree with the statements of Presi- dent Clinton that companies that make such voluntary disclosures should not be punished for those disclosures with frivolous or abusive lawsuits. It is to address that concern that the Presi- dent has requested that Senator BEN- NETT and I introduce his legislation. I also agree with the President's analysis that in order for this informa- tion-sharing to be effective, it must start to take place as soon as possible.

Sharing information about non-compliant systems six, eight, or twelve months from now will be of limited value to all concerned.

Some questions have emerged in the press as to the scope of this legislation. The fact is that there are very few weeks left in this session, and therefore the broader the bill, the more difficult it will be to pass. Therefore, if we are intent on providing protection for vol- untary disclosures on Year 2000, it will be very hard to add to that provisions dealing with other aspects of Year 2000 liability. While I believe that concerns on utility liability are real and meaningful, there is little question that dealing with any liability issues is always a controversial and lengthy process. So as we move forward with the concept of a safe harbor for vol- untary disclosure, I hope that we can do so without compromising that legis- lation with these larger and conten- tious issues regarding liability.

President Clinton has given us an excel- lent starting point for discussing these issues. I look forward to working with all my colleagues in the weeks remaining to craft final leg- islation that addresses these issues in a meaningful and constructive manner.

**ADDITIONAL COSPONSORS**

S. 230
At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 657
At the request of Mr. DASCHLE, the name of the Senator from Arizona (Mr. McCaIN) was added as a cosponsor of S. 657, a bill to amend title 10, United States Code, to permit retired mem- bers of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 180
At the request of Mr. ABRAHAM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for produc- ing electricity from wind and closed- loop biomass.

S. 179
At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for produc- ing electricity from wind and closed- loop biomass.

S. 187
At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1877, a bill to remove barriers to the provision of affordable housing for all Americans.

S. 185
At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1905, a bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 199
At the request of Mr. COVERDELL, the name of the Senator from Arizona (Mr. McCaIN) was added as a cosponsor of S. 1959, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 180
At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. LOTT), the Senator from Mis- sissippi (Mr. COCHRAN), the Senator from Washington (Mrs. MURRAY), the

Senator from New Jersey (Mr. TORRICELLI), the Senator from Delaware (Mr. ROTH), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1960, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously author- ized by law, by purchase or exchange as well as by donation.

S. 2061
At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2061, a bill to amend title XVI of the Social Security Act to prohibit trans- fers or discharges of residents of nurs- ing facilities.

S. 2071
At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2071, a bill to extend a quarterly financial report program administered by the Secretary of Commerce.

S. 2086
At the request of Mr. WARNER, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Mississippi (Mr. LOTT), the Senator from Mis- sissippi (Mr. COCHRAN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Delaware (Mr. ROTH), the Senator from North Carolina (Mr. HELMS), and the Senator from Georgia (Mr. CLELAND) were added as cospon- sors of S. 2086, a bill to revise the boundaries of the George Washington Birthplace National Monument.

S. 2183
At the request of Mr. THOMPSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2161, a bill to provide Government- wide accounting of regulatory costs and benefits, and for other purposes.

S. 2222
At the request of Mr. FRIST, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2213, a bill to allow all States to par- ticipate in activities under the Educa- tion Flexibility Partnership Demon- stration Act.

S. 2227
At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 2217, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2233
At the request of Mr. HATCH, the names of the Senator from Alaska (Mr. MURKOWSKI), and the Senator from New York (Mr. D'AMATO) were added as co- sponsors of S. 2233, a bill to amend sec- tion 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2295
At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. BOND), and the Senator from Mass- achusetts (Mr. KERRY) were added as cosponsors of S. 2295, a bill to amend
the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2098

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2098, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicare program.

S. 2138

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2138, a bill to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period.

S. 2344

At the request of Mr. COVERDELL, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2344, a bill to amend the Agricultural Market Transition Act to provide for the advance payment, in full, for the fiscal year 1999 payments, otherwise required under production flexibility contracts.

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 2344, supra.

At the request of Mr. LOTT, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2344, supra.

S. 2352

At the request of Mr. LEATHY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2352, a bill to protect the privacy rights of patients.

S. 2354

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2399

At the request of Mr. INHOFE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2399, a bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. DARCHLE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Concurrent Resolution 101, a concurrent resolution remembering the life of George Washington and his contributions to the United States.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. TORRICELLI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 108, a resolution designating the last week of April of each calendar year as "National Youth Fitness Week."

AMENDMENT NO. 3124

At the request of Mr. MINTZ, the names of the Senator from Minnesota (Mr. WELSTONE), the Senator from Florida (Mr. MACK), the Senator from Oklahoma (Mr. INHOFE), the Senator from Michigan (Mr. ABRAHAM), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of Amendment No. 3124 proposed to S. 2132, an original bill making appropriations for the Department of Defense for fiscal year ending September 30, 1999, and for other purposes.

AMENDMENT NO. 3199

At the request of Mr. JOHNSON his name was added as a cosponsor of Amendment No. 3388 proposed to H.R. 1151, a bill to amend the Federal Credit Union Act to clarify existing law and ratify the proposed by-laws of the National Credit Union Administration Board with regard to field of membership of Federal credit unions.

AMENDMENT NO. 3388

At the request of Mr. JOHNSON his name was added as a cosponsor of Amendment No. 3388 proposed to S. 2312, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

AMENDMENT NO. 3389

At the request of Mr. KERRY, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Louisiana (Mr. BREAXUS) were added as cosponsors of amendment No. 3389 proposed to S. 2312, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

AMENDMENT NO. 3391

At the request of Mr. WARNER, the names of the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. FEINSTEIN), the Senator from Wyoming (Mr. ENZI), the Senator from Maryland (Mr. SARBAZ), the Senator from Delaware (Mr. ROTH), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the United States.

SENATE CONCURRENT RESOLUTION 114—PROVIDING FOR A CONDITIONAL ADJOURNMENT OF BOTH HOUSES

Mr. LOT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate adjourns at the expiration of business on Friday, July 30, 1998, Saturday, August 1, 1998, or Sunday, August 2, 1998, pursuant to a motion made by the Majority Leader or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, August 31 or Tuesday, September 1, 1998, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, August 7, 1998, it stand adjourned until noon on Wednesday, September 9, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their judgment, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 115—TO AUTHORIZE THE PRINTING OF COPIES OF THE PUBLICATION ENTITLED "THE UNITED STATES CAPITOL" AS A SENATE DOCUMENT

Mr. WARNER submitted the following resolution; which was considered and agreed to:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "The United States Capitol" (referred to as "the pamphlet") shall be reprinted as a Senate document.

(b) There shall be printed 2,000,000 copies of the pamphlet in the English language at a cost not to exceed $100,000 for distribution as follows:

(1)(A) 206,000 copies of the publication for the use of the Senate, with 2,000 copies distributed to each Member;

(B) 186,000 copies of the publication for the use of the House of Representatives, with 2,000 copies distributed to each Member; and

(C) 908,000 of the publication for distribution to the Capitol Visitors Center of business.

(2) if the total printing and production costs of copies in paragraph (1) exceed $100,000, such number of copies of the publication as does not exceed total printing and production costs of $100,000, with distribution to be allocated in the same proportion as in paragraph (1).

(c) In addition to the copies printed pursuant to subsection (b), there shall be printed at a total printing and production cost of not to exceed $70,000:

(1) 50,000 copies of the pamphlet in each of the following 5 languages: German, French, Russian, Chinese, and Japanese; and.
Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth and to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from irresponsibility and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from irresponsibility and to contribute to their communities;

Whereas the importance of the role of the child within the family and society;

Whereas children are the responsibility of all Americans and everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved, That—

(1) It is the sense of the Senate that October 11, 1998, should be designated as "National Children's Day"; and

(2) The President is requested to issue a proclamation to the people of the United States to observe "National Children's Day" with appropriate ceremonies and activities.

Mr. GRAHAM. Mr. President, today I submit a resolution that designated October 11, 1998 as National Children's Day.

Our children are our future. Over 5 million children, however, go hungry at some point each month. There has been a 60 percent increase in the number of children needing foster care in the last 10 years. Many children today face crises of grave proportions, especially as they enter their adolescent years.

The establishment of a National Children’s Day would help us focus on our children’s needs and recognize their accomplishments. It would encourage families to spend more quality time together and highlight the special importance of the family unit as the bedrock of the nation.

It is important that we show our support for the youth of America. This simple resolution will foster family togetherness and ensure that our children receive the attention they deserve.

I urge my colleagues to join me in establishing National Children’s Day.

Whereas cooperation between the United States and Japan in science and technology holds the promise of better assuring human health and nutrition, enhancing the quality of the environment, lessening the impact of natural and man-made disasters, providing for more productive agriculture, stimulating discoveries in the basic processes of life and expanding economic growth, furthering advances in space exploration, improving manufacturing processes, and strengthening communications through electronic language translation;

Whereas, productive collaboration with Japan has increased due to negotiated frameworks such as the bilateral Agreement for Comprehensive Strategic Policy on Science and Technology and efforts by the Government of Japan to invite larger numbers of U.S. scientists to participate in university, government and industrial research in Japan;

Whereas, the flow of science and technology from the United States to Japan is nonetheless still larger than the reverse due partly to barriers Japan has erected to the outward flow of scientific and technological information and data, as well as barriers to the inward flow of foreign investment and foreign participation in industrial organizations such as consortia and associations;

Whereas, the application of rigorous scientific methods to the development of standards and regulations can help mitigate certain marketplace access and trade problems;

Whereas, Japan’s treatment of scientific and technological advances continues to handicap U.S. innovators in Japan due to inadequate intellectual property protection;

Resolved, That it is the sense of the Senate that:

(1) The Government of the United States should place priority on formulating a comprehensive and strategic policy of advancing science and technology for the purpose of accelerating scientific and technological progress and cooperating with Japan in advancing science and technology for the benefit of both nations as well as the rest of the world;

(2) Among other goals, that policy should aim to promote strategic cooperation on areas that further U.S. policy interests in science and technology; more balanced flows of scientific and technological information and personnel between the United States and Japan; more rigorous application of scientific methods to the development of standards and regulations; more equitable intellectual property protection; and

(3) The Government of the United States should integrate this strategic policy into current and future science and technology agreements with the Government of Japan.

Mr. ROTH. Mr. President, I rise today on behalf of myself and Mr. BINGAMAN to submit a resolution to state the sense of the Senate that the Governments of the United States and Japan should place priority on formulating a comprehensive and strategic policy of advancing science and technology for the benefit of both nations as well as the rest of the world.

As this body is well aware, Japan is facing a number of economic and financial challenges that child in the family are of vital importance to the bilateral relationship. I have spoken about these challenges at length in other fora including through a hearing recently held by the Finance Committee. While our priority in bilateral relations should remain Japan’s economic challenges, I also do not lose sight of other aspects of the relationship that are important to our shared future.

SENATE RESOLUTION 261—TO PRIVATIZE THE SENATE BARBER AND BEAUTY SHOPS AND THE SENATE RESTAURANTS

Mr. BROWNBACK submitted the following resolution; which was referred to the Committee on Rules and Administration:

Resolved, That (a) the Sergeant at Arms and Doorkeeper of the Senate shall convert the Senate barber shop and Senate beauty shop to operation by a private sector source under contract.

(b) The Architect of the Capitol shall convert the Senate restaurants to operation by a private sector source under contract.

SENATE RESOLUTION 262—TO STATE THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE UNITED STATES SHOULD PLACE A PRIORITY ON FORMULATING A COMPREHENSIVE AND STRATEGIC POLICY WITH JAPAN IN ADVANCING SCIENCE

Mr. BINGAMAN to submit a resolution to state the sense of the Senate; which was referred to the Committee on Foreign Relations:

Resolved, That it is the sense of the Senate that:

(1) The Government of the United States should place priority on formulating a comprehensive and strategic policy of advancing science and technology for the purpose of accelerating scientific and technological progress and cooperating with Japan in advancing science and technology for the benefit of both nations as well as the rest of the world;

(2) Among other goals, that policy should aim to promote strategic cooperation on areas that further U.S. policy interests in science and technology; more balanced flows of scientific and technological information and personnel between the United States and Japan; more rigorous application of scientific methods to the development of standards and regulations; more equitable intellectual property protection; and

(3) The Government of the United States should integrate this strategic policy into current and future science and technology agreements with the Government of Japan.

Mr. BINGAMAN. Mr. President, I rise today on behalf of myself and Mr. BINGAMAN to submit a resolution to state the sense of the Senate that the Governments of the United States and Japan should place priority on formulating a comprehensive and strategic policy of advancing science and technology for the benefit of both nations as well as the rest of the world.

As this body is well aware, Japan is facing a number of economic and financial challenges that child in the family are of vital importance to the bilateral relationship. I have spoken about these challenges at length in other fora including through a hearing recently held by the Finance Committee. While our priority in bilateral relations should remain Japan’s economic challenges, I also do not lose sight of other aspects of the relationship that are important to our shared future.
For example, Japan is a major source of leading-edge science and technology. Two years ago, the Government of Japan released its Basic Plan for Science and Technology. That plan called for substantial funding increases and important policy reforms to strengthen the country's science and technology programs and processes. This year, the Government of Japan will increase its investment in science and technology by more than 21 percent. Through these new resources, Japan—already at the forefront in many areas of science and technology—will be poised to make further important advances.

For decades, the United States has shared the fruit of its own basic research with Japan and the rest of the world in an effort to enhance global prosperity and the lives of average people around the world. With its increased resources devoted to science and technology, Japan has a more important opportunity to join the United States in taking a similar approach toward sharing advances in science and technology. The potential for greater benefits for both countries and for the rest of the world are enormous.

For example, opportunities are emerging to improve human health by jointly addressing the problems posed by infectious diseases; sustaining the quality of the environment through research on global climate change; reducing the risks posed by earthquakes and hurricanes; furthering the fundamental understanding of matter so important for advances in new materials, telecommunications, and new medical treatments; and better ensuring mutual security.

Partly because Japan was engaged in catching up with other leaders in science and technology for much of the postwar period, Tokyo tended to emphasize catch-up—rather than the sharing—of information. Now that Japan is a global leader in science and technology, however, I believe Tokyo should move toward greater emphasis on cooperation. Similarly, I believe it important that Japan pay more attention to basic research that advances general knowledge as opposed to Tokyo's traditional emphasis on applied research.

The potential for a greater bilateral partnership in science and technology is growing, and both the United States and Japanese governments should work toward turning that potential into reality. That is the purpose of this resolution and I urge my colleagues to support its early passage.

Mr. BINGAMAN. Mr. President, I rise today in enthusiastic support of the statement made by Senator ROTH concerning the U.S.-Japan relationship and, furthermore, to ask our colleagues to support this resolution.

As a ambassador, I have been integrally involved over the years with many of my colleagues in ascertaining the obstacles and opportunities that exist between the United States and Japan. I have offered ongoing support for a cooperative, forward-looking bilateral relationship that is defined by transparency, access, equity and reciprocity. Given the current environment, much is needed for political economic instability, I believe the U.S.-Japan relationship to be one of our country's most important in that region, and worthy of constant and precise attention.

In the future, as in the past, Japan will be both partner and competitor, and we must ensure that we maintain our support for this relationship while we recognize both its possibilities and its limitations.

The resolution submitted by Senator ROTH and I identifies the level of science and technology interaction that has developed between the United States and Japan over the last decade, and gives a number of suggestions as to where we should go in the future. Specifically, I refer to the U.S.-Japan Science and Technology Agreement, which is now being re-negotiated by our two governments. Let me describe in concise terms what I see as important in this regard.

Significantly, all of these projects mentioned above will benefit not only the United States and Japan, but also the developed and developing countries in the world—many of which are eager for the knowledge and technology that derive from our two countries' cooperative activities. This interaction has already provided innumerable advantages to the international community, and can only provide even more in the future. With certain limitations, it deserves our wholehearted support.

The current resolution outlines some, but not all of these conditions. As specific examples, we need to ensure that the cooperative interaction between the United States and Japan results in balanced and easily accessible flows of information between the United States and Japan, and that all data from this interaction be easily available to other scientists and engineers in the international community. International access to private sector laboratories in Japan needs to be improved. Divisions that exist between ministries in Japan—fragmentation that creates serious obstacles for research projects that include national universities and government research laboratories—must be made less evident. Effective mechanisms that allow the U.S. and other countries to participate in Japan's important projects need to be developed and obstacles that preclude this interaction eliminated.

A more complete development of common regulations and standards should be pursued, and dual use and export control policies clarified. Questions regarding intellectual property rights have existed far too long and should be rectified. Finally, the obvious relationship that exists between science, technology and trade relations should be recognized, and understandings reached between the two governments on important, cross-cutting issues.

While these aforementioned problems should not prevent the U.S.-Japan Science and Technology Agreement from being renewed, our concerns should be made apparent during negotiations.

I would argue that any new agreement must satisfy three criteria: First, it must recognize that serious structural and procedural asymmetries still exist between the two countries and that they must be resolved;

Second, it must provide freedom for scientists and engineers to interact and complete their research as free as possible from government interference;

Finally, it must recognize that the results that derive from U.S.-Japan science and technology cooperation has the potential to alleviate many of the problems we face in the world today and, as such, should be easily diffused into the international community.

Much of our current science and technology cooperation with Japan rests on a single but extremely important premise: the U.S. economic and national security interests depend on being a leader in fundamental research in critical areas, and then encourage innovation that will result in competitive advantage. Where this research might once have been done in isolation and without data input from other countries, it now requires the capacity to access information and technologies being developed elsewhere. While the United States has been inattentive to the importance of increased expenditures on science and technology, Japan has not. While we still lead in many technologies, we will not do so in perpetuity.

Science and engineering are the archetypical endeavors of the current international society: individuals and ideas come together in an effort to improve the collective welfare of the global community at large. We must recognize this dynamic, and encourage it every way we can.

Let me emphasize that the results of research in leading-edge technologies in the world are not abstractions. As America's productivity, competitiveness, and economic performance—indeed, its very economic security—depends upon
cooperative research and development with Japan and other countries, these results provide tangible advantages for families in New Mexico and every other state in the union. The car you drive, the home you live in, the appliances you use, the food you eat, the air you breathe—all of these derive from research and development programs that were undertaken yesterday. These programs should be a national priority.

To this end, it is essential that we further solidify the cooperative linkages that exist between our two countries, to find ways to leverage increasingly scarce funds, to combine diverse and complementary streams of ideas and technologies, and to provide mutual advantages to our respective societies and the international community as a whole.

Although some would deny the obvious synergies that exist between the United States and Japan at this time, it is not in our national interest to do so. The question is no longer whether these synergies will exist, but under what conditions they will exist. Interaction between our two countries exists on a scale far beyond what many once considered possible, and it will only grow as scientific and technological interaction between the two countries increases. We should take real pride in this development, just as we must, at the same time, carefully consider the path we will follow in the future.

While the current resolution is non-binding, it does reflect our desire to engage Japan in an ongoing, cooperative, and reciprocal relationship. Senator Roth and I consider the U.S.-Japan Science and Technology Agreement to be an interactive arrangements of the highest importance, and we hope other colleagues will join us in our support for its renewal.

SENATE RESOLUTION 263—TO AUTHORIZE PAYMENT OF THE EXPENSES OF REPRESENTATIVES OF THE SENATE ATTENDING THE FUNERAL OF A SENATOR

Mr. WARNER submitted the following resolution; which was considered and agreed to:

S. RES. 263

Resolved, That, upon approval by the Committee on Rules and Administration, the Secretary of the Senate is authorized to pay, from the contingent fund of the Senate, the actual and necessary expenses incurred by the representatives of the Senate who attend the funeral of a Senator, including the funeral of a retired Senator. Expenses of the Senate representatives attending the funeral of a Senator shall be processed on vouchers submitted by the Secretary of the Senate and approved by the Chairman of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

GRASSLEY AMENDMENT NO. 3390
(Ordered to lie on the table.) Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill (S. 2132) making appropriations for the Department of Defense for fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8204. Effective on June 30, 1999, section 810(a) of the Department of Defense Appropriations Act, 1997 (titles I through V of the major under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended—

(1) by striking out “not later than June 30, 1997,” and inserting in lieu thereof “not later than June 30, 1999,”; and

(2) by striking out “$1,000,000” and inserting in lieu thereof “$500,000.”

STEVENS (AND INOUE) AMENDMENT NO. 3391

Mr. STEVENS (for himself and Mr. INOUE) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, in between lines 17 and 18, insert the following:

SEC. 8204(a) On page 34, line 24, strike out all after “$94,500,000” down to and including “1999” on page 35, line 7.

(b) On page 41, line 1, strike out the amount “$2,000,000” and insert the amount “$1,775,000,000.”

(c) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for “Military Personnel, Army,” $58,000,000; for “Military Personnel, Navy,” $43,000,000; for “Military Personnel, Marine Corps,” $14,000,000; for “Military Personnel, Air Force,” $58,000,000; for “Reserve Personnel, Army,” $5,377,000; for “Reserve Personnel, Navy,” $3,684,000; for “Reserve Personnel, Marine Corps,” $1,103,000; for “Reserve Personnel, Air Force,” $1,000,000; for “National Guard Personnel, Army,” $9,392,000; and “National Guard Personnel, Air Force,” $4,000,000.

(d) Notwithstanding any other provision in this Act, the total amount available in this Act for “Quality of Life Enhancements, Defense,” real property maintenance is hereby decreased by reducing the total amounts appropriated in the following accounts: “Operation and Maintenance, Army,” by $50,000,000; “Operation and Maintenance, Navy,” by $43,000,000; “Operation and Maintenance, Marine Corps,” by $14,000,000; and “Operation and Maintenance, Air Force,” $4,000,000.

(e) Notwithstanding any other provision in this Act, the total amount appropriated under the heading “National Guard and Reserve Equipment”, is hereby reduced by $24,668,000.

STEVENS AMENDMENT NO. 3392

Mr. STEVENS proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. . For an additional amount for “Overseas Contingency Operations Transfer Fund,” $1,856,600,000: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, the defense health program appropriations and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by Congress as an emergency pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ROBERTS AMENDMENT NO. 3393

Mr. ROBERTS proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8204. (a) None of the funds appropriated or otherwise made available under this Act may be obligated or expended for any deployment of forces of the Armed Forces of the United States to Yugoslavia, Albania, or Macedonia unless and until the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the House of Representatives, and the Majority Leader of the Senate, transmits to Congress a report on the deployment that includes the following:

(1) The President’s certification that the presence of those forces in each country to which the forces are to be deployed is necessary in the national security interests of the United States.

(2) The reasons why the deployment is in the national security interests of the United States.

(3) The number of United States military personnel to be deployed to each country.

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exit strategy for United States forces engaged in the deployment.

(7) The costs associated with the deployment and the funding sources for paying those costs.

(8) The anticipated effects of the deployment on the morale, retention, and effectiveness of United States forces.

(b) Subsection (a) does not apply to a deployment of forces—

(1) in accordance with United Nations Security Council Resolution 795; or

(2) under circumstances determined by the President to be an emergency necessitating immediate deployment of the forces.

SANTORUM AMENDMENT NO. 3394

Mr. SANTORUM proposed an amendment to the bill, S. 2132, supra; as follows:

On page 26, line 8, increase the amount by $8,200,000.

On page 10, line 6, reduce the first amount by $8,200,000.

Mr. SANTORUM, Mr. President, this amendment to S. 2132, the Fiscal Year 1999 Defense Appropriations Act, seeks to add $8.2 million for the procurement of 60-mileimeter, high-explosive munitions for the Marine Corps.

The additional funds would help alleviate training constraints for Marine...
Corps units due to shortages in this term, and will help reduce the coming “bow-wave” of procurement requirements we may not have the resources to fund in future years. The Marine Corps has stated that procurement at this level would be consistent with its acquisition strategy regarding ammunition.

I would like to clarify that funds for this procurement have been identified. In order to fund this important acquisition I have identified the Air Force war reserve materials account.

KEMPTHORNE AMENDMENT NO. 3395

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

On page 11, line 7 after the period insert the following: “Provided, That of the funds appropriated under this heading, $35,000,000 shall be made available only for use for Impact Aid to local educational agencies.”

FAIRCLOTH AMENDMENT NO. 3396

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

Sec. 8014. (a) Not later than six months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing a comprehensive assessment of the TRICARE program.

(b) The assessment under subsection (a) shall include the following:

(1) A comparison of the health care benefits available under the health care options of the TRICARE program known as TRICARE Standard, TRICARE Prime, and TRICARE Extra with the health care benefits available under the health care plan of the Federal Employees Health Benefits program most similar to each such option that has been in effect as of the date of enactment of this Act, including—

(A) the types of health care services offered by each option and plan under comparison;

(B) the ceilings, if any, imposed on the costs of services covered under each option and plan under comparison; and

(C) the timeliness of payments to physicians providing services under each option and plan under comparison.

(2) An assessment of the effect on the subscription choices made by potential subscribers for the TRICARE program of the Defense policy to grant priority in the provision of health care services to subscribers to a particular option.

(3) An assessment whether or not the implementation of the TRICARE program has discouraged medicare-eligible individuals from obtaining health care services from facilities during the two-year period ending with the commencement of the implementation of the TRICARE program; and

(B) an estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period following the commencement of the implementation of the TRICARE program.

(4) An assessment of any other matters that the Comptroller General considers appropriate for purposes of this section.

(c) In this section:

(1) The term “Federal Employees Health Benefits program” means the health benefits program under chapter 89 of title 5, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

FEINGOLD (AND OTHERS) AMENDMENT NO. 3397

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself, Mr. KOHLS, and Mr. BRYAN) submitted an amendment to the bill, S. 2132, supra; as follows:

On page 13, line 9, increase the amount by $210,700,000.

On page 25, line 25, reduce the amount by $210,700,000.

KYL AMENDMENT NO. 3398

Mr. KYL proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

Sec. 8004. (a) None of the funds appropriated by this Act may be obligated or expended for the establishment or operation of the Defense Threat Reduction Agency until the Secretary of Defense takes the following actions:

(1) Establishes within the Office of the Under Secretary of Defense for Policy the position of Deputy Under Secretary of Defense for Technology Security Policy and designates that official to serve as the Director of the Defense Security Technology Agency with only the following duties:

(A) To develop for the Department of Defense policies and positions regarding the appropriate export control policies and procedures that are necessary to protect the national security interests of the United States;

(B) To supervise activities of the Department of Defense relating to export controls.

(C) As the Director of the Defense Security Technology Agency—

(i) to review, under that program, international transfers of defense-related technology, goods, and munitions; in order to determine whether such transfers are consistent with United States foreign policy and national security interests and to ensure that such international transfers comply with Department of Defense technology security policies;

(ii) to ensure (using automation and other computerized techniques to the maximum extent practicable) that the Department of Defense role in the processing of export license applications is carried out as expeditiously as is practicable consistent with the national security interests of the United States; and

(iv) to actively support intelligence and enforcement activities of the Federal Government to restrain the flow of defense-related technology, goods, services, and munitions to potential adversaries.

(2) Submits to Congress a written certification that—

(A) the Defense Security Technology Agency is to remain a Defense Agency independent of all other agencies of the Department of Defense and the military departments; and

(B) no funds are to be obligated or expended for integrating the Defense Security Technology Agency into another Defense Agency.

BAUCUS AMENDMENT NO. 3399

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment to be proposed by him to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

Sec. 804. (a) The ceilings, if any, imposed on the costs of services covered under each option and plan under comparison.

(b) The ceilings, if any, imposed on the costs of services covered under each option and plan under comparison.

(c) The ceilings, if any, imposed on the costs of services covered under each option and plan under comparison.

(d) The ceilings, if any, imposed on the costs of services covered under each option and plan under comparison.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 3400

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

Sec. 804(a) that of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $4,500,000 shall be available for the Defense Systems Evaluation program for support of test and evaluation operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas.”

GRAHAM (AND MACK) AMENDMENT NO. 3401

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. MACK) submitted an amendment intended to be proposed by them to the bill, S. 2132, supra; as follows:
On page 99, between lines 17 and 18, insert the following:

TITHE IX—COMMERCIAL SPACE

SEC. 901. SHORT TITLE.
This title may be cited as the “Commercial Space Act of 1998.”

SEC. 902. DEFINITIONS.
In this title:
(A) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.
(B) COMMERCIAL PROVIDER.—The term “commercial provider” means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments.
(C) PAYLOAD.—The term “payload” means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload.
(D) SPACE-RELATED ACTIVITIES.—The term “space-related activities” includes research and development, manufacture, processing, service, and other associated and support activities.
(E) SPACE TRANSPORTATION SERVICES.—The term “space transportation services” means the preparation of a space transportation vehicle and its payloads for transportation to, from, within the outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory.
(F) SPACE TRANSPORTATION VEHICLE.—The term “space transportation vehicle”—
(A) means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory; and
(B) includes any component of that vehicle not specifically designed or adapted for a payload.
(G) STATE.—The term “State” means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.
(H) UNITED STATES COMMERCIAL PROVIDER.—The term “United States commercial provider” means a commercial provider, organized or domiciled in the United States or of a State, that is—
(A) more than 50 percent owned by United States nationals; or
(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—
(i) that subsidiary has in the past evidenced a substantial commitment to the United States market through—
(A) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and
(B) significant contributions to employment in the United States; and
(ii) each country in which that foreign company operates or organizes and, if applicable, in which that foreign company principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to that foreign company’s subsidiary in the United States, as evidenced by—
(aa) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;
(bb) providing no barriers, to companies described in subparagraph (A) with respect to space-related activities that are not provided to foreign companies in the United States; and
(cc) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).
SEC. 903. COMMERCIALIZATION OF SPACE STATION ACTIVITY.
(A) POLICY.—Congress declares that—
(1) a priority goal of constructing the International Space Station is the economic development of Earth orbital space;
(2) free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space; and
(3) the use of free market principles in operating, servicing, allocating the use of, and marketing space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload.
(B) ADDITIONAL REQUIREMENTS.—In addition to meeting the requirements under subparagraph (A), the study under this paragraph shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1) based on the external market assessment.
(C) SUBMISSION OF REPORT.—The Administrator shall deliver to Congress, no later than 180 days after the date of enactment of this Act, a report detailing how many proposals (whether solicited or not) the National Aeronautics and Space Administration received during calendar year 1998 regarding commercial operation, servicing, utilization, or augmentation of the International Space Station, broken down by each of those 4 categories, and specifying how many agreements the National Aeronautics and Space Administration has entered into in response to these proposals, also broken down by those 4 categories.
(D) ROLE OF STATE GOVERNMENTS.—Each of the studies and reports required by paragraphs (1), (2), and (3) shall include consideration of the potential role of State government as brokers in promoting commercial participation in the International Space Station program.
SEC. 904. COMMERCIAL SPACE LAUNCH AMENDMENTS.
(A) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—
(1) in the table of sections—
(A) by amending the item relating to section 70104 to read as follows: “70104. Restrictions on launches, operations, and reentries.”;
(B) by amending the item relating to section 70108 to read as follows: “70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentry entries.”;
(C) by amending the item relating to section 70109 to read as follows: “70109. Preemption of scheduled launches or reentries.”;
and
(D) by adding at the end the following new items:
“70120. Regulations.
70121. Report to Congress.”
(2) in section 70101—
(A) by inserting “microgravity research,” after “information services,” in subsection (a)(3);
(B) by inserting “, reentry,” after “launching,” both places it appears in subsection (a)(4);
(C) by inserting “, reentry vehicles,” after “launch vehicles” in subsection (a)(5);
(D) by inserting “and reentry services” after “launch services” in subsection (a)(6); and
(E) by inserting “, reentries,” after “launches” both places it appears in subsection (a)(7);
(F) by inserting “, reentry sites,” after “launch sites” in subsection (a)(8);
(G) by inserting “and reentry services” after “launch services” in subsection (a)(8);
(H) by inserting “reentry sites,” after “launch sites,” in subsection (a)(9);
(I) by inserting “and reentry site” after “launch site” in subsection (a)(9);
(J) by inserting “, reentry vehicles,” after “launch vehicles” in subsection (b)(2); and
(K) by striking “launching” in subsection (b)(2); and
(L) by inserting “and reentry” after “conduct of commercial launch” in subsection (b)(2); and
(M) by striking “launching” after “and transfer commercial” in subsection (b)(3); and
(N) by inserting “and development of reentry” after “the on-site support facilities,” in subsection (b)(4);
(3) in section 70102—
(A) in paragraph (3)—
(i) by striking “and any payload” and inserting in lieu thereof “or reentry vehicle and any payload from Earth”;
(ii) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a comma; and
(iii) by adding after subparagraph (C) the following:
“including activities involved in the preparation of a launch vehicle on payload for launch, when those activities take place at a launch site in the United States.”;
“70104. Restrictions on launches, operations, and reentries.”;
“70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentry entries.”;
“70109. Preemption of scheduled launches or reentries.”;
“70120. Regulations.
70121. Report to Congress.”
(2) in section 70101—
(A) by inserting “microgravity research,” after “information services,” in subsection (a)(3);
(B) by inserting “, reentry,” after “launching,” both places it appears in subsection (a)(4);
(C) by inserting “, reentry vehicles,” after “launch vehicles” in subsection (a)(5);
(D) by inserting “and reentry services” after “launch services” in subsection (a)(6); and
(E) by inserting “, reentries,” after “launches” both places it appears in subsection (a)(7);
(F) by inserting “, reentry sites,” after “launch sites” in subsection (a)(8);
(G) by inserting “and reentry services” after “launch services” in subsection (a)(8);
(H) by inserting “reentry sites,” after “launch sites,” in subsection (a)(9);
(I) by inserting “and reentry site” after “launch site” in subsection (a)(9);
(J) by inserting “, reentry vehicles,” after “launch vehicles” in subsection (b)(2); and
(K) by striking “launching” in subsection (b)(2); and
(L) by inserting “and reentry” after “conduct of commercial launch” in subsection (b)(2); and
(M) by striking “launching” after “and transfer commercial” in subsection (b)(3); and
(N) by inserting “and development of reentry” after “the on-site support facilities,” in subsection (b)(4);
(3) in section 70102—
(A) in paragraph (3)—
(i) by striking “and any payload” and inserting in lieu thereof “or reentry vehicle and any payload from Earth”;
(ii) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a comma; and
(iii) by adding after subparagraph (C) the following:
“including activities involved in the preparation of a launch vehicle on payload for launch, when those activities take place at a launch site in the United States.”;
“70120. Regulations.
70121. Report to Congress.”
(B) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);
(C) by inserting "AND REENTRIES" after "launch site,''; and
(D) by inserting "or a reentry site, or the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.'';
E by inserting "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and
(F) by inserting "or reentry vehicle", after "manufacturer of the launch vehicle" in subsection (d);

12. Section 7012—
(A) in subsection (a)(1), by inserting "launch or reentry" after "(1) When a";
(B) by inserting "or reentry" after "one launch or reentry" in subsection (c); and
(C) by inserting "or reentry services" after "launch services in subsection (a)(4);"
(D) in subsection (b)(1), by inserting "launch vehicle or reentry vehicle" after "launch or reentry" in subsection (c);
(E) by inserting "or reentry services" after "launch services" each place it appears in paragraphs (1) and (2) of subsection (b);
(G) by striking "Space, and Technology" in subsection (d)(4);
(H) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e);

13. In subsection (f), by inserting "launch or reentry" after "carried out under a";

14. In section 70113—by inserting "or reentry" after "one launch" each place it appears in paragraphs (1) and (2) of subsection (d);
15. In section 70117—
(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a); (B) by inserting "or reentry" after "appraisal of a space launch" in subsection (d);
(C) by amending subsection (f) to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries.

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a); (C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4); (D) in subsection (b)—
(i) by striking "license" and inserting in lieu thereof "license";
(ii) by inserting "or reentry" after "may launch";
(iii) by inserting "or reentering" after "related to launching"; and
(E) in subsection (c)—
(i) by amending the heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.
(ii) by inserting "or reentry" after "prevent the launch"; and
(iii) by inserting "or reentry" after "decedes the launch.""

6. In section 7005—
(A) by inserting "(1)" before "A person may apply in subsection a") (B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application and";
(C) by amending subsection (b)(1) to read as follows: "(1) The Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written notice not later than 30 days after occurrence when a license is not issued within the deadline established by this subsection.

7. In section 7010, paragraph (1), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel pertaining to conducting licensed commercial space launch or reentry activities;'

8. By inserting "or reentry service" in paragraphs (1) and (2) of subsection (b);
(C) by striking "source." in subsection (d)(4); and
(D) by inserting "or a reentry site, or the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.'';
E by inserting "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and
(F) by inserting "or reentry vehicle", after "manufacturer of the launch vehicle" in subsection (d);
(4) procedures for requesting and obtaining launch site operator licenses; and
(5) procedures for the application of government indemnification.
(b) The Administrator of the Office of Commercial Space Transportation, not later than 6 months after the date of the enactment of this section, shall issue a notice of proposed rulemaking to carry out this chapter that includes—
(1) procedures for requesting and obtaining licenses to reenter a reentry vehicle;
(2) procedures for requesting and obtaining operator licenses for reentry; and
(3) procedures for requesting and obtaining reentry site operator licenses.

SEC. 70121. Report to Congress
(1) The Secretary of Transportation shall submit to Congress an annual report to accompany the President’s budget request submitted under section 1105(a) of title 31, United States Code, that—
(A) describes all activities undertaken under this section including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and
(B) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.

SEC. 905. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.
(a) FINDING.—Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data processing and related services, has become an essential element in the economic, employment, technological, scientific, and national security interests of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—Congress authorizes appropriations to the Department of Transportation for—
(1) $6,600,000 for the fiscal year ending September 30, 1998; and
(2) $6,600,000 for the fiscal year ending September 30, 2000.

(c) EFFECTIVE DATE.—The amendments made by subsection (a)(6)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(H).

SEC. 906. ACQUISITION OF SPACE SCIENCE DATA.
(a) ACQUISITION FROM COMMERCIAL PROVIDERS.—In order to satisfy the scientific and educational requirements of the National Aeronautics and Space Administration, and where practicable of other Federal agencies and scientific researchers, the Administrator of the National Aeronautics and Space Administration shall to the maximum extent practicable acquire, if cost effective, space science data from a commercial provider.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations. Nothing in this subsection shall be construed to preclude the United States from acquiring sufficient space science data to meet the scientific and educational community or the needs of other government activities.

(c) DEFINITION.—For purposes of this section, the term "space science data" includes scientific data concerning the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets, microgravity acceleration, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

SEC. 907. ADMINISTRATION OF COMMERCIAL SPACE CENTERS.
The Administrator shall administer the Commercial Space Center program in a coordinated manner from National Aeronautics and Space Administration headquarters in Washington, D.C.

SEC. 908. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.
(a) FINDINGS.—Congress finds that—
(1) a robust domestic United States industry in land remote sensing is in the economic, employment, technological, scientific, and national security interests of the United States;
(2) to some extent the United States must nurture a commercial remote sensing industry that leads the world;
(3) the Federal Government must provide policy tools to promote a stable business environment for that industry to succeed and fulfill the national interest;
(4) it is the responsibility of the Federal Government to ensure that the national and international conditions favorable to the health and growth of the United States commercial remote sensing industry;
(5) it is a fundamental goal of United States policy to support and enhance United States industrial competitiveness in the field of remote sensing, while at the same time protecting the national security concerns and international obligations of the United States;
(6) it is fundamental that the States be able to deploy and utilize that technology in their land management responsibilities;
(7) to date, very few States have the ability to deploy and utilize that technology in the United States; and
(8) in order to develop a market for the commercial sector, the States must have the capacity to fully utilize that technology.

(b) AMENDMENTS.—The Land Remote Sensing Policy Act of 1992 is amended as follows:
(1) in section 2 (15 U.S.C. 5602)—
(A) by amending paragraph (5) to read as follows:
(5) Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal, of United States policy;
(B) by striking paragraph (6) and redesignating paragraphs (7) through (15) as paragraphs (6) through (15), respectively;
(c) in paragraph (13), as redesignated by subparagraph (B) of this paragraph, by striking "determining the design" and all that follows through "international consortium" and inserting in lieu thereof "ensuring the continuity of Landsat quality data"; and
(D) by adding at the end the following:
(18) The United States should encourage remote sensing systems to promote access to land remote sensing data by scientific researchers and educators.

(17) It is in the best interest of the United States to encourage research and development of national systems, whether privately-funded or publicly-funded, to promote widespread affordable access to unenhanced land remote sensing data by scientists and researchers and to allow such users appropriate rights for redistribution for scientific and educational non-commercial purposes.
(2) in section 101 (15 U.S.C. 5611)—
(A) in subsection (c)—
(i) by inserting "and" at the end of paragraph (1) and inserting in lieu thereof paragraph (7);
(ii) by striking paragraph (7); and
(iii) by redesignating paragraph (8) as paragraph (7); and
(B) in subsection (e)(1), by striking "and" at the end of subparagraph (A);
(iii) by striking "and" at the end of subparagraph (B) and inserting in lieu thereof a period;
(iii) by striking subparagraph (C);
(3) in section 201 (15 U.S.C. 5620)—
(A) by inserting "1" after "NATIONAL SECURITY"; and
(B) in subsection (b)(1), as redesignated by subparagraph (A) of this paragraph—
(i) by striking "No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply" and inserting in lieu thereof "The Secretary shall grant a license if the Secretary determines that the activities proposed in the application are consistent";
(ii) by inserting "and", and that the applicant has provided assurances adequate to indicate, in combination with other information available to the Secretary that is relevant to activities proposed in the application, that the applicant will comply with all terms of the license" after "concerns of the United States"; and
(iii) by inserting "and" after "international obligations" after "and policies".
(C) by adding at the end of subsection (b) the following new paragraph:
(8) The Secretary, not later than 6 months after the date of submission of the Department of Defense Appropriations Act, 1999, shall publish in the Federal Register a complete and specific list of all information required to complete the application for a license under this title. An application shall be considered complete with respect to an applicant who has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary determines in writing that the applicant has provided all information required to complete the application, notified the applicant of the information required to complete the application, and received the application in good order, the Secretary shall not issue a license to the applicant.
an application, the Secretary may not deny the application on the basis of the absence of any such information;’’; and

(D) in subsection (c), by amending the second paragraph so as to read as follows: ‘‘the Secretary has not granted the license within 120 days of the date of the application, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant or the Secretary in order to result in the granting of a license.’’;

(A) by striking ‘‘section 506’’ in subsection (b)(1) and inserting in lieu thereof ‘‘section 507’’;

(B) in subsection (b)(2), by striking ‘‘as soon as such data are available and on reasonable terms and conditions’’ and inserting in lieu thereof ‘‘on reasonable terms and conditions, including the provision of such data in a timely manner subject to United States national security and foreign policy interests’’;

(C) in subsection (b)(6), by striking ‘‘any agreement’’ and all that follows through ‘‘entities’’ and inserting in lieu thereof ‘‘any significant or substantial agreement’’;

(D) by inserting after paragraph (6) of subsection (b) the following: ‘‘The Secretary may not seek to enjoin a company, to the extent of agreeing into a foreign agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, given the company a written statement that such agreement is inconsistent with the national security, foreign policy, or international obligations of the United States, including an explanation of that inconsistency.’’;

(2) by adding at the end of title II the following:

``(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of State on all matters under title II affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary for reasons of national security concerns of the United States, and for notifying the Secretary promptly of such conditions. The Secretary of Defense shall convey to the Secretary the determinations for a license issued under title II, consistent with this Act, that the Secretary of Defense determines necessary to meet the national security concerns of the United States.’’;

(B) by striking subsection (b)(1) and (2) and inserting the following:

``(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under title II affecting international obligations and policies of the United States.

(2) The Secretary shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States.’’

``(2) Appropriate United States Government agencies are authorized and encouraged to provide remote sensing data, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from commercial providers. National Aeronautics and Space Administration, United States Geological Survey, and National Oceanic and Atmospheric Administration should develop and implement a program for providing training and technology and Mission to Planet Earth (OES) science at the state level’’; and

(C) in subsection (d), by striking ‘‘Secretary may require’’ and inserting ‘‘Secretary shall, if appropriate, require’’.

``(a) ACQUISITION.—For purposes of meeting Government goals for Mission to Planet Earth, and in order to satisfy the scientific and educational requirements of the National Aeronautics and Space Administration, the United States shall, or through Federal agencies and scientific researchers, the Administrator shall to the maximum extent practicable acquire, if cost-effective, space transportation capabilities of United States commercial providers.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be treated as commercial items in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that those data, services, distributions, and applications shall be considered to be a commercial item for purposes of such laws and regulations. Nothing in this subsection shall be construed to prohibit the United States from acquiring sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

``(a) in general.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from United States commercial providers in any case in which those services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall seek to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the Space Shuttle;

(2) cost-effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with foreign policy objectives, or

(6) the use of space transportation services from a foreign entity serves foreign policy purposes;

(7) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government;

(8) a secondary payload may make use of the available cargo space on a Space Shuttle mission and the secondary payload or test or demonstration load is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before the date of enactment of this Act, or with respect to which a contract for that acquisition has been entered into before that date.

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from maintaining space transportation vehicles solely for historical display purposes.
SEC. 912. ACHIEVEMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM--

that space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 127 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of those laws and regulations.

(b) SAFETY STANDARDS.--Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

SEC. 912. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (42 U.S.C. 2652d et seq.) is amended--

(1) by striking section 202;
(2) in section 203--

(A) by striking paragraphs (1) and (2); and
(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;
(3) by striking sections 204 and 205, and
(4) in section 206--

(A) the Senate and the House of Representatives ("commercial payloads on the space shuttle."); and
(B) by striking subsection (b).

SEC. 913. SHUTTLE PRIVATIZATION.

(a) DEFINITION.--The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the private sector purchase of commercial space transportation services for all nonemergency launch requirements, including, but not limited to, the transfer of those programs, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program. That plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle.

(b) FEASIBILITY STUDY.--The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including--

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiter and ground facilities;
(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;
(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;
(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

SEC. 914. USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.

(a) IN GENERAL.--The Federal Government shall not--

(1) convert any missile described in subsection (c) to a space transportation vehicle configuration or otherwise use any such missile to place a payload on orbit;
(2) transfer ownership of any such missile to another person, except as provided in subsection (b);
(b) AUTHORIZED FEDERAL USES.--

(1) A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if except as provided in paragraph (2), at least 30 days before that conversion the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

SEC. 915. NATIONAL LAUNCH CAPABILITY.

(a) FINDINGS.--Congress finds that--

(1) a robust satellite and launch industry in the United States serves the interest of the United States by--

(A) contributing to the economy of the United States;
(B) strengthening employment, technological, and scientific interests of the United States; and
(C) serving the foreign policy and national security interests of the United States.

(b) DEFINITIONS.--In this section:

(1) SECRETARY.--The term "Secretary" means the Secretary of Defense.

(2) TOTAL POTENTIAL NATIONAL MISSILE MODEL.--The term "total potential national mission model" means a model that--

(A) is determined by the President, in consultation with the Administrator, to assess the total potential space missions to be conducted by the United States during a specified period of time; and
(B) includes all United States launches (including launches conducted on or off a Federal range).

(c) REPORT.--

(1) IN GENERAL.--Not later than 180 days after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator and appropriate representatives of the National Aeronautics and Space Administration, the Department of State, and the Department of Commerce, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

SEC. 916. NATIONAL LAUNCH CAPABILITY.

(a) FINDINGS.--Congress finds that--

(1) the United States has a national security interest in developing a national launch capability for the United States to launch its own national security payloads and nonnational security missions in fleets of national security payloads and nonnational security missions;

(b) REQUIREMENTS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

SEC. 917. LIMITATION ON USE OF NON-FEDERAL SPACE TRANSPORTATION SERVICES.

SEC. 918. AMENDMENT TO THE NATIONAL AERONAUTICS AND SPACE ACT.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended--

(1) by striking section 202;
(2) in section 203--

(A) by striking paragraphs (1) and (2); and
(B) by redesigning paragraphs (3) and (4) as paragraphs (1) and (2), respectively;
(3) by striking sections 204 and 205; and
(4) in section 206--

(A) the Senate and the House of Representatives ("commercial payloads on the space shuttle."); and
(B) by striking subsection (b).

SEC. 919. NATIONAL LAUNCH CAPABILITY.

(a) FINDINGS.--Congress finds that--

(1) a robust satellite and launch industry in the United States serves the interest of the United States by--

(A) contributing to the economy of the United States;
(B) strengthening employment, technological, and scientific interests of the United States; and

HARKIN AMENDMENTS NO. 3402--3404

(Ordered to lie on the table.)
Mr. HARKIN submitted three amendments intended to be proposed by him to the bill, S. 2132, supra; as follows:

**AMENDMENT NO. 3402**

On page 99, between lines 17 and 18, insert the following:

Sec. 8104. (a) Of the total amount appropriated under title IV for research, development, test and evaluation, Defense-wide, for basic research, $29,646,000 is available for research and development relating to Persian Gulf illnesses.

(b) Notwithstanding any provision of title IV, the total amount available under title IV for the Forth Comparative Testing Program is $10,000,000 less than the amount provided for that program under that title.

**AMENDMENT NO. 3403**

On page 36, line 22, before the period at the end, insert the following:

"Provided, That the total amount available under this heading is hereby increased by $50,000,000, which shall be available for making smoking cessation therapy available for members of the Armed Forces (including retired members), former members of the Armed Forces entitled to retired or retainer pay, and dependents of such members and former members who are identified as in need of such therapy and the Secretary considers necessary to ensure the elimination of the backlog in satisfying requests for former members of the Armed Forces for replacement medals and replacement for other decorations that such personnel have earned in the military service of the United States, and shall make any additional allocations of resources that the Secretary considers necessary to ensure the elimination of that backlog."

**AMENDMENT NO. 3404**

On page 99, between lines 17 and 18, insert the following:

Sec. 8104. (a) Out of funds appropriated by this Act, the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, and the Air Force Personnel Center, and the National Archives and Records Administration funds in amounts necessary to ensure the elimination of the backlog in satisfying requests of former members of the Armed Forces for replacement medals and replacements for other decorations that such personnel have earned in the military service of the United States, and shall make any additional allocations of resources that the Secretary considers necessary to ensure the elimination of that backlog.

(b) An allocation of funds may be made under subsection (a) only if and to the extent that the allocation does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

**FRIST AMENDMENT NO. 3405**

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

On page 9, line 13, increase the amount by $5,000,000.

On page 24, line 16, increase the amount by $2,000,000.

**LEAHY AMENDMENT NO. 3406**

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

At the appropriate place in the bill, insert the following:

"SEC. 604. TRAINING AND OTHER PROGRAMS.

(a) Prohibition. — None of the funds made available by this Act may be used to support any training program or exercise involving a new or existing exercise of a foreign country if the Secretary of Defense has credible information that a member of such unit has committed a gross violation of human rights.

(b) Monitoring. — The Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure full cooperation of that foreign country in determining and reporting on human rights violations by such foreign country.

(c) Waiver. — The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Report. — Not more than 15 days after the exercise of any waiver under paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

COATS (AND LIEBERMAN) AMENDMENT NO. 3407

(Ordered to lie on the table.)

Mr. COATS (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill, S. 2132, supra; as follows:

At the appropriate place, insert:

"J OINT WAR FIGHTING EXPERIMENTATION SEC. FINDINGS.

The Senate makes the following findings:

(1) The collapse of the Soviet Union in 1991 and the unprecedented explosion of technological advances that could fundamentally redefine military threats and military capabilities in the future have generated a need to assess the defense policy, strategy, and force structure necessary to meet future defense requirements of the United States.

(2) The assessment conducted by the administration of President Bush (known as the "Base Force" assessment) and the assessment conducted by the administration of President Clinton (known as the "Bottom-Up Review") were important attempts to redefine the defense strategy of the United States and the force structure of the Armed Forces necessary to execute that strategy.

(3) Those assessments have become inadequate as a result of the pace of global geopolitical change and the speed of technological change, which have been greater than expected.

(4) The Chairman of the Joint Chiefs of Staff reacted to the changing environment by developing and publishing in May 1996 a vision statement, known as "Joint Vision 2020," to be a basis for the transformation of United States military capabilities. The vision statement embodies the improved intelligence and command and control that is available in the information age and sets forth the operational concepts of dominant maneuver, precision engagement, full-dimensional protection, and focused logistics to achieve the objective of full spectrum dominance.

(5) In 1996 Congress, concerned about the shortcomings in defense policies and programs derived from the Base-Force Review and Joint Vision 2020, declared that there was a need for a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces necessary for meeting the threats to the United States in the 21st century.

(6) As a result of that determination, Congress passed the Military Force Structure Review Act of 1996 (subtitle B of title IX of the National Defense Authorization Act for Fiscal Year 1997), which directed the Secretary of Defense to complete in 1997 a quadrennial defense review of the defense program of the United States. The review was intended to include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program.

(7) The Quadrennial Defense Review, completed by the Secretary of Defense in May 1997, defined the defense strategy in terms of "Shape, Respond, and Prepare Now." The Quadrennial Defense Review placed greater emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology and transforming the force to transform the United States and the force structure necessary to meet those responsibilities.

(8) The National Defense Panel Report, published in December 1997, concluded that "the Department of Defense should accord the highest priority to executing a transformation strategy for the United States military, starting immediately." The report recommended the establishment of a Joint Forces Command with the responsibility to be the joint force integrator and provider and the responsibility for driving the process for transforming United States forces, including the conduct of joint experimentation, and to have the budget for carrying out those responsibilities.

(9) The assessments of both the Quadrennial Defense Review and the National Defense Panel provide a compelling argument that the future security environment and the military challenges to be faced by the United States in the future will fundamentally change the current environment and challenges. The assessments also reinforce the foundational premise of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 that warfare, in all of its varieties, will be joint warfare requiring the execution of developed joint operational concepts.

(10) A process of joint experimentation is necessary for —

(A) integrating advances in technology with changes in the organizational structure of the United States armed forces and joint assessment of joint operational concepts that will be effective against national security threats anticipated in the future; and

(B) identifying and assessing the interdependent aspects of joint warfare that are key for transforming the conduct of military operations in the United States to meet those anticipated threats successfully.

(11) It is critical for future readiness that the Armed Forces of the United States innovate to investigate new technologies, forces, and joint operational concepts in simulations, wargames, and virtual settings, as well as in field environments under realistic conditions against future challenges. It is essential that an energetic and innovative organization be established..."
and empowered to design and implement a process of joint experimentation to develop and validate new joint warfighting concepts, along with experimentation by the Armed Forces that is directed at transforming the Armed Forces to meet the threats to the national security that are anticipated for the early 21st century. That process will drive changes in organizational, training and education, materiel, leadership, and personnel.

(2) The Department of Defense is committed to advancing the objective of creating a joint warfighting experimentation process as a key component of its transformation strategy. The competition of ideas is critical for achieving effective transformation, and experimentation by the Armed Forces has been, and will continue to be, a vital aspect of the pursuit of effective transformation. Joint experimentation leverages the effectiveness of each of the Armed Forces and the Defense Agencies.

SEC. 2. SENSE OF SENATE.

(a) DESIGNATION OF COMMANDER TO HAVE JOINT WARFIGHTING EXPERIMENTATION MISSION.—It is the sense of Senate that Congress supports the initiative of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to designate a commander of a combatant command to have the role of experimentation for joint warfighting experimentation, consistent with the understanding of the Senate that the Joints Chiefs of Staff will assign the designated commander the tasks to develop and validate new joint warfighting concepts and capabilities, and to determine the implications, for doctrine, organization, training and education, materiel, leadership, and personnel, of the Department of Defense strategy for transforming the Armed Forces to meet the national security threats of the future.

(b) RESOURCES OF COMMANDER.—It is, further, the sense of Senate that the commander designated to have the joint warfighting experimentation mission should—

(1) have sufficient freedom of action and authority over the necessary forces to successfully establish and conduct the process of joint warfighting experimentation;

(2) be provided resources adequate for the joint warfighting experimentation process; and

(3) have authority over the use of the resources for the planning, preparation, conduct, and assessment of joint warfighting experimentation.

(c) AUTHORITY AND RESPONSIBILITIES OF COMMANDER.—It is, further, the sense of Senate that the commander designated to have the joint warfighting experimentation mission also have the authority and responsibility for the following:

(1) Developing and implementing a process of joint experimentation to formulate and validate new joint warfighting concepts as well as the core competencies for the future, including (in such process) analyses, simulations, wargames, information superiority and other experiments, advanced concept technology demonstrations, and joint exercises conducted in virtual and actual field environments.

(2) Planning, preparing, and conducting the program of joint warfighting experimentation.

(3) Assessing the effectiveness of organizational structures, operational concepts, and technologies employed in joint warfighting experimentation, investigating opportunities for coordinating the evolution of the organizational structure of the Armed Forces compatible with the concurrent evolution of advanced technologies, and investigating new concepts for transforming joint warfighting capabilities to meet the operational challenges expected to be encountered by the Armed Forces in the early 21st century.

(4) Coordinating with each of the Armed Forces and the Defense Agencies regarding the development of the equipment (including surrogate or real technologies, platforms, and systems) necessary for the conduct of joint warfighting experimentation, and developing such equipment.

(5) Coordinating with each of the Armed Forces and the Defense Agencies regarding the implementation of the joint warfighting concepts, including readiness, training, materiel, services, and surrogate or real technology resources necessary for the conduct of joint experimentation, or, if necessary, acquiring such items for the Armed Forces.

(6) Developing scenarios and measures of effectiveness for joint experimentation.

(7) Conducting “red team” vulnerability assessments as part of joint experimentation.

(8) Assessing the interoperability of equipment and forces.

(9) Providing the Secretary of Defense and the Chairman of the Joint Chiefs of Staff with the commanders’ recommendations (developed on the basis of joint experimentation) for reducing unnecessary redundancy of equipment and forces.

(10) Providing the Secretary of Defense and the Chairman of the Joint Chiefs of Staff with the commanders’ recommendations (developed on the basis of joint experimentation) regarding synchronization of the fielding and testing of technologies among the Armed Forces to enable the development and execution of joint operational concepts.

(11) Submitting reviews and making recommendations (in conjunction with the joint experimentation and evaluation process) to the Chairman of the Joint Chiefs of Staff on mission needs statements and operational requirements documents.

(12) Exploring new operational concepts (including those developed within the Office of the Secretary of Defense and Defense Agencies, other unified commands, the Armed Forces, and the Joint Staff), and integrating and testing in joint experimentation the systems and concepts that result from warfighting experimentation by the Armed Forces and the Defense Agencies.

(13) Developing, planning, refining, assessing, and adjusting the Joint Chiefs of Staff, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff the most promising joint concepts and capabilities for experimentation and assessment.

(14) Assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to prioritize joint requirements and acquisition programs on the basis of joint warfighting experimentation.

(d) CONTINUED EXPERIMENTATION BY OTHER DEFENSE ORGANIZATIONS.—It is, further, the sense of Senate that—

(1) the Armed Forces are expected to continue to develop concepts and conduct joint experimentation within their core competencies; and

(2) the commander of United States Special Operations Command is expected to continue to develop concepts and conduct joint experimentation associated with special operations forces.

(e) CONGRESSIONAL REVIEW.—It is, further, the sense of Senate that—

(1) The Senate will carefully review the initial report and annual reports on joint warfighting experimentation required under section 1203 to determine the adequacy of the scope and pace of the transformation of the Armed Forces to meet future challenges to the national security; and

(2) if the progress is inadequate, the Senate will consider legislation to establish a unified combatant command with the mission, forces, budget, responsibilities, and authority described in the preceding provisions of this section.

SEC. 3. REPORTS ON JOINT WARFIGHTING EXPERIMENTATION.

(a) INITIAL REPORT.—(1) On such schedule as the Secretary of Defense shall direct, the commander of the combatant command designated to conduct joint warfighting experimentation shall submit to the Secretary an initial report on the implementation of joint experimentation. Not later than April 1, 1999, the Secretary shall submit the report, together with any comments that the Secretary considers appropriate and any recommendations that the Chief of Staff of the Joint Chiefs of Staff considers appropriate, to the U.S. Senate.

(b) ANNUAL REPORT.—(1) The initial report of the commander shall include the following:

(A) The commander’s understanding of the commander’s specific authority and responsibilities and of the commander’s relationship to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Joint Staff, the commanders of other combatant commands, the Armed Forces, and the Defense Agencies and activities.

(B) The organization of the commander’s combatant command, and of its staff, for conducting joint warfighting experimentation mission.

(C) The process established for tasking forces to participate in joint warfighting experimentation and the commander’s specific authority over the forces.

(D) Any forces designated or made available as joint warfighting experimentation forces.

(E) The resources provided for joint warfighting experimentation, including the personnel and funding for the initial implementation of joint experimentation, the process for funding, the role of the commander, the categories of the funding, and the authority of the commander for budget execution.

(F) The authority of the commander, and the process established, for the development and acquisition of the material, supplies, services, and equipment necessary for the conduct of joint warfighting experimentation, including the authority and process for development and acquisition by the commander.

(G) The resources provided for joint warfighting experimentation, including the authority and process for development and acquisition by the commanders.

(H) The role assigned the commander for—

(i) integrating and testing in joint warfighting experimentation the systems that emerge from joint experimentation by the Armed Forces or the Defense Agencies;

(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies employed in joint warfighting experimentation; and

(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in prioritizing acquisition programs in relation to future joint warfighting capabilities.

(I) Any other comments that the commander considers appropriate.

(b) ANNUAL REPORT.—(1) On such schedule as the Secretary of Defense shall direct, the commander of the combatant command assigned the mission for joint warfighting experimentation shall submit to the Secretary an annual report on the conduct of joint warfighting experimentation activities for the fiscal year ending in the year of the report. Not later
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than December 1 of each year, the Secretary shall submit the report, together with any comments that the Secretary considers appropriate and any comments that the Chairman of the Joint Chiefs of Staff considers appropriate, to the U.S. Senate. The first annual report shall be submitted in 1999.

(2) The annual report of the commander shall include the following:

(A) Any changes in—
(i) the commander’s authority and responsibilities for joint warfighting experimentation;
(ii) the commander’s relationship to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the commanders of the other combatant commands, the Armed Forces, or the Defense Agencies or activities;
(iii) the organization of the commander’s command and staff for joint warfighting experimentation;
(iv) any forces designated or made available as joint experimentation forces;
(v) the process established for tasking forces to participate in joint experimentation activities or the commander’s specific authority and responsibility for joint experimentation activities;
(vi) the procedures for providing funding for the commander, the categories of fund, or the commander’s authority for budget execution;
(vii) the authority of the commander, and the process established, for the development and acquisition of the material, supplies, services, and equipment necessary for the conduct of joint warfighting experimentation;
(viii) the commander’s authority to design, prepare, conduct joint experiments (including the scenarios and measures of effectiveness used) for assessing operational concepts for meeting future challenges to the national security;
(ix) any role described in subsection (a)(2)(H).

(B) The conduct of joint warfighting experimentation activities, including the number of activities, the forces involved, the national security challenges addressed, the operational concepts assessed, and the scenarios and measures of effectiveness used.

(C) An assessment of the results of warfighting experimentation within the Department of Defense.

(D) The effect of warfighting experimentation on the process for transforming the Armed Forces to meet future challenges to the national security.

(E) Any recommendation that the commander considers appropriate regarding—
(i) the development or acquisition of advanced technologies;
(ii) changes in organizational structure, operational concepts, or joint doctrine.

(F) An assessment of the adequacy of resources, and any recommended changes for the purpose of providing resources, for joint warfighting experimentation.

(G) Any recommended changes in the authority or responsibilities of the commander.

(H) Any additional comments that the commander considers appropriate.

BINGAMAN AMENDMENT NO. 3408

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the recipients, to Federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))), that serve special and medically underserved populations including migratory and seasonal agricultural workers, the homeless, and residents of public housing.

(b) Not later than March 15, 1999, the Secretary of Defense shall submit to Congress a report on the program, including the actions taken under the program.

HUTCHISON AND ABRAHAM AMENDMENT NO. 3409

Mrs. HUTCHISON (and Mr. ABRAHAM) proposed an amendment to the bill, S. 2132, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 4. (a) Congress makes the following findings:

(1) Since 1989:

(A) The national defense budget has been cut in half as a percentage of the gross domestic product;

(B) The national defense budget has been cut by over 50 percent terms;

(C) The U.S. military force structure has been reduced by more than 30 percent;

(D) The Department of Defense’s operational and maintenance accounts have been reduced by 40 percent;

(E) The Department of Defense’s procurement funding has declined by more than 50 percent;

(F) U.S. military operational commitments have increased fourfold;

(G) The Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installations at home and overseas, and cut 10 divisions from its force structure;

(H) The Army has reduced its presence in Europe from 215,000 to 65,000 personnel;

(I) The Army has averaged 14 deployments every four years, increased significantly from the Cold War trend of one deployment every four years;

(J) The Air Force has downsized by nearly 40 percent, while experiencing a four-fold increase in operational commitments;

(2) In 1992, 37 percent of the Navy’s fleet was deployed at any given time. Today that number is 57 percent; at its present rate, it will climb to 70 percent in 1998;

(3) The Army Surface Warfare Officer community will fall short of its needs a 40 percent increase in retention to meet requirements;

(4) The Air Force is 18 percent short of its retention goal for second-term airmen;

(5) The Air Force is more than 800 pilots short, and more than 70 percent eligible for retention bonuses have turned them down in favor of separation;

(6) The Army faces critical personnel shortages in combat units, forcing unit commanders to borrow troops from other units just to participate in training exercises.

(7) An Air Force F-16 squadron commander testified before the House National Security Committee that his unit was forced to borrow three aircraft and use cannibalized parts from four other F-16s in order to deploy to Southwest Asia.

(8) In 1997, the Army averaged 31,000 soldiers deployed away from their home station in support of military operations in 70 countries with the average deployment lasting 125 days;

(9) Critical shortfalls in meeting recruiting and retention goals are seriously affecting the ability of the Army to train and deploy. The Army reduced its recruiting goals for 1998 by 12,000 personnel;

(10) In fiscal year 1997, the Army fell short of its recruiting goal for critical infantry soldiers by almost 5,000. As of February 15, 1998, Army-wide shortages existed for 28 percent of critical infantry soldiers. Many units are so short that battalions are being staffed by one company commander and crews are left unfilled or minimally filled because personnel are diverted to work in key positions elsewhere;

(11) The Navy report will show fall short of enlisted sailor recruitment for 1998 by 10,000;

(12) One in ten Air Force front-line units are not combat ready;

(13) Ten Air Force technical specialties, representing thousands of airmen, deployed away from their home station for longer than the Air Force standard 120-day mark in 1997;

(14) The Air Force fell short of its enlistment rate for mid-career enlisted personnel by an average of six percent, with key warfighting career fields experiencing even larger drops in enlistments;

(15) In 1997, U.S. Marines in the operating forces have deployed on more than 200 exercises, rotational deployments, or actual contingencies;

(16) U.S. Marine Corps maintenance forces are not able to maintain 92 percent ground equipment and 77 percent aviation equipment readiness rates due to excessive deployments of troops and equipment;

(17) The National Strategy of the United States assumes the ability of the U.S. Armed Forces to prevail in two major regional conflicts and half of the Army’s active combat forces, are critical to the success of specific war plans;

(18) According to commanders in these divisions, the practice of under staffing squads and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

(19) In the aggregate, the Army’s later-deploying divisions were assigned 93 percent of their authorized personnel at the beginning of fiscal year 1998. In one specific case, the 1st Infantry Division was staffed at 94 percent in the aggregate; however, its combat support service personnel were filled at below 85 percent, and captains and majors were filled at 73 percent.

(20) At the 10th Infantry Division, only 130 of 382 infantry squad and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

(21) At the 10th Infantry Division, only 130 of 382 infantry squad and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

(22) At the 10th Infantry Division, only 130 of 382 infantry squad and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

(23) At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the U.S. National Security Strategy were short nearly 1,900 of the total 25,357 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200;

(24) Rotation of units to Bosnia is having a short, and more than 70 percent eligible for retention bonuses have turned them down in favor of separation;

(25) At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the U.S. National Security Strategy were short nearly 1,900 of the total 25,357 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200;

(26) Rotation of units to Bosnia is having a short, and more than 70 percent eligible for retention bonuses have turned them down in favor of separation;

(27) At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the U.S. National Security Strategy were short nearly 1,900 of the total 25,357 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200;

(28) Rotation of units to Bosnia is having a short, and more than 70 percent eligible for retention bonuses have turned them down in favor of separation;

(29) At the beginning of fiscal year 1998, the five later-deploying divisions critical to the execution of the U.S. National Security Strategy were short nearly 1,900 of the total 25,357 Non-Commissioned Officers authorized, and as of February 15, 1998, this shortage had grown to almost 2,200;
squads of a deploying unit of 800 troops, stripping non-deploying infantry and armor units of maintenance personnel, and reassigning Non-Commissioned Officers and support personnel to the task force from throughout the brigade;

(B) Cancellation of gunnery exercises for at least two armor battalions in later-deploying divisions, causing 43 of 116 tank crews to lose their qualifications on the weapon system;

(C) Hiring of outside contract personnel by 1st Armored Division and 1st Infantry later-deploying divisions to perform routine maintenance.

(25) National Guard budget shortfalls compromise the Guard’s readiness levels, capabilities, and strength, putting the Guard’s personnel, schools, training, full-time support, retention and recruitment, and morale at risk.

(26) The President’s budget requests for the National Guard have been insufficient, notwithstanding the frequent calls on the Guard to handle wide-ranging tasks, including deployments in Bosnia, Iraq, Haiti, and Somalia.

(b) Sense of Congress:

(1) It is the sense of Congress that—

(A) U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and deployments;

(B) The ongoing, open-ended commitment of U.S. forces to the peacekeeping mission in Bosnia is causing assigned and supporting units to compromise their principle wartime assignments;

(C) Defense appropriations are not keeping pace with the expanding needs of the armed forces;

(c) Report Requirement.

(1) Not later than June 1, 1999, the President shall submit to the Committee on Armed Services of the Senate and the Committee on Appropriations in both Houses, a report on the military readiness of the Armed Forces of the United States. The President shall include in the report a detailed discussion of the competition for resources service-by-service and across military services to carry out the peacekeeping operation in Bosnia, including in those units that are supporting but not directly deployed to Bosnia. The President shall specify in the report—

(A) an assessment of current force structure and its sufficiency to execute the National Security Strategy of the United States;

(B) an outline of the service-by-service force structure expected to be committed to a major regional contingency as envisioned in the National Security Strategy of the United States;

(C) a comparison of the force structures outlined in paragraph (A) with the service-by-service order of battle in Operation Desert Shield/Desert Storm, as a representative and recent major regional conflict;

(D) the force structure and defense appropriation increases that are necessary to execute the National Security Strategy of the United States assuming current projected ground force levels assigned to the peacekeeping mission in Bosnia are unchanged;

(E) a discussion of the U.S. ground force level in Bosnia that can be sustained without impacting the ability of the Armed Forces to execute the National Security Strategy of the United States, assuming no increases in force structure and defense appropriation increases during the period in which ground forces are assigned to Bosnia.

HARKIN (AND BUMPERS) AMENDMENT NO. 3410

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. BUMPERS) submitted and amendment intended to be proposed by them to the bill, S. 2132, supra; as follows:

At the appropriate place, insert the following:

SEC. No later than the date that the Senate passes S. 2132, CBO shall revise and reduce its estimates of outlays for fiscal year 1999 for defense and any other expenditures consistent with the adjustments and reductions made by the Chairman of the Committee on the Budget of the Senate of outlays for fiscal year 1999 for defense outlays.

HARKIN AMENDMENT NO. 3411

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. a. No later than the date that the Senate passes S. 2132, CBO shall revise and reduce its estimates of outlays for fiscal year 1999 for defense and any other expenditures consistent with the adjustments and reductions made by the Chairman of the Committee on the Budget of the Senate of outlays for fiscal year 1999 for defense outlays.

COATS (AND LIEBERMAN) AMENDMENT NO. 3412

(Ordered to lie on the table.)

Mr. COATS (for himself, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill, S. 2132, supra; as follows:

At the appropriate place, insert:

REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW

(a) REVIEW REQUIRED.—Chapter 2 of title 10, United States Code, is amended by inserting after section 116 the following:

§ 117. Quadrennial defense review

(1) REVIEW REQUIRED.—Chapter 2 of title 10, United States Code, is amended by inserting after section 116 the following:

§ 117. Quadrennial defense review

(2) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall conduct in each year in which a President is inaugurated a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward determining whether the Forces of the United States are consistent with the anticipated conflict and the defense strategy of the United States and establishing a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years.

(b) Requirements.—The Quadrennial Defense Review Panel shall be known as the National Defense Panel. The Panel shall submit a report on each review to the President for submission to the Congress.

§ 181. National Defense Panel

(a) ESTABLISHMENT.—Not later than January 1, 2000, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the National Defense Panel. The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of a chairperson and eight other individuals appointed by the Secretary, in consultation with the chairman and ranking member of the Senate Armed Services Committee and the chairman and ranking member of the House of Representatives Armed Services Committee and the chairman and ranking member of the House Committee on National Security Affairs and the Senate Committee on National Security Affairs, all of whom shall be serving in the Senate or House of Representatives, as the Panel shall determine.
individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

(3) Duties.—The Panel shall—

(1) submit to the Secretary of Defense and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives two reports on its activities and recommendations of the Panel, including any recommended legislation, to the extent the Panel considers appropriate, as follows:

(A) An interim report not later than July 1, 2000.

(B) A final report not later than December 1, 2000.

(2) Not later than December 15, 2000, the Secretary shall submit to the committees referred to in paragraph (1) a copy of the report together with the Secretary's comments on the report.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel determines to be necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(f) Personnel Matters.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, except that such compensation shall be without interruption or excess compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department during which the member is engaged in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(g) Administrative Provisions.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and same conditions as other departments and agencies of the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services required by the Panel.

(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

(h) Payment of Panel Expenses.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be authorized by the Secretary of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department during which the member is engaged in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(i) Termination.—The Panel shall terminate at the end of the year following the year in which the Panel submits its final report under subsection (d). For the period that begins 90 days after the date of submittal of the report, the activities and staff of the panel shall be reduced to a level that the Secretary of Defense considers sufficient to continue the availability of the panel for consultation with the Secretary of Defense and with the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(c) Clerical Amendments.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by inserting after the item relating to section 116 the following: "J17. Quadrennial defense review.”

(2) The table of sections at the beginning of chapter 7 of such title is amended by inserting at the end the following: "18L. National Defense Panel.”

HUTCHISON (AND OTHERS) AMENDMENT NO. 3413

Mrs. HUTCHISON (for herself, Mr. STEVENS, Mr. CRAIG, Mr. SESSIONS, Mr. SMITH of Oregon, and Mr. FEINGOLD) proposed an amendment to the bill, S. 2132, supra; as follows:

At the appropriate place in the bill, insert the following:

Sec. (a) The Congress finds the following:

(1) United States Armed Forces in the Republic of Bosnia and Herzegovina have accomplished the military mission assigned to them as a component of the Implementation and Stabilization Forces.

(2) The continuing and open-ended commitment of U.S. ground forces in the Republic of Bosnia and Herzegovina is subject to the oversight authority of the Congress.

(3) The Congress finds that funds have been appropriated to facilitate the orderly and honorable withdrawal of U.S. troops from the Republic of Bosnia and Herzegovina.

(4) On November 27, 1995, the President affirmed that United States participation in the Implementation and Stabilization Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(5) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(6) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed confidence that the Implementation Force would complete its mission in about one year.

(7) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed the critical importance of establishing a successor force in the Republic of Bosnia and Herzegovina.

(8) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until June 1998.

(9) In November 1996 the President announced his intention to further extend the deployment of United States Armed Forces personnel in the Republic of Bosnia and Herzegovina until June 1998.

(10) The President did not request authorization by the Congress of a policy that the United States continue to maintain the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(11) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by the national security officials of the importance of having a deadline as a hinge against an expanded mission, the President announced on December 17, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future.

(12) NATO military forces have increased their participation in law enforcement, particularly police activities.

(13) U.S. Commanders of NATO have stated on numerous occasions that is in accordance with the Dayton Peace Accords, the principal responsibility for such law enforcement and police activities lies with the Bosnian parties.

SEC. 2. LIMITATIONS ON THE USE OF FUNDS.

(a) Funds appropriated or otherwise made available for the Department of Defense for any fiscal year may not be obligated for the ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina except as conditioned below.

(b) The President may continue the ongoing withdrawal of American forces from the NATO Stabilization Force in the Republic of Bosnia and Herzegovina such that U.S. ground forces in the Republic of Bosnia and Herzegovina continue to support the multi-national successor force shall not exceed—

(1) 6,000 by February 2, 1999,

(2) 5,000 by October 1, 1999.

(c) Exceptions.—The limitation in subsection (a) shall not apply—

(1) to the extent necessary to support a limited number of United States military personnel sufficient only to protect United States diplomatic facilities in existence on the date of enactment;

(2) to the extent necessary to support non-combat military personnel sufficient only to
advise the commanders North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina; and
(4) to U.S. ground forces that may be deployed as part of NATO containment operations in regions surrounding the Republic of Bosnia and Herzegovina.
(v) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of the United States citizens.
(d) L I M I T AT I O N ON SUPPORT FOR L A W E N F O R C E M E N T A C T I V I T I E S IN B OS N I A .—None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended after the date of the enactment of this Act for the—
(1) conduct of, or direct support for, law enforcement and police activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life; and
(2) conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the paramount interests of the United States in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republica Srpska ("Bosnian Entities");
(3) transfer of personnel within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—
(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or
(B) places United States Armed Forces to substantial risk to their personal safety; and
(4) implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.
(a) Not later than December 1, 1998, the President shall submit to Congress a report on the progress towards meeting the drawdown limit established in section 2(a).
(b) The paragraph (a) shall include an identification of the specific steps taken by the United States Government to transfer NATO portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to European allied nations or organizations.

D O D D A M E N D M E N T N O . 3 4 1 4 (Ordered to lie on the table.)
Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

(1) The actions taken under subsection (b).
(2) The extent of the remaining backlog.
(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

H U T C H I N S O N (A N D O T H E R S ) A M E N D M E N T N O . 3 4 1 9
Mr. HUTCHINSON (for himself, Mr. LEVIN, Mr. KERRY, Mr. BIDEN, and Mr. LIEBERMAN) proposed an amendment to amendment No. 3124 proposed by Mr. HUTCHINSON to the bill, S. 2132, supra; as follows:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.
(2) Over 15 years there have been frequent and credible reports of forced abortion and forced sterilization have no role in the population control law that the Chinese Communist Party has been involved in the forced abortion and forced sterilization have no role in the population control program, in fact the Chinese Government is preparing to forcibly sterilize its own citizens.
(3) Officials acknowledge that there have been reports of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.
(4) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subjects who have conceived without government authorization to extreme psychological pressure, to harass economic sanctions, including unpayable fines and loss of employment, and often to physical punishment.
(5) Official sanctions for giving birth to unauthorized children includes fines in amounts several times larger than the per capita annual incomes of residents of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control policies of the People's Republic of China. In Fujian, for example, the average fine is estimated to be available only for payments to persons, communities, or other entities in Italy for reimbursement for damages resulting from the expenses, or for settlement of claims arising from actions associated with the accident described in this section: Provided further, That notwithstanding any other provision of law, the amount available under this section may be used to rebuild the nuclear system in Cavalese, Italy, destroyed on February 3, 1998, by United States aircraft; Provided further, That any amount paid to any individual or entity from the amount available under this section shall be credited against any amount subsequently determined to be payable to that individual or entity under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in this section: Provided further, That payment of an amount under this section shall not be considered to constitute a statement of legal liability on the part of the United States or otherwise to prejudice any judicial proceeding or investigation arising from the accident described in this section.
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) Extensive health punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Chinese Government in 1999 subjected 500,000 people in Hebei Province to population control under the slogan “better to have more graves than one more child”. Enforcement included torture, sexual abuse, and the detention of resisters’ relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ‘Natal and Health Care Law’.

SEC. 9003. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue any visa to any official of any country (except the head of state, the head of government, and cabinet level officials of any country (except the head of state, the head of government, and cabinet level ministers) who the Secretary of State finds, based on credible and specific information, has been directly involved in the establishment or enforcement of policies or practices designed to restrict religious freedom.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

SEC. 9014. In this title, 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.

AKAKA (AND OTHERS) AMENDMENT NO. 3420

Mr. STEVENS (for Mr. AKAKA for himself, Mr. EFFORDS, Mr. LEAHY, Mr. COATS, Mrs. BOXER, and Mr. INOYE) proposed an amendment to the bill S. 2132, supra; as follows:

On page 33, line 25, insert before the period the following: “: Provided, That of the funds appropriated under this heading, $12,000,000 shall be available only to continue development of electric and hybrid-electric vehicles”.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 3421

Mr. STEVENS (for Mr. BINGAMAN for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, in between lines 17 and 18, insert before the period the following: “: Provided, That of the funds appropriated under this heading, $12,000,000 shall be available only to continue development of electric and hybrid-electric vehicles”.

COCHRAN AMENDMENT NO. 3422

Mr. COCHRAN proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert at the appropriate place the following new section:

SEC. 9005. (a) The Comptroller General shall carry out a study of other methods of eliminating or reducing significantly the need of such person for food stamps.

(b) The report shall include a discussion of each of the following:

(1) A discussion of the potential for each alternative action included in the report under paragraph (3) or (4) to result in the elimination or a significant reduction in the need of such person for food stamps.

(2) Each potential alternative action included in the report under paragraph (3) or (4) of subsection (b) shall meet the following requirements:

(a) Apply only to persons referred to in paragraph (1) of such subsection.

(2) Be limited in cost to the lowest amount feasible to achieve the objectives.

(c) In carrying out the study, the Comptroller General shall consult with experts on food assistance for members of the Armed Forces and their dependents of members of the Armed Forces—

(i) The conditions of the family lives of members of the Armed Forces and the members’ needs regarding their family lives, including a discussion of each of the following:

(A) How leaders of the Department of Defense and leaders of each of the Armed Forces—

(i) collect, organize, validate, and assess information to determine those conditions and needs;

(ii) determine consistency and variations among the assessments and assessed information for each of the following:

(I) collection, organization, validation, and assessment of information to address those conditions and needs.
Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following:  

§ 2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care

"(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the transportation of Transport-only veterans specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

(b) VETERANS ELIGIBLE FOR TRANSFERS.—A veteran eligible for transport under subsection (a) is any veteran who—

(1) resides in and is located in American Samoa; and

(2) as determined by an official of the Department of Defense, is designated for that purpose by the Secretary of Veterans Affairs, must be transported to the State of Hawaii in order to receive hospital care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

"(c) ADMINISTRATION.—(1) Transportation provided under this subsection shall only be provided on a space-available basis.

(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this subsection.

(d) DEFINITIONS.—In this section:

(1) The term 'veteran' has the meaning given that term in section 1701(5) of title 38.

(2) The term 'hospital care' has the meaning given that term in section 1701(5) of title 38.

(3) The table of sections at the beginning of chapter 157 of title 38 is amended by inserting after the item relating to section 2641 the following new item:

"2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.".

AMENDMENT NO. 3424

Mr. STEVENS (for Mr. DURBIN) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 3427. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following:  

§ 2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care

"(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the transportation of Transport-only veterans specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

(b) VETERANS ELIGIBLE FOR TRANSFERS.—A veteran eligible for transport under subsection (a) is any veteran who—

(1) resides in and is located in American Samoa; and

(2) as determined by an official of the Department of Defense, is designated for that purpose by the Secretary of Veterans Affairs, must be transported to the State of Hawaii in order to receive hospital care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

"(c) ADMINISTRATION.—(1) Transportation provided under this subsection shall only be provided on a space-available basis.

(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this subsection.

(d) DEFINITIONS.—In this section:

(1) The term 'veteran' has the meaning given that term in section 1701(5) of title 38.

(2) The term 'hospital care' has the meaning given that term in section 1701(5) of title 38.

(3) The table of sections at the beginning of chapter 157 of title 38 is amended by inserting after the item relating to section 2641 the following new item:

"2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.".

AMENDMENT NO. 3424

Mr. STEVENS (for Mr. DURBIN) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 3427. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following:  

§ 2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care

"(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the transportation of Transport-only veterans specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

(b) VETERANS ELIGIBLE FOR TRANSFERS.—A veteran eligible for transport under subsection (a) is any veteran who—

(1) resides in and is located in American Samoa; and

(2) as determined by an official of the Department of Defense, is designated for that purpose by the Secretary of Veterans Affairs, must be transported to the State of Hawaii in order to receive hospital care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

"(c) ADMINISTRATION.—(1) Transportation provided under this subsection shall only be provided on a space-available basis.

(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this subsection.

(d) DEFINITIONS.—In this section:

(1) The term 'veteran' has the meaning given that term in section 1701(5) of title 38.

(2) The term 'hospital care' has the meaning given that term in section 1701(5) of title 38.

(3) The table of sections at the beginning of chapter 157 of title 38 is amended by inserting after the item relating to section 2641 the following new item:

"2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.".

AMENDMENT NO. 3424

Mr. STEVENS (for Mr. DURBIN) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 3427. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following:  

§ 2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care

"(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the transportation of Transport-only veterans specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

(b) VETERANS ELIGIBLE FOR TRANSFERS.—A veteran eligible for transport under subsection (a) is any veteran who—

(1) resides in and is located in American Samoa; and

(2) as determined by an official of the Department of Defense, is designated for that purpose by the Secretary of Veterans Affairs, must be transported to the State of Hawaii in order to receive hospital care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

"(c) ADMINISTRATION.—(1) Transportation provided under this subsection shall only be provided on a space-available basis.

(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this subsection.

(d) DEFINITIONS.—In this section:

(1) The term 'veteran' has the meaning given that term in section 1701(5) of title 38.

(2) The term 'hospital care' has the meaning given that term in section 1701(5) of title 38.

(3) The table of sections at the beginning of chapter 157 of title 38 is amended by inserting after the item relating to section 2641 the following new item:

"2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.".
amount available for a cyber-security program is hereby increased by $8,000,000. Provided further, That the funds are made available for a cyber-security program to conduct research and development on an ongoing basis relating to security information assurance and to facilitate the transition of information assurance technology to the defense community.

SARBANES (AND CAMPBELL)
AMENDMENT NO. 3431

Mr. STEVENS (for Mr. SARBANES for himself and Mr. CAMPBELL) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8. ADDITIONAL FUNDING FOR KOREAN WAR VETERANS MEMORIAL.

Section 3 of Public Law 99-572 (40 U.S.C. 1003 note) is amended by adding at the end the following:

1. ADDITIONAL FUNDING.—

(a) In general.—In addition to amounts made available under subsections (a) and (b), the Secretary of the Navy may expend, from any funds available to the Secretary on the date of enactment of this paragraph, $2,000,000 for repair of the memorial.

(b) Disposition of funds received from claims.—Any funds received by the Secretary of the Navy as a result of any claim against a contractor in connection with construction of the memorial shall be deposited in the general fund of the Treasury.

MCCONNELL (AND OTHERS)
AMENDMENT NO. 3432

Mr. STEVENS (for Mr. MCCONNELL for himself, Mr. FORD, and Mr. SHELBY) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds available under title VI for chemical agents and munitions destruction, Defense, for research and development, $15,800,000 shall be made available for the program at the U.S. Army Chemical Materials Activity for the Assembled Chemical Weapons Assessment (under section 8065 of the Defense Authorization Act for Fiscal Year 1997) for demonstration of technologies under the Assembled Chemical Weapons Assessment, for planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, and for the design, construction, and operation of a pilot facility for the technology.

MACK AMENDMENT NO. 3433

Mr. STEVENS (for Mr. MACK) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of the Navy may lease to the University of Central Florida (in this section referred to as the "University") or a representative or agent of the University, any property or equipment as may be designated by the University, and such portion of the property known as the Naval Air Warfare Center, Training Systems Division, Orlando, Florida, as the Secretary considers appropriate as a location for the establishment of a center for research in the fields of law enforcement, public safety, civil defense, and national defense.

(b) Notwithstanding any other provision of law, the term of the lease under subsection (a) may not exceed 50 years.

(c) As consideration for the lease under subsection (a), the University shall—

(1) undertake and incur the cost of the planning, design, and construction required to establish the center referred to in that subsection; and

(2) during the term of the lease, provide the Secretary such space in the center for activities of the Navy and the University jointly consider appropriate.

(d) The Secretary may require such additional terms and conditions in connection with the lease authorized by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

MIKULSKI AMENDMENT NO. 3434

Mr. STEVENS (for Ms. MIKULSKI) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99 in between lines 17 and 18, insert the following:

SEC. 8104. Funds appropriated under O&M of the Navy are available for a vessel scrapping program which the Secretary of the Navy may carry out during fiscal year 1999 and for which the Secretary makes the following appropriation: $2,000,000 for repair of the memorial.

LOTT AMENDMENT NO. 3435

Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. The Department of Defense shall, in allocating funds for the Next Generation Internet (NGI) initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the DoD Major Shared Resource Centers and Centers with supercomputers purchased using DoD RDT&E funds, including the high performance networks associated with such centers.

MURKOWSKI AMENDMENT NO. 3436

Mr. STEVENS (for Mr. MURKOWSKI) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following new section: "From within the funds provided, with the heading, "Operations and Maintenance, Army", up to $10,981,000 shall be made available for payment of subcontractors and suppliers for work performed at Fort Wainwright, Alaska, in 1994, under Army services contract number DACA85-93-C-0063."

SHELBRY AMENDMENT NO. 3437

Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, in the appropriate place the following general provision:

SEC. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Industrial Preparedness, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

SPECTER AMENDMENT NO. 3438

Mr. SPECTER (for Mr. SPECTER) proposed an amendment to the bill, S. 2132, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8104. Funds appropriated under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Digitalization, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

STEVEN AMENDMENT NO. 3439

Mr. STEVENS proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, in the appropriate place the following general provision:

SEC. 8104. Of the funds provided under Title III of this Act under the heading "Other Procurement, Army", for Training Devices, $1,000,000 shall be made available only for procurement of Multiple Integrated Laser Engagement System (MILES) equipment to support Department of Defense Cope Thunder exercises.

STEVEN AMENDMENT NO. 3440

Mr. STEVENS proposed an amendment to the bill, S. 2132, supra; as follows:

On page 73, line 4 of the bill, revise the text "rescinded from" to read "rescinded as of the date of enactment of this act from".

COCHRAN AMENDMENT NO. 3441

Mr. COCHRAN (for Mr. COCHRAN) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Within the amounts appropriated under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", the amount available for joint Tactical Radio is hereby reduced by $10,981,000, and the amount available for Army Data Distribution System development is hereby increased by $10,981,000.

WARNER AMENDMENT NO. 3442

Mr. WARNER (for Mr. WARNER) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, in the appropriate place the following new general provision:

SEC. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Digitalization, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

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available only for the Digital Intelligence Situation Mapboard (DISM).

BOXER AMENDMENT NO. 3443

Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System.

FORD (AND OTHERS) AMENDMENT NO. 3444

Mr. STEVENS (for Mr. FORD for himself, Mr. BOND, and Mr. LOTT) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System.

KERRY AMENDMENT NO. 3446

Mr. STEVENS (for Mr. KERRY) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds appropriated by title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", $3,000,000 shall be available for advanced research relating to solid state dye lasers.

McCain (and Kyl) AMENDMENT NO. 3447

Mr. STEVENS (for Mr. MCCAIN for himself and Mr. KYL) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System.

MCCAIN (AND KYL) AMENDMENT NO. 3448

Mr. STEVENS (for Mr. McCain for himself and Mr. KYL) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert in the appropriate place the following:

SEC. 8104. Of the funds provided under title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", $3,000,000 shall be available for advanced research relating to solid state dye lasers.

FAIRCLOTH AMENDMENT NO. 3452

Mr. STEVENS (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System.

HARKIN AMENDMENT NO. 3450

Mr. STEVENS (for Mr. HARKIN) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert in the appropriate place the following:

SEC. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System.

FAIRCLOTH AMENDMENT NO. 3452

Mr. STEVENS (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be available for the Shortstop Electronic Protection System.
On page 99, between lines 17 and 18, insert before the period at the end the following: `Sec. ... That the amounts available under this heading, $150,000 shall be made available.' This amendment, as follows:

On page 99, between lines 17 and 18, insert before the period at the end the following: `Sec. ... That the amounts available under this heading, $150,000 shall be made available.' This amendment, as follows:

McCain (and Hutchison) Amendment No. 3457

Mr. STEVENS (for Mr. McCain for himself and Mrs. Hutchison) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert before the period at the end the following: `Sec. ... That the amounts available under this heading, $150,000 shall be made available.' This amendment, as follows:

McConnell (and Others) Amendment No. 3459

Mr. STEVENS (for Mr. McConnell for himself, Mr. Ford, and Mr. Shelby) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert before the period at the end the following: `Sec. ... That the amounts available under this heading, $150,000 shall be made available.' This amendment, as follows:

Graca Machel, the former United Nations expert on the impact of armed conflict on
Mr. STEVENS (for Mr. GRAMM) proposed an amendment to the bill, S. 2132, supra; as follows:

At the appropriate place, insert the following:

SEC. 2. The Secretary of Defense shall submit to the appropriate committees of both Houses of Congress a report on the following:

(a) a complete and accurate accounting of all facilities that are no longer needed, including DoD Indian Health Service facilities and to the Department of Defense, at no cost to the Government of the United States, a political subdivision of a State, territory, or a resident of any other State.

(b) the power to declare war and take certain military action that would establish 18 as the minimum age for participation in conflict.

(c) the right of the President and the Secretary of State to vote by absentee ballot in general, special, primary, or runoff elections, and to use absentee registration procedures in each State.

SEC. 3. The Senate shall transmit a copy of this resolution to the President and the Secretary of State.

FAIRCLOTH AMENDMENT NO. 3461

Mr. STEVENS (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, in section 1, subsection (d)(3), insert the following:

(1) provide greater support to United Nations agencies and nongovernmental organizations working for the rehabilitation and reintegration of former child soldiers into society.

(2) not block efforts to establish 18 as the minimum age for participation in conflict through an optional protocol to the Convention on the Rights of the Child that would establish 18 as the minimum age for military recruitment and participation in armed conflict.

(3) provide greater support to United Nations agencies and nongovernmental organizations working for the rehabilitation and reintegration of former child soldiers into society.

SEC. 2. The Secretary of Defense shall submit to Congress a report on the program, including the actions taken under this section.

BINGHAM AMENDMENT NO. 3467

Mr. STEVENS (for Mr. BINGHAM) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 4. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(2)(B)).

BINGHAM AMENDMENT NO. 3468

Mr. STEVENS (for Mr. BINGHAM) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 4. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(2)(B)).

SEC. 5. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(2)(B)).

BINGHAM AMENDMENT NO. 3469

Mr. STEVENS (for Mr. BINGHAM) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 6. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(2)(B)).

BINGHAM AMENDMENT NO. 3470

Mr. STEVENS (for Mr. BINGHAM) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 7. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(2)(B)).

BINGHAM AMENDMENT NO. 3471

Mr. STEVENS (for Mr. BINGHAM) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(2)(B)).

BINGHAM AMENDMENT NO. 3472

Mr. STEVENS (for Mr. BINGHAM) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 9. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(2)(B)).
of the feasibility and potential effects of offering general anesthesia as a dental health care benefit available under TRICARE to the dependents.

DODD AMENDMENT NO. 3469
Mr. STEVENS (for Mr. Dodd) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Of the total amount appropriated for the Army, the Army Reserve, and the Army National Guard under title I, $1,700,000 may be available for the abatement of counter-narcotics operations around the is-land of Hispaniola, for operation and mainte-
nance for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, for procurement of 2 Schweizer observation/spray aircraft, and for upgrades for 3 UH-1H helicopter for Colombia.

HARKIN AMENDMENT NO. 3470
Mr. STEVENS (for Mr. Harkin) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense may take such actions as are necessary to ensure that retired pay for members and former members of the Armed Forces alleged to have engaged in sexual assault or sexual abuse is paid in a timely manner.

HARKIN AMENDMENT NO. 3471
Mr. STEVENS (for Mr. Harkin) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Beginning no later than 60 days after enactment, effective tobacco cessation products and counseling may be provided for members of the Armed Forces (including re-
tired members), former members of the Armed Forces, and dependents of such members and former members, who are identified as likely to benefit from such assistance in a manner that does not impose costs upon the individ-ual.

FRIST AMENDMENT NO. 3472
Mr. STEVENS (for Mr. Frist) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) Of the amounts appropriated by title I of this Act under the heading "GETHER AND MAINTENANCE, MARINE CORPS", $5,000,000 may be available for procurement of lightweight maintenance enclosures (LME).

(b) Of the funds available under title I of this Act under the heading "OTHER PROC-
CUREMENT, ARMY", $2,000,000 may be avail-
able for procurement of light-weight mainte-
nance enclosures (LME).

DORGAN AMENDMENT NO. 3473
Mr. STEVENS (for Mr. Dorgan) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the funds available for Drug Interdiction, $8,500,000 may be made available to support restoration of enhanced counter-narcotics operations around the is-
land of Hispaniola, for operation and mainte-
nance for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, for procurement of 2 Schweizer observation/spray aircraft, and for upgrades for 3 UH-1H helicopter for Colombia.

WELLSSTONE AMENDMENT NO. 3475
Mr. STEVENS (for Mr. Wellstone) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. (a) The Secretary of Defense shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between:(1) A dependent of a member of the Armed Forces who—(A) is a victim of sexual harassment, sex-
ual assault, or intrafamily abuse; or (B) has engaged in such misconduct; and (2) a therapist, counselor, advocate, or other professional from whom the victim seeks professional services in connection with effects of such misconduct.

(b)(1) The Secretary of Defense shall prescribe in regulations the policies and pro-
ducts that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in subsection (a) that are not mis-
conduct described in that subsection.

(2) The regulations shall include the following:

(A) Complete confidentiality of the records of the communications of dependents of members of the Armed Forces.
The United States, to maintain its credibility and honor among its allies and all nations of the world, should make prompt reparations for an accident caused by a United States aircraft.

A high-level delegation, including the U.S. Ambassador to Italy, recently visited Cavalese and, as a result, 20 million dollars was paid to the people in Cavalese for their property damage and business losses.

Without our prompt action, these families continue to suffer financial agonies, our credibility and honor continue to suffer, and our own citizens remain puzzled and angered by our lack of accountability.

Under the current arrangement we have with Italy in the context of our Status of Forces Agreement (SOFA), civil claims arising from the accident at Cavalese must be brought against the Government of Italy, in accordance with the laws and regulations of Italy, as if the armed forces of Italy had been responsible for the accident.

Under Italian law, every claimant for property damage, personal injury or wrongful death must file initially an administrative claim for damages with the Ministry of Defense. If the claimant is dissatisfied with the Ministry's offer in settlement, he may resort to the Italian court system, where civil cases for wrongful death are reported to take up to ten years to resolve.

While under the SOFA process, the United States— as the "sending state"— will be responsible for 75 percent of any damages awarded, and the Government of Italy— as the "receiving state"— will be responsible for 25 percent. The United States has agreed to pay all damages awarded in this case.

It is the Sense of the Congress that the United States should resolve the claims of the victims of the February 8, 1998 U.S. Marine Corps aircraft incident in Cavalese, Italy as quickly and fairly as possible.

LEAHY AMENDMENT NO. 3477

Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill, S. 2132, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. 3. TRAINING AND OTHER PROGRAMS.

(a) FUNDING. —The Sense of the Senate that the funds made available by this Act may be used to support a training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING. —Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in paragraph (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) CIRCUMSTANCES.—The Sense of the Senate that in extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

KERRY (AND OTHERS) AMENDMENT NO. 3478

Mr. STEVENS (for Mr. KERRY, for himself, Mr. MOYNIHAN, and Mr. BREAUX) proposed an amendment to the bill, S. 2132, supra, as follows:

At the appropriate place, insert:

SECTION 1. SENSE OF THE SENATE REGARDING PAYROLL TAX RELIEF.

(a) FINDINGS.—The Senate finds the following:

(1) The payroll tax under the Federal Insurance Contributions Act (FICA) is the biggest, most regressive tax paid by working families.

(2) The payroll tax constitutes a 13.3 percent tax burden on the wages and self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used to pay the Medicare benefits of current beneficiaries.

(3) The amount of wages and self-employment income subject to the social security portion of the payroll tax is capped at $88,400. Therefore, the lower a family's income, the more they pay in payroll tax as a percentage of their income.

(4) In 1996, the median household income was $35,492, and a family earning that income paid $6,819 in FICA taxes. In 1998, the median household income was $39,492, and a family earning that income paid $7,389 in FICA taxes.

(5) Ownership of wealth is essential for everyone to have a shot at the American dream, but the payroll tax is the principal burden to savings and wealth creation for working families.

(b) PURPOSE. —The Sense of the Senate that the purpose of this legislation is to state that major league baseball players are covered under the antitrust laws (i.e., that major league baseball players have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision that makes it clear that the passage of this Act does not change the application of the antitrust laws in any other context or with respect to any other person or entity.

SEC. 3. APPLICATION OF THE ANTITRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

The Clayton Act (15 U.S.C. §2 et seq.) is amended by adding at the end the following new section:

"SEC. 27. (a) Subject to subsections (b) through (d) below, the conduct, acts, practices or agreements of persons in the business of organized professional major league baseball directly relating to or affecting employment of major league baseball players to play baseball at the major league level are subject to the antitrust laws to the same extent such conduct, acts, practices or agreements would be subject to the antitrust laws if engaged in by persons in professional sports business affecting interstate commerce.

(b) No court shall rely on the enactment of this section as a basis for changing the application of the antitrust laws to any conduct, acts, practices or agreements other than those set forth in subsection (a). This section does not create, alter or imply a cause of action by which to challenge under the antitrust laws, or otherwise apply the antitrust laws to, any conduct, acts, practices or agreements that do not directly relate to or affect employment of major league baseball players to play baseball at the major league level, including but not limited to:

(1) any conduct, acts, practices or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, any organized professional baseball team's amateur or first-year player draft, or any reserve clause as applied to minor league players;

(2) the agreement between organized professional major league baseball teams and the teams of the National Association of Professional Baseball Leagues, commonly known as the "Professional Baseball Agreement," the relationship between organized professional major league baseball and organized professional minor league baseball, or any other matter relating to organized professional baseball's minor leagues; organized professional baseball directly relating to or affecting employment to play baseball at the minor league level are subject to the antitrust laws; or otherwise applying the antitrust laws to, any conduct, acts, practices or agreements that do not directly relate to or affect employment of major league baseball players to play baseball at the major league level, including but not limited to:

(3) any conduct, acts, practices or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, any organized professional baseball team's amateur or first-year player draft, or any reserve clause as applied to minor league players;

(4) any conduct, acts, practices or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting employment to play baseball at the minor league level, any organized professional baseball team's amateur or first-year player draft, or any reserve clause as applied to minor league players;
IDENTITY THEFT AND ASSUMPTION DETERRENCE ACT OF 1998

KYL (AND OTHERS) AMENDMENT NO. 3480

Mr. JEFFORDS (for Mr. Kyl for himself, Mr. LEAHY, Mr. HATCH, MRS. FEINSTEIN, Mr. DeWINE, Mr. D’AMATO, Mr. GRASSLEY, Mr. ABRAHAM, Mr. FAIRCLOTH, Mr. HARKIN, Mr. WARNER, Mr. MURKOWSKI, and Mr. ROBB) proposed an amendment (S. 212) to amend chapter 47 of title 18, United States Code, relating to fraud, 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 “Identity Theft and Assumption Deterrence Act of 1998.”

SEC. 2. IDENTITY THEFT.

(a) ESTABLISHMENT OF OFFENSE.—Section 1028(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ‘‘or’’ at the end;
(2) in paragraph (6), by adding ‘‘or’’ at the end;
(3) in the flush matter following paragraph (6), by striking ‘‘or attempts to do so,’’; and
(4) by inserting after paragraph (6) the following:

‘‘(7) knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or otherwise promote, carry on, or facilitate any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law;’’.

(b) PENALTIES.—Section 1028(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ‘‘or’’ at the end;
(B) in subparagraph (C), by adding ‘‘or’’ at the end; and
(C) by adding at the end the following:

‘‘(D) an offense under paragraph (7) of such subsection that involves the transfer or use of 1 or more means of identification if, as a result of the offense, any individual committing the offense obtains anything of value aggregating $1,000 or more during any 1-year period;’’;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ‘‘or transfer of an identification document or’’ and inserting ‘‘transfer, or use of a means of identification, an identification document, or a’’; and
(B) in subparagraph (B), by inserting ‘‘or’’ after ‘‘(3);’’

(3) by striking paragraphs (3) and (4) and inserting the following:

‘‘(3) a fine under this title or imprisonment for not more than 20 years, or both, if the offense is committed—

(A) to facilitate a drug trafficking crime (as defined in section 928A(a)(2)); or
(B) after a prior conviction under this section becomes final;

‘‘(4) a fine under this title or imprisonment for not more than 2 years, or both, if the offense is committed—

(A) to facilitate an act of international terrorism (as defined in section 2331(a)); or
(B) in connection with any act of violence (as defined in section 924(c)(3));’’;

(4) by redesignating paragraph (5) as paragraph (6); and
(5) by inserting after paragraph (4) (as added by paragraph (3) of this subsection the following:

‘‘(5) in the case of any offense under subsection (a), forfeiture to the United States of any personal property used or intended to be used to commit the offense, and

(e) ATTEMPT AND CONSPIRACY.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

‘‘(f) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section is subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(g) FORFEITURE PROCEDURES.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

‘‘(g) FORFEITURE PROCEDURES.—The forfei-
any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853)."

(g) CONSTRUCTION.—Section 1028 (title 18, United States Code, is amended by adding at the end the following:

"(h) RULE OF CONSTRUCTION.—For purpose of subsection (e)(2), a single identification document or false identification document that contains 1 or more means of identification shall be construed to be 1 means of identification.

(h) CONFORMING AMENDMENTS.—Chapter 47 (title 18, United States Code, is amended—

(1) in section 1028, by striking "or attempts to do so";

(2) in the heading for section 1028, by adding "and information" at the end; and

(3) in the analysis for the chapter, in the item relating to section 1028, by adding "and information" at the end.

SEC. 3. RESTITUTION.

Section 3663A of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (i), by striking "or" at the end;

(B) in clause (iii), by striking "and" at the end and inserting "or"; and

(C) by adding at the end the following:

"(w) an offense described in section 1028 (relating to fraud and related activity in connection with means of identification or identification documents); and";

(2) by adding at the end the following:

"(I) IN GENERAL.—In the event that a theft or fraud involving the means of identification or identification documents is found to be related to an offense described in section 1028 (relating to fraud and related activity in connection with means of identification or identification documents), there shall be a finding that such theft or fraud was committed in connection with an offense under this section.

SEC. 4. AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES UNDER SECTION 1028.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, as appropriate, to provide an appropriate penalty for each offense under section 1028 of title 18, United States Code, as amended by this Act.

(b) FACTORS FOR CONSIDERATION.—In carrying out subsection (a), the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)—

(1) the extent to which the number of victims (as defined in section 3663A(a) of title 18, United States Code) involved in the offense, including harm to reputation, inconvenience, and other difficulties resulting from the offense, is an adequate measure for establishing penalties under the Federal sentencing guidelines; and

(2) the number of means of identification, identification documents, or false identification documents (as those terms are defined in section 1028(d) of title 18, United States Code, as amended by this Act) involved in the offense, is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(3) the extent to which the value of the loss to any individual caused by the offense is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(4) the range of conduct covered by the offense;

(5) the extent to which sentencing enhancements within the Federal sentencing guidelines and any prior sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct associated with the offense;

(6) the extent to which Federal sentencing guidelines sentences for the offense have been constrained by statutory maximum penalties; and

(7) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code; and

(8) any other factor that the United States Sentencing Commission considers to be appropriate.

SEC. 5. CENTRALIZED COMPLAINT AND CONSUMER EDUCATION SERVICE FOR VICTIMS OF IDENTITY THEFT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall establish procedures to—

(1) collect and acknowledge the receipt of complaints by individuals who certify that they have a reasonable belief that 1 or more of their means of identification (as defined in section 3663A(a) of title 18, United States Code, as amended by this Act) have been assumed, stolen, or otherwise unlawfully acquired in violation of section 1028 of title 18, United States Code, as amended by this Act;

(2) provide informational materials to individuals described in paragraph (1); and

(3) refer complaints described in paragraph (1) to appropriate entities, which may include referral to—

(A) the 3 major national consumer reporting agencies; and

(B) appropriate law enforcement agencies for potential law enforcement action.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. TECHNICAL AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) TECHNICAL CORRECTION RELATING TO CRIMINAL FORFEITURE PROCEDURES.—Section 982(b)(1) of title 18, United States Code, is amended to read as follows: "(1) The forfeiture of property described in subsection (a) of section 212 includes the following:

(1) the means of identification or identification documents that were possessed by the defendant at the time of the violation of section 1028, or were stolen, or otherwise unlawfully acquired as a result of the violation of section 1028, or was in the possession of the defendant at the time of the violation of section 1028; and

(2) any instrumentality, facility, means of transportation, or property described in section 1028(b) or (c)."

(b) ECONOMIC ESPIONAGE AND THEFT OF TRADE SECRETS AS PREDICATE OFFENSES FOR WIRE INTERCEPTION.—Section 2516(b)(3) of title 18, United States Code, is amended by inserting "section 1831(c)(9) (relating to protection of trade secrets)," after "(to espionage),".

ABRAHAM AMENDMENT NO. 3481.

Mr. JEFFORDS (for Mr. ABRAHAM) proposed an amendment to the bill (S. 1360) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, 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 "Border Improvement and Immigration Act of 1998.

SEC. 2. AMENDMENT OF ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(b) SYSTEM.—

(1) Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Attorney General shall establish an automated entry and exit control system that will—

(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

(A) at a land border or seaport of the United States for any alien; or

(B) for any alien for whom the documentation requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State, if the Attorney General and the Secretary of State determine that the alien is not a threat to the United States.

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders and seaports of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;
(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and
(4) estimate the length of time that would be required for such a system to be developed and implemented.

SEC. 4. ANNUAL REPORTS ON ENTRY-EXIT CONTROL TRL AND USE OF ENTRY-EXIT CONTROL SYSTEM.

(a) ANNUAL REPORTS ON IMPLEMENTATION OF ENTRY-EXIT CONTROL AT AIRPORTS.—Not later than 30 days after the end of each fiscal year in the fiscal year in which Attorney General certifies to Congress that the entry-exit control system required by section 101(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 2 of this Act, has been developed, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that—
(1) provides an accurate assessment of the status of the development of the entry-exit control system;
(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met; and
(3) includes a detailed estimate of the funding, if any, needed for the development of the entry-exit control system.

(b) ANNUAL REPORTS ON VISA OVERSTAYS IDENTIFIED THROUGH THE ENTRY-EXIT CONTROL SYSTEM.—Not later than June 30 of each year, the Attorney General shall submit to the Committees on the Judiciary of the Senate and Representatives of the Senate a report that sets forth—
(1) the number of visa overstays of aliens and the number of departure records of aliens that were collected during the preceding fiscal year under the entry-exit control system under section 101(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality;
(2) the number of departure records of aliens that were successfully matched to records of such aliens’ prior arrival in the United States, a separate accounting of such numbers by country of nationality and by classification as immigrant or nonimmigrant; and
(3) the number of aliens who arrived as nonimmigrants, or as visitors under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system, or through other means, as of the end of such aliens’ authorized period of stay, with an accounting by country of nationality and an approximate date of arrival in the United States.

(c) INCORPORATION INTO OTHER DATABASES.—Information regarding aliens who have been removed from the United States and whose authorized period of stay that is identified through the system referred to in subsection (a) shall be integrated into appropriate databases of the Immigration and Naturalization Service and the Department of State, including those used at ports-of-entry and at consular offices.

SEC. 5. BORDER CROSSING-RELATED VISAS.

(a) WAIVER OF FEES FOR CERTAIN VISAS.—
(1) REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of State or the Attorney General may waive all or part of the general visa fees for the processing of any application for the issuance of a combined border crossing identification card and nonimmigrant visa under section 101(a)(15)(B) of the Immigration and Nationality Act where the application is made in Mexico on behalf of a Mexican national under 18 years of age.
(2) PERIOD OF VALIDITY OF VISAS.—
(A) IN GENERAL.—Except as provided in subparagraph (B), if the fee for a combined border crossing card and nonimmigrant visa is waived under section 101(a)(15)(B) of the Immigration and Nationality Act, the visa shall be issued under paragraph (1) for a child under 15 years of age on the date on which the visa shall be issued to expire on the earlier of—
(i) the date that is 10 years after the date of issuance of such immigration visa; or
(ii) the date on which the child attains the age of 15.
(B) EXCEPTION.—At the request of the parent or guardian of any alien under 15 years of age otherwise covered by subparagraph (A), the Secretary of State or the Attorney General may charge a fee for the processing of an application for the issuance of a combined border crossing card and nonimmigrant visa under section 101(a)(15)(B) of the Immigration and Nationality Act provided that the fee is waived pursuant to subparagraph (A) and that the visa is issued to expire as of the same date as is usually provided for visas issued under that section.
(3) LEVEL OF FEES.—Notwithstanding any other provision of law, fees authorized pursuant to section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (6 U.S.C. 1351 note) may be set at a level that will ensure receipt of the full cost to the Department of State of providing machine readable nonimmigrant visas and machine readable combined border crossing identification cards that include the cost of such combined cards and visas for which the fee is waived pursuant to this subsection.

(b) MODIFIED SCHEDULE FOR IMPLEMENTATION OF BORDER CROSSING RESTRICTIONS.—

(1) MODIFIED SCHEDULE.—Paragraph (2) of section 104(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009–355; 8 U.S.C. 1101 note) is amended to read as follows:

"(2) Clause B.—Clause (B) of such sentence shall apply to the extent that inspections personnel and technology in operation at the border patrol checkpoints and in secondary inspection areas of land borders of the United States, including—
"(1) $1,600,000 for 360 narcotics vapor and particle detectors to be deployed at border patrol checkpoints and at secondary inspection areas of land border ports-of-entry;
"(2) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry; and
"(3) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR BORDER ENFORCEMENT ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) AUTHORIZATION.—In order to enhance enforcement and inspection resources on the land borders of the United States, enhance investigative resources, and prevent smuggling and drug-money laundering operations, reduce commercial and passenger traffic waiting times, and open all lanes during peak hours at major land border ports of entry on the Southwest and Northern land borders of the United States, in addition to the amounts otherwise appropriated, there are authorized to be appropriated for salaries, expenses, and equipment for the Immigration and Naturalization Service for purposes of carrying out this section—
(1) $119,604,000 for fiscal year 1999;
(2) $123,064,000 for fiscal year 2000, and
(3) such sums as may be necessary in each fiscal year thereafter.

(b) USE OF CERTAIN FISCAL YEAR 1999 FUNDS.—Of the amounts authorized to be appropriated under subsection (a) for the fiscal year 1999 for the Immigration and Naturalization Service, $33,090,000 shall be available until expended for acquisition and full deployment of narcotics enforcement and other technology along the land borders of the United States, including—
(1) $11,000,000 for 5 mobile track x-rays with transmission and backscatter imaging to be distributed to border patrol checkpoints and in secondary inspection areas of land border ports-of-entry;
(2) $200,000 for 10 ultrasonic container inspection units to be distributed to border patrol checkpoints and in secondary inspection areas of land border ports-of-entry;
(3) $240,000 for 10 Portable Treasury Enforcement Communications System (TECS) terminals to be distributed to border patrol checkpoints;
(4) $5,000,000 for 20 remote watch surveillance camera systems to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry;
(5) $5,000,000 for 20 remote watch surveillance camera systems to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry; and
(6) $875,000 for 36 spotter camera systems located at permanent border patrol check points and at secondary inspection areas of land border ports-of-entry, and
(7) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry.

SEC. 7. USE OF CERTAIN FUNDS AFTER FISCAL YEAR 1999.—Of the amounts authorized to be appropriated under paragraphs (2) and (3) of subsection (a) for the Immigration and Naturalization Service for fiscal year 2000 and each fiscal year thereafter, $4,773,000 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (b), based on an estimate of 25 percent of the cost of such equipment.

(b) USE OF FUND FOR NEW TECHNOLOGIES.—
(1) IN GENERAL.—The Attorney General may use the amounts authorized to be appropriated for equipment under this section for purposes other than the purpose specified in subsection (b) if such other equipment—
SAFETY AND SECURITY. Ð Of the amounts authorized to be appropriated under paragraphs (1) and (2) of subsection (a) for the United States Customs Service for fiscal years 1999 and 2000, $12,844,584 in fiscal year 1999 and $180,910,928 for fiscal year 2000 shall be for—

(1) a net increase of 535 inspectors and 60 special agents for the Southwest border and 375 inspectors for the Northern border, in order to open all primary lanes on the Southwest and Northern borders during peak hours and enhance investigative resources;

(2) a net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the land borders of the United States;

(3) a net increase of 30 special agents, 40 intelligence analysts, and additional resources to be distributed to the Border Patrol sectors that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations;

(4) a net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts; and

(5) the costs incurred as a result of the increase in personal hired pursuant to this section.

COMMERCIAL SPACE ACT OF 1998

FRIST AMENDMENT NO. 3482

Mr. JEFFORDS (for Mr. Frist) proposed an amendment to the bill (H.R. 1702) to encourage the development of a commercial space industry in the United States, and for other purposes; and

On page 46, between lines 1 and 2, strike the item relating to section 306 and insert the following:

Sec. 306. National launch capability study.

On page 87, beginning in line 21, strike “capability,” and insert “certification.”

On page 91, line 7, strike “CAPABILITY” and insert “CERTIFICATION.”

On page 91, strike lines 9 through 16 and insert the following:

(3) the ability to support commercial launch-on-demand on short notification at national launch sites or test ranges; and

On page 91, line 18, insert “and” after the semicolon.

On page 91, line 23, strike “(A);” and insert “(A).”

On page 91, between lines 23 and 24, insert the following:

(1) QUINQUENNIAL UPDATES. Ð The Secretary shall update the report required by paragraph (1) quinquennially beginning with 2022.

Based on the reports under subsection (c), the Secretary, after consultation with the Secretary of
Transportation, the Secretary of Commerce, and representatives from interested private sector entities, States, and local governments, shall—

Reset the matter appearing on page 91, beginning with line 24 through line 22 on page 92, 2 ems closer to the left margin.

On page 91, line 24, strike "(E)" and insert "(I)".

On page 92, line 5, strike "(F)" and insert "(G)".

On page 92, beginning in line 6, strike "subparagraph (D)," and insert "subsection (c)(2)(D),".

On page 92, line 12, strike "(ii)" and insert "(A)".

On page 92, line 13, strike "(iii)" and insert "(B)".

On page 92, line 15, strike "(iii)" and insert "(C)".

On page 92, line 17, strike "(iv)" and insert "(D)".

On page 92, line 18, strike "clauses (i) through (iii);" and insert "subparagraphs (A) through (C),"

On page 92, line 19, strike "(G)" and insert "(G)".

On page 92, beginning in line 21, strike "launched a series in the United States competitive on an international level," and insert "national ranges in the United States viable and competitive."

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Friday, July 31, 1998 at 9:00 a.m. in Senate Dirksen Office Building to hold a hearing on: "Juvenile Forestry." The purpose of this meeting will be to review pending nominations to the U.S. Department of Agriculture and the Commodity Futures Trading Commission.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 30, 1998. The purpose of this meeting will be to examine a recent concept release by CFTC on over-the-counter derivatives and related legislation proposed by the Treasury Department, the Board of Governors of the Federal Reserve System and the SEC.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in executive session during the session of the Senate on Thursday, July 30, 1998, to conduct a mark-up of S. 1405, the "Financial Regulatory Relief and Economic Efficiency Act of 1997".

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing to receive testimony from Romulo L. Diaz, Jr., nominated by the President to be an Assistant Administrator for Administration and Resource Management of the Environmental Protection Agency, and J. Charles Fox, nominated by the President to be an Assistant Administrator for Water of the Environmental Protection Agency, Thursday, July 30, 1998, 2:00 p.m. in Hearing Room SD-406.

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

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, July 30, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, July 30, 1998, at 9:30 a.m., in room 226, of the Senate Dirksen Office Building.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, July 30, 1998 at 1:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Judicial Nominations."

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

COMMITTEE ON COMMUNICATIONS, PRIVACY, AND PURDUE UNIVERSITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Communications, Purdue University, be authorized to meet during the session of the Senate on Thursday, July 30, 1998 at 2:15 p.m. in Hearing Room SD-406.

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

COMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet in executive session during the session of the Senate on Thursday, July 30, 1998 at 9:00 a.m., Hearing Room SD-406.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 30, 1998, at 9:30 a.m. on international satellite reform.

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

ADDITIONAL STATEMENTS

HARNESSING AMERICAN IDEALS

• Mr. DURBIN. Mr. President, I submit an article to be printed in this Record. I thought it would be beneficial for my colleagues to learn about the success that the AmeriCorps program has had among my constituents in Illinois. These are only a few stories about the positive impact that this program has had on people who live in often under served communities in the Chicago area.

The article follows:

[From the Chicago Sun-Times, July 3, 1998] HARNESSING AMERICAN IDEALS

By [Michael Gillis]

In Uptown, they teach Asian English and help them adjust to life in the United States.

In Ford Heights, they help low-income parents become better teachers of their own children.

In neighborhoods throughout the Chicago area, they teach adults how to read, tutor students after school, counsel battered women, teach first aid and help communities right themselves.

Four years after President Clinton’s AmeriCorps project was launched amid a flurry of publicity, its workers are toiling away in relative obscurity. While some still criticize the program for its cost, supporters say it is changing the city in small, but important, ways.

“We never say we’re going to change a community in a year,” said Craig Huffman, executive director of City Year Chicago, which employed about 50 Americorps workers last year and this year received funding to hire about 55 workers starting in the fall.

“But far too many people use the excuse that problems are insurmountable. . . . You have to think about solving a problem, even when everyone else is saying it can’t be solved.”

AmeriCorps workers say they’re more than worth the money they’re paid.

“I realized the impact that one person can have in a lot of lives,” said Lisa Nova, 23, of Flossmoor, who taught CPR and first aid to thousands of Chicago public school students in the last year as one of the 13 AmeriCorps workers for the American Red Cross of Greater Chicago.

That’s the kind of idealism Clinton sought to harness when he proposed the AmeriCorps program in 1993, and Clinton signed the bill into law last year. Clinton’s goal was to create 100,000 AmeriCorps workers for the American Red Cross of Greater Chicago.

Under the program, which is run by a public-private partnership called the Corporation for National and Community Service, AmeriCorps workers must work full-time for an AmeriCorps sponsoring agency, usually a non-profit organization, for at least 1,700 hours in a year in order to receive a $4,725 education award.

Stevens's initial response to the article conceded the positive impact that the AmeriCorps program has had, but only after criticizing the program for its cost.

Mr. DURBIN. Mr. President, I submit an article to be printed in the Record. I thought it would be beneficial for my colleagues to learn about the success that the AmeriCorps program has had among my constituents in Illinois. These are only a few stories about the positive impact that this program has had on people who live in often under served communities in the Chicago area.
service work. They also earn living allowances of about $7,400 a year and health care and child day care benefits. About 90,000 people have served in the program since it started in 1993. More than $1.7 billion has been spent on or committed to the program so far, including $400 million set aside for education awards.

This year has about 500 Americorps workers. About 450 are expected next year.

According to the Corporation for National Service, Americorps workers last year tutored more than 500,000 youth, mentored 95,000 more, created 3,100 safety patrols, built or repaired 5,600 homes, placed 32,000 homeless people in permanent housing and recruited more than 300,000 volunteers.

Many Republicans, including House Speaker Newt Gingrich (R-Ga.), oppose the national service program. Gingrich told Newsweek magazine in 1995 that he was "totally, unequivocally opposed to national service. It is coerced volunteerism. It's a gimmick." Critics also question whether the program is worth the expense, but officials at the corporation say the program has produced results that can be measured through tutoring or the number of homes rehabilitated.

They argue that the program represents a way for Washington to help community-based career. "That's definitely worth it," said Pat Clay, an Americorps worker for City Year who helped run an after-school program on gardening and environment, said she learned how much she meant to her students at the end of the year. "When it's over and you say your good-byes, and the kids tell you what they think it was, that's when you know you've made a difference," she said.

CBO COST ESTIMATE ON S. 1283

- Mr. D'AMATO. Mr. President, the Committee on Banking, Housing, and Urban Affairs reported S. 1283, the "Little Rock Nine Congressional Gold Medal Act" on Friday, July 26, 1998. The Committee report, S. 1283, was filed on Friday, July 10, 1998.

The Congressional Budget Office cost estimate required by Senate Rule XXVI, section 11(b) of the Standing Rules of the Senate and section 403 of the Congressional Budget Impoundment and Control Act, was not available at the time of filing and, therefore, was not included in the Committee Report. Instead, the Committee indicated the Congressional Budget Office cost estimate would be published in the Congressional Record when it became available.

- Mr. President, I ask that the full statement and cover letter from the Congressional Budget Office regarding S. 1283 be printed in the Record.

The material follows:

U.S. CONGRESS
CONGRESSIONAL BUDGET OFFICE

HON. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR Mr. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1283, an act to award congressional gold medals to the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, Director.

Enclosure.

CBO COST ESTIMATE FOR S. 1283

S. 1283—An act to award congressional gold medals to the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1283 would authorize the President to present gold medals to Jack E. Brown Trickey, Carlotta Walls LaNier, Melba Pattillo Beals, Terrence Roberts, Elizabeth Eckford, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and J efferson Thomas, re-
The Cheyenne River Sioux Tribe Equitable Compensation Act would establish a trust fund within the Department of the Treasury for the development of certain tribal infrastructure projects for the Cheyenne River Tribe as compensation for lands lost as a result of several public works projects. The trust fund would be capitalized from a small percentage of hydropower revenues and would be capped at $290 million. Independent research has concluded that the economic loss to the tribe justifies such a compensation fund. The tribe would then receive the interest from the fund to be used according to a development plan based on legislation previously passed by Congress, and prepared in conjunction with the Bureau of Indian Affairs and the Indian Health Service.

This type of funding mechanism has seen unanimous support in the Congress through recent passage of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act, as well as the Crow Creek legislation passed last Congress. Precedent for these infrastructure development trust funds capitalized through hydro-power revenue was established with the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act of 1992, which set up a recovery fund financed entirely from a percentage of Pick-Sloan power revenues to compensate the tribes for lands lost to Pick-Sloan.

I believe it is important for the Senate to understand the historic context of this proposed compensation. As you may know, the Flood Control Act of 1944 created five massive earthen dams along the Missouri River. Known as the Pick-Sloan Plan, this public works project has since provided much-needed flood control, irrigation, and hydropower for communities along the Missouri River. Four of the Pick-Sloan dams are located in South Dakota and the fifth dam is on the North Dakota/Montana border. South Dakota Governor Bill Janklow has endorsed this type of funding mechanism for the compensation of South Dakota tribes, and fully supports S. 1904.

Mr. President, the tribes in my State experience some of the most extreme poverty and unemployment in this country. Under the current Chairman, Gregg Bourland, the Cheyenne River Sioux Tribe has been a leader in economic development initiatives within the reservation community and I believe this bill will reinforce and further the economic development successes of the tribe. I look forward to educating my colleagues about the importance of this bill to the Cheyenne River Sioux Tribe and I encourage swift Senate action on this bill.

**PATENT AND TRADEMARK OFFICE'S LEASE PROCUREMENT**

Mr. WARNER. Mr. President, I rise today to set the record straight about the Patent and Trademark Office’s lease procurement for a new or remodeled facility. It is a continuing misinformation campaign waged to delay the Patent and Trademark Office’s lease procurement or put it back to square one.

All allegations are being made, that to the taxpayer’s detriment, the new facility is vastly overpriced and that a new federal construction option has not been considered.

The fact is that the procurement has been conducted by the book and has undergone several, impartial reviews, all of which conclude that the project is on the right track, competitively sound and should continue.

Mr. President, we all know that funding is not available to support the federal construction of a new headquarters for PTO because of the limitations of the Balanced Budget Act. We also know that the new lease, authorized by the Senate Environment and Public Works Committee in Fall of 1995, will result in cost savings of $72 million over the life of the lease. That cost savings will accrue in spite of moving costs, an upgraded work environment, new furniture and other improvements designed to enable the PTO to more effectively do its job.

The PTO is fully fee funded and does not receive any taxpayer support. All lease and moving costs will be borne by PTO’s customers in the normal course of business.

The Subcommittee on Transportation Infrastructure intended to have a hearing on this matter in September. In the meantime, I am submitting a number of points regarding the procurement, in addition to a letter sent to me by Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

I urge you to take time to hear the real story of the PTO project. The clear picture is that failure to consolidate PTO space will result in wasteful use of funds and prevents PTO from modernizing services for its customers.

The material follows:

**THE FACTS OF OFFICE PROCUREMENT**

No taxpayer funds are being spent on the project. PTO is fully user fee funded.

PTO’s largest user groups support the project. This AILC, Intellectual Property Law Association, the Intellectual Property Owner’s Association and the Intellectual Property Section of the ABA have all expressed strong support in numerous Congressional letters for continuation of the ongoing procurement.

Federal construction is not a viable option. The Administration and PTO’s Appropriations Committees agree that a competitive lease is the only viable option since neither user fees nor taxpayer funding are available to construct or purchase a facility for PTO.

Consolidated project will save the PTO at least $72 million. Whether the project procurement for the PTO’s current lease, is on the right track, competitively sound and should continue.

Senate Bill already caps build-out costs. The Senate Appropriations Bill (S. 2260), as passed, would cap interior office build-out at $36.69 per square foot, the Government-wide standard rate. Moreover, these costs are included in the new rent amount.

PTO’s projected moving costs are reasonable. All moving costs were taken into account in computing the $72 million in savings. PTO’s projected costs are comparable to those spent by other recently consolidated agencies.

PTO will not purchase $250 shower curtains, etc. Estimates for $250 shower curtains, the fitness facility, $750 cribs for the child care center, $300 ash cans for smoking rooms, and $1,000 coat racks for training facilities were included in PTO’s estimates used for the purpose of calculating the cost savings that would result from consolidation. Standardization, mass buys and competitive furniture purchases will lower actual costs. PTO has not yet made any requested appropriations of user fees for furniture purchases. Proceeding with the procurement and applying a sharp pencil to PTO’s future appropriations requests for furniture can only enhance the $72 million in savings.

Any environmental costs will be totally funded by the developer. All three sites competing for PTO’s lease already house Federal employees. The Government just constructed a federal courthouse on the Carlyle site, the Defense Department has occupied the Eisenhower site for over 20 years, and the PTO has occupied the Crystal City site for over 25 years. There is no evidence that developers cannot accomplish any environmental work that may be required to further develop these sites.

DOC’s IG concluded that the project should proceed. The IG’s key conclusion was that PTO will benefit from the project and will reduce long-term costs. The IG and an independent consultant to the DOC Secretary (Jefferson Solutions) found that
enhanced building capability, which is the goal of planned interior upgrades, is not unreasonable in terms of cost and purpose. And S. 2680, as passed, would place the ceiling on building that Congress recommends.

Two of the PTO's three unions fully support the project. National Treasury Employees Union locals 243 (representing clerical and administrative staff) and 245 (representing trademark examining attorneys) have already signed a partnership agreement supporting PTO's plans for the project. The PTO is continuing talks with the third union.

I look forward to working with you and our appropriators to ensure that any expenditures for furniture are prudent and responsible. Delaying or stopping this procurement will only increase space costs for our fee-paying customers.

Sincerely,

BRUCE A. LEHMAN,
Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.

AUNG SAN SUU KYI THE INDOMITABLE

Mr. MOYNIHAN. Mr. President, for eight years Nobel Peace Prize winner Aung San Suu Kyi has battled the military junta in an indomitable, peaceful way which deserves the admiration of us all. For five of these years she was held under house arrest. This is no longer the case. Despite events of the last week she showed her freedom continues to be limited, as is the freedom of all Burmese citizens.

Last Friday, Aung San Suu Kyi began a journey to meet with members of her National League for Democracy in Nyaungdon township, outside of the capital. She never made it. The thugs who run the military junta blocked her passage. She spent six days in her car surrounded by soldiers who prevented her from crossing a bridge about 30 miles outside of the capital.

These actions were rightly criticized by many of the foreign ministers attending the annual meeting of the Association of Southeast Asian Nations (ASEAN), including our own Secretary of State, Madeleine Albright. As Keith B. Richburg reported in the Washington Post yesterday, "the foreign ministers of six nations and the European Union confronted a top Burmese official this week: No harm must come to the Nobel Peace Prize winner." I think it is clear that we in the Senate share this sentiment. We hold the leaders of the military junta in Burma responsible for the safety of Aung San Suu Kyi.

She has demonstrated uncommon restraint and valor in her often tense encounters with the junta. This last week has been no exception. She sat in her car for days, yet when she spoke, she did so firmly and without rancor. She called for dialogue between the NLD and the junta and consistently speaks of upholding the rule of law. She has recently called for the true parliament of Burma—the one elected in 1990—to be seated by August 21. Perhaps this will be an opportunity for the junta to step aside.

The junta has failed miserably. Burma is a country rich in resources which has been run into the ground by an irresponsible junta. The elected leaders have been censored, jailed, and worse. The junta has lost legitimacy and should step aside and let the rightful and elected government of Burma take control. The people of Burma made their preference clear. Eight years is long enough to wait.

I-90 LAND EXCHANGE

Mr. GORTON. Mr. President, on July 23, the Subcommittee on Forests and Public Land Management held a hearing on legislation I have introduced to complete an important land exchange in my state. The bill, S. 2136, would authorize and direct the Forest Service to conclude an exchange with Plum Creek Timber Company which has been under formal discussion for several years.

The exchange is in an area of Washington surrounding the Interstate 90 corridor through the central Cascades. This area is characterized by a "checkerboard" ownership pattern of intermingled ownership between Plum Creek and the Forest Service. These lands are among the most studied not only in my state but the Nation.

The problems of checkerboard ownership are well recognized and understood in the west and northwest. This exchange, trading 60,000 of Plum Creek land for 40,000 acres of Forest Service land, would help resolve many management issues for both owners. It would make management more efficient, especially on an ecosystem basis.

I introduced my bill to provide impetus to complete this exchange by year's end because of the need for a speedy resolution. If the exchange is not completed by the end of this year, Plum Creek will have no choice but to resume logging their land in 1999. The company has deferred harvests on 90 percent of the exchange lands for the past 2 years and they have firmly stated they cannot continue to do so.

There is broad public support for the exchange and for completing it in a timely fashion. Our governor, Gary Locke, and the Mayor and the City Council, J. Jennifer Belcher, have endorsed the exchange—urging it's completion by the end of 1998. The State Legislature unanimously approved a resolution in support of the I-90 exchange.

Major newspapers in Seattle and other cities have recognized the need to finish this exchange. Many environmental groups support a land exchange.

Mr. President, our subcommittee hearing pointed out the difficult problems we face in Washington when we try to resolve issues. There always seems to be a controversy, no matter how worthy the purpose. My legislation and the I-90 exchange are no different.

Representatives from the environmental community, Plum Creek and the Forest Service testified on July 23. While mainstream environmental groups heartily support an exchange, I would prefer the unencumbered Spe-

The Forest Service wants to complete the exchange, but opposes legislation. I am disappointed that the Administration, having worked on this proposal for so long, wants to use a bill designed to enact a land exchange it has negotiated. Each party has spent over $1 million getting to this point. Must we spend more, only to run the risk of seeing the entire exchange fall apart as a result of the heavy weight of appeals and litigation?

The I-90 exchange has been proposed in various shapes and sizes for more than a decade. Since it was first considered, the Northern Spotted Owl has been listed under the Endangered Species Act and the President has put his Northwest Forest Plan in effect. Plum Creek has even completed a massive Habitat Conservation Plan on 170,000 acres of its lands—including those in this exchange. This Plan, now two years old, was negotiated with the U.S. Fish and Wildlife Service. With this background and the resulting studies, I am confident we can complete an exchange on these lands that represents a consensus.
can be incorporated in the final EIS. Further I am asking the Forest Service to move up the deadline for completing a final EIS to September 10 and forwarding it to the Subcommittee on Forests and Public Lands Management. Such a document—presented to Congress in a timely manner—we must leave all options open this year. I continue to believe legislating this exchange is the right thing to do.

Mr. President, there are many who question why Congress should legislate this exchange. It is not a common practice. Congress has not shied away from passing land trades in the past and we should not in this instance when a consensus may be eminently important.

In an editorial on the exchange The Seattle Times stated, “The perfect as enemy of the good is a common phrase these days, but it remains appropriate to this situation. A transfer of 100,000 acres with a net gain of 20,000 to the public has a long-term ring to it that future generations may see as prescient. Those are powerful reasons to walk toward this agreement with eyes open, but keep walking.”

TRIBUTE TO THE PROCTOR FIRE DEPARTMENT/SUTHERLAND FALLS HOSE COMPANY ON THEIR 100TH BIRTHDAY

Mr. JEFFORDS. Mr. President, August 15, 1998, will be a great day for Vermonters. It will be the centennial of the Proctor Fire Department, Sutherland Falls Hose Company. On behalf of all Vermonters, I want to wish the department a very happy birthday.

For a century, the Proctor Fire Department has been a vital part of its community. The firefighters continually risk their lives to protect the welfare of their neighbors. One such person was Firefighter Maurice "Sonny" Wardwell, a twenty-three year veteran of the department. He gave his life on January 23, 1994, while at the scene of a mutual aid fire in Pittsford, Vermont. Mr. Wardwell is a true hero and his sacrifice serves as a reminder to us all of dedication and selflessness of this profession.

Mr. President, the 100th birthday of the Proctor Fire Department/Sutherland Falls Hose Company is a monumental occasion. The department is a vital part of the town and provides prompt and reliable service to people in the most distressing situations. This tribute recognizes the importance of the Proctor Fire Department/Sutherland Falls Hose Company and, more importantly, the courageous firefighters who provide service to people in the community.

IN MEMORY OF MR. CLYDE RAYMOND BARROW

Ms. MOSELEY-BRAUN. Mr. President, it is with great sadness that I rise today to pay tribute to the passing of Clyde Raymond Barrow. He was a dear friend, a devoted family man, and a committed community member. His life enriched the lives of countless people. I would like to take a few moments to reflect on this special person.

Clyde Barrow was born on March 3, 1923, in Belize, British Honduras. He passed just a few weeks ago at the age of 75 on July 9, 1998, in Chicago. He is survived by his wife of 54 years, the Reverend Willie Taplin Barrow; his adopted children, Dr. Patricia Carey and John Kirby, Jr.; his two sisters, Avis Barrow and Kay Barrow Foster; ninety-eight Godchildren; many nieces and nephews; as well as friends and relatives too numerous to count. The Barrows are also the parents of Keith Errol Barrow, who preceded his father in death in 1983.

To Reverend Barrow, and Clyde's surviving family and friends, I wish there was some way that I could lift this burden of loss from your shoulders. We must take comfort in the fact that Clyde lived a life of tremendous courage, dignity, and kindness. Clyde Barrow's life is an example of righteousness for us all to follow.

Although Clyde Barrow is no longer with us, he has left scores of memories and a legacy and compassion that will live on forever. He was the strong, silent partner of the little warrior, Reverend Barrow, supporting her in her many civil rights battles and her stewardship of Operation Push.

A welder by trade, Clyde also labored countless hours to build and strengthen his community by volunteering his considerable time and talents. Clyde's involvement with organizations such as the Doctors Hospital of Hyde Park and the Vernon Park Church of God's Master (Men Achieving Success and Training) Homeless Ministry represent his well-earned reputation as a good Samaritan. As one who cherished children, Clyde Barrow went out of his way to be a role model for kids in his church and neighborhood. Without a doubt, Clyde Barrow was the embodiment of the neighbor we all want living next door to us: a rock and a conscious within the community.

In times such as these, it is comforting to remember the words of our Lord: "Weeping may endure for a night, but joy comes with the dawn." Clyde Raymond Barrow was a fine man, dedicated to his family, his community, and his God. The Barrows are in my thoughts during this time of sad reflection. I pray for them in the time of sorrow, and I trust that they are in the prayers of the Senate as well.

RELIGIOUS PERSECUTION IN IRAN

Mr. BROWNBACK. Mr. President, on December 10, 1948—nearly 50 years ago—the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. It was a document that the same resolution "to cause it to be disseminated, displayed, read and expounded..." Since that time, the Universal Declaration has become the bedrock document for human rights standards and aspirations for signatory governments.

One government, however, the government of Iran, is distinguished as an egregious violator of a central principle this document expounds—namely, the principle this document expounds the Universal Declaration explicitly states: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

On Thursday, July 21st, the Iranian government summarily executed an Iranian Baha’i for the single alleged act of converting a Muslim to the Baha’i faith. The Baha’is are Iran’s largest religious minority with about 300,000 adherents and suffer continuous persecution for their faith.

The executed, Mr. Rowhani, a medical equipment salesman with four children, had been picked up near the northern Iranian city of Mashad by the Iranian authorities in September 1997. He was held in solitary confinement during that extended period until his final execution.

The facts are stark in their cruelty. His family was allowed to visit him briefly the day before his execution but, amazingly and cynically, they were not notified of the execution. A transfer of 100,000 acres with a net gain of 20,000 to the public has a long-term ring to it that future generations may see as prescient. Those are powerful reasons to walk toward this agreement with eyes open, but keep walking.”

It is safe to say that Mr. Rowhani was executed for no due process nor afforded a lawyer prior to his execution. He was not notified of the execution that was set for the next day. They finally discovered the death only after they were given one hour to arrange for his burial. With brutal disregard, the Iranian government refused to divulge any information to this grieving family who were forced to conclude from the rope marks that their beloved relative had been executed by hanging.

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NURSING SCHOOL ADMINISTERED PRIMARY CARE CLINICS

- Mr. INOUYE. Mr. President, I rise today to speak on an health issue of great importance now and in future years. As our population continues to increase, our elderly live longer, and healthcare technology advances, the need for access to care will undoubtedly also increase.

Because of these monumental increases in the need for healthcare access for many Americans, I wish to take this opportunity to discuss the need for support of nursing school administered primary care centers.

Nursing centers are university or nonprofit entity primary care centers developed (primarily) in collaboration with nurses' schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are public health nurses and nurse practitioners. Students supplement patient care while receiving preceptorships provided by colleges of nursing faculty and in the communities they serve. These centers are often associated with academic institutions, who serve as collaborators with nurse practitioners.

Nurse practitioners, and public health nurses, in particular, are educated through programs which offer advanced academic and clinical experiences, with a strong emphasis on primary and preventive health care. In fact, schools of nursing that have established these primary health care centers blend service and education goals, resulting in considerable benefit to the community at large.

Since the late 1970's, in conjunction with the development of educational programs for nurse practitioners, colleges of nursing faculties have established nursing centers. There are currently 250 centers nationwide, affiliated with universities and colleges of nursing in Arizona, Utah, Pennsylvania, South Carolina, Tennessee, Texas, Hawaii, Virginia, and New York. The Research Nurse Practitioner Consortium, an association of eighteen nursing centers in New Jersey, Pennsylvania and Delaware, was established in 1996 to foster greater recognition of, and support for, nursing centers in their pursuit of providing quality care to underserved populations.

Nursing centers tend to be located in or near areas with a shortage of health professionals or areas that are medically underserved. The beneficiaries of these centers have traditionally been the underserved and those least likely to engage in ongoing health care services for themselves or their family members. In the 1970's, I sponsored legislation that would give nurses the right to reimbursement for independent nursing services, under various federal healthcare programs. At the same time, one of the first academic nursing centers was delivering primary care services in a nursing center.

As the Vice Chairman of the Committee on Indian Affairs, I am pleased to note that the University of South Carolina College of Nursing has established a Primary Care Tribal Practice Clinic, under contract with the Catawba Indian nation, which provides primary and preventive services to those populations. The University also has a Women's Health Clinic and Student Health Clinic, which are both managed by the college.

Another prime example of services provided by nurse practitioners is the Utah Wendover Clinic. This clinic, in existence since 1994, provides interdisciplinary rural public health services to more than 20,000 patients annually. The clinic now has telehealth capabilities that provide interactive links from the clinic to the university hospital, 120 miles away. This technology allows practitioners direct access to care for primary care, pediatrics, mental health, potential abuse, and emergency trauma treatment.

To date, nursing centers have demonstrated quality outcomes which, when compared to conventional primary health care, indicate that their comprehensive models of care have resulted in significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists. The Lasalle Neighborhood Nursing Center, for example, reported for 1997 that fewer than 0.02 percent of their primary care clients reported hospitalization for asthma, fewer than 1 percent of expectant mothers who delivered low birth rate infants; 90 percent of infants and young children were immunized on time; 50 percent fewer emergency room visits; and the clinic achieved a 97 percent patient satisfaction rate.

What makes the concept of nurse managed practices exciting and promising for the 21st century is their ability to provide care to underserved people in desperate need of health care services. Interestingly, nurse practitioners have consistently provided Medicaid sponsored primary care in urban communities for a number of years, and have consistently demonstrated their commitment to these underserved areas.

The 1997 Balanced Budget Act (P.L. 105-33) included a provision that for the first time ever allowed for direct Medicare reimbursement of all nurse practitioners and clinical nurse specialists, regardless of the setting in which services were performed. This provision built upon previous legislation that allowed direct reimbursement of the individual nurse practitioners for services provided in rural health clinics throughout America. The law effectively paved the way for an array of clinical practice arrangements for these providers; however, peak care in a “spirit of serving” to underserved people in desperate need of care, was not formally included in the law.

Federal law now also mandates independent reimbursement for nurse practitioners under the Civilian Health and Medical Programs of Uniformed Servicemen (CHAMPUS), the Federal Employee Health Benefits Plan (FEHBP) and in Department of Defense Medical Treatment Facilities.

As the Ranking Member of the Defense Appropriations Subcommittee, my distinguished colleagues and I have listened to the testimonies of the three Service Chief Nurses each year, during their Defense Medical Briefing. I am proud to report that the military services have taken the lead in ensuring the advancement of the profession of nursing. Military advanced practice nurses provide care to service members and their families. The military developed the first demonstration centers for the military, to develop clinical practice arrangements for these providers; however, peak care in a “spirit of serving” to underserved people in desperate need of care, was not formally included in the law.

Federal law now also mandates independent reimbursement for nurse practitioners under the Civilian Health and Medical Programs of Uniformed Servicemen (CHAMPUS), the Federal Employee Health Benefits Plan (FEHBP) and in Department of Defense Medical Treatment Facilities.
is a first ever accomplishment for nurses in the military. I hope to see
more nurse officers in these leadership roles, even at the three star level.

At the beginning of this Congress, I proposed legislation to amend
Title XIX of the Social Security Act to expressly provide for coverage of
services by nursing school administered centers under state medical pro-
grams, similar to payments provided to rural health clinics. Today, as we
debate a number of health care issues, I urge his consideration of the live-activity
for expanding health care access for all Americans, particularly the poor and
underserved. Nursing centers, as new models of health care providers, offer
quality services for lower payments.

In closing, I would like to reiterate that nurse practitioners provide cost
effective, preventive care in underserved areas across America. Their
educational programs emphasize the provision of care to patients with lim-
ited financial and otherwise. A recent article in U.S. News and
World Report showcased the successful Columbia Advanced Practice Nurse
Associates (CAPNA), a nurse run primary care clinic in New York City. Dr. Mary
Mundinger, the Dean of the Columbia School of Nursing and a Robert Wood
Johnson Health Policy Fellow in 1984, was the catalyst for the center, which
she envisions as a “prototype of a new branch of primary care.”

Nurse practitioners have proven themselves to be well trained providers
of high quality, cost effective care.

Nursing school administered centers offer viable alternatives to health care
access for the poor and underserved, and allow Americans more choices in
their selection of cost effective, quality care services. The issues surrounding
quality, access and the provision of pa-

In addition, a 1993 analysis of studies com-
paring care offered by physicians with that
provided by NPs found that nurses spent
about 25 minutes with a patient; doctors
togethe in their rates of prescribing drugs, but the
nurses provided more patient education and
stressed exercise more often than the doc-
tors.

While the debate may seem to pit nurses
directly against doctors, the more important
division caused by CAPNA may be between
types of physician, primary-care providers
and specialists. Critics of the CAPNA model fear
that NPs, because they have less training in
specialties, which on
m. Specialists many specialists respond that in
the age of managed care, overreferral by
doctors is far less of a danger than underreferral
by doctors, who are torn between the in-

Mundinger’s admirers say she has not only
created a significant new model of health
TRIBUTE TO LIEUTENANT COLONEL KEVIN "SPANKY" KIRSCH, USAF

Mr. WARNER. Mr. President, I rise today to pay tribute to Lieutenant Colonel Kevin "Spancy" Kirsch, United States Air Force, on the occasion of his retirement after over twenty years of exemplary service to our nation. Colonel Kirsch's strong commitment to excellence will leave a lasting impact on the vitality of our nation's military procurement and information technology capabilities. His expertise in these areas will be sorely missed and has contributed much to the Pentagon and on Capitol Hill.

Before embarking on his Air Force career, Colonel Kirsch worked as an estimator/engineer for Penfield Electric Co. in upstate New York, where he designed and built electrical and mechanical systems for commercial construction. In 1978, Colonel Kirsch received his commission through the Officer Training School at Lackland AFB in San Antonio, TX. Eagerly traveling to Williams AFB in Arizona for flight training, Colonel Kirsch earned his pilot wings after successful training in T-37 and T-38 aircraft.

In 1980, Colonel Kirsch was assigned to Carswell AFB, in Fort Worth, TX, as a co-pilot in the B-52A aircraft. While serving in this capacity on nuclear alert for the next five years, he earned his Masters degree, completed Squadron Officer School and Marine Corps Command and Staff School by correspondence, and earned an engineering specialty with the Civil Engineer Squadron.

An experienced bomber pilot serving with the 7th Bomb Wing, Colonel Kirsch, then a First Lieutenant, served as the Resource Manager for the Director of Operations—a position normally filled by an officer much more senior in rank. He was selected to the Standardization Evaluation (Stan-Eval) Division and became dual-qualified in the B-52H. Subsequently, he was selected ahead of his peers to be an aircraft commander in the B-52H.

Colonel Kirsch was selected in 1985 as one of the top 1% of the Air Force's captains to participate in the Air Staff Training (ASTRA) program at the Pentagon. His experience during that tour, working in Air Force contracting and legislative affairs, would serve him well in later assignments.

In 1986, Colonel Kirsch returned to flying in the FB-111 aircraft at Plattsburgh AFB, NY. He joined the 529th Bomb Squadron as an aircraft commander and was designated a flight commander shortly thereafter. He employed his skills to help automate the scheduling functions at the 380th Bomb Wing and was soon designated chief of bomber scheduling.

Following his tour with the 529th, Colonel Kirsch was assigned to Strategic Air Command (SAC) Headquarters at Offutt AFB, NE. As Chief of the Advanced Weapons Concepts Branch, he served as a liaison with the Department of Energy on nuclear weapons programs and worked on development of new strategic systems—including the B-2 bomber. Colonel Kirsch was one of four officers chosen to be part of the commander-in-chief's (CINC's) staff group to facilitate the transition of SAC to Strategic Command (STRATCOM). Originally picked as a policy officer, he soon became the legislative liaison for STRATCOM. In this capacity, Colonel Kirsch organized congressional delegations to visit STRATCOM, and managed CINC STRATCOM's interaction with Capitol.
brushfire war has now claimed lives unnecessarily on both sides, and it must be ended. Mr. President, the CIS peacekeepers are a major part of the problem and the reason the war continues. As the Times of London noted on July 27, 1998, "accepted are the CIS peacekeepers only under duress, because the UN blinked. These CIS peacekeepers, the Times points out, have not exactly distinguished themselves by their impartiality. They are "entirely drawn from Russian officers and commanded from Russian, not CIS, headquarters. Of its four battalions, one fought the Georgians in the 1992-93 war, while another two are recruited from anti-Georgian nationalities." It is hard to imagine that this formula can create anything but conflict, and indeed, there have been constant complaints from Georgia that these so-called peacekeepers are merely part of a Russian strategy to destabilize Georgia, a strategy that includes several assassinations, all attempts on President Shevardnadze.

From the beginning, the Abkhaz conflict has been widely acknowledged to be Russia's doing. The separatists who want to break off Abkhazia from Georgia are armed and encouraged by the Russians. Georgia has offered Abkhazia full autonomy, an offer that has been answered by Russian guns. As early as 1992 Russia provided the Abkhazians with weapons to conduct the war, and the Russian government today supports the Abkhaz leadership in its unwillingness to bring the conflict to a close through negotiation. One member of the Abkhaz leadership wrote in the Russian nationalist press in 1992 that "Abkhazia is Russia." Since then, Russia has managed to scuttle all budding negotiations, even while serving as the putative "mediator" at the recent Geneva talks between the Georgians and Abkhazians, and it has unfailingly sided with the Abkhaz against Georgia at the infrequent bargaining tables and on the battlefield.

Let us be frank: These Russian peacekeepers do not want peace. Rather, they seek to extend the hostilities so that Georgia will find it difficult to consolidate its hold over this breakaway region. These so-called peacekeepers have helped to create thousands on both sides; they have created massive flows of Georgian refugees by turning a blind eye toward some of the most blatant ethnic cleansing anywhere in the world; and they have allowed the devastation of what is arguably one of the richest and most beautiful parts of the Georgian State.

Abkhaz leaders, with Russia's help, have perpetrated one of the world's most egregious examples of ethnic cleansing. Tens of thousands of Georgians have been forced out of their homes in Abkhazia and turned into homeless, hungry refugees. Georgia's many requests in recent years to the United Nations to condemn this blatant genocide have fallen on deaf ears, and most Georgians now attribute the Abkhazians' continued use of ethnic cleansing to UN inaction. Georgia has once again asked the UN to intervene in Abkhazia, but its willingness to do so, negotiated with Russia's hold on the seat on the Security Council, is in doubt.

How is it possible that ethnic cleansing can high behind a transparent veil? Tens of thousands of UN peacekeepers have shirked its duty to protect these vulnerable Georgians, when it seems willing, even eager, to condemn genocide elsewhere in the world? Where is the indignation and outrage from our offices in the United Nations? Where are the legions of human rights advocates that usually visit the corridors of our departments and ministries?

The Abkhazians (who constitute less than 20 percent of the population of the region they claim as their own) and their Russian supporters, should harbor no illusions about the ultimate outcome of this struggle: Abkhazia will remain part of Georgia. The Georgian government will never acquiesce in territorial claims on its historic territory, and the US government will never support such claims. Meanwhile, Abkhazians are poised to miss what could be one of the most exciting periods in the history of the South Caucasus. The opening of energy pipelines from the Caspian will create unprecedented opportunities for growth and development, and the forgoing of the Eurasian Transport Corridor, the New Silk Routes, represents an opportunity for Georgia, foretells a future in which all Georgians, including Abkhazians, should prosper.

Those of my colleagues who have traveled to Georgia know of the immense beauty of the country, and the kindness and generosity of its people. They know of the Georgians' will in the face of numerous obstacles and barriers. And, increasingly, they understand why and where Georgia's interests intersect with America's.

Put simply, Georgia is a key strategic ally for America in a region in which America has few strategic anchors. America has a strong national interest in encouraging a close and multifaceted relationship with Georgia. Though small, poor and weak, Georgia has the potential to be small, yet rich and strong. It is in our best interest to promote this transition with American and American power and American taxpayers.

EXPRESSING THE SENSE OF CONGRESS CONCERNING THE HUMAN RIGHTS AND HUMANITARIAN SITUATION FACING THE WOMEN AND GIRLS OF AFGHANISTAN (The text of the concurrent resolution (S. Con. Res. 97), with its preamble, as agreed to by the Senate on July 29, 1998, is as follows.)

S. CON. RES. 97

Whereas the legacy of the war in Afghanistan has had a devastating impact on the civilian population, and a particularly negative impact on the rights and security of women and girls; Whereas the current environment is one in which the rights of women and girls are routinely violated, leading the Department of State in its 1997 Country Report on Human Rights, released January 30, 1998, to conclude that "peacekeeping efforts are bedeviled by increasingly restrictive Taliban dress codes, which require women to be covered from head to toe, women are strictly prohibited from leaving their houses, and girls and women are denied the right to an education, women are forbidden from appearing outside the home without a male family member, and beatings and death result from a failure to observe these restrictions; Whereas the Secretary of State stated, in November 1997 at the Nasir Bagh Refugee Camp in Pakistan, that if a society is to move forward, women and girls must have access to schools and health care, be able to participate in the economy, and be protected from physical exploitation and abuse; Whereas Afghanistan recognizes international human rights conventions such as the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the Covenant on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the International Covenant on Economic, Social, and Cultural Rights, which guarantees respect for human rights of all individuals without regard to race, religion, ethnicity, or gender; Whereas the use of rape as an instrument of war is considered a grave breach of the Geneva Convention and a crime against humanity; Whereas people who commit grave breaches of the Geneva Convention are to be apprehended and subject to trial; Whereas there is significant credible evidence that warring parties, factions, and powers in Afghanistan are responsible for numerous human rights violations, including the systematic rape of women and girls; Whereas in recent years Afghan maternal mortality rates have increased dramatically, and the level of women's health care has declined significantly; Whereas there has been a marked upswing in human rights violations against women and girls since the Taliban coalition seized Kabul in 1996, including Taliban edicts denying women and girls the right to education, employment, access to adequate health care, and direct access to humanitarian aid; and Whereas peace and security in Afghanistan are conduces to the full restoration of all human rights and fundamental freedoms, the voluntary repatriation of those who have lost their homeland in safety and dignity, the clearance of mine fields, and the reconstruction and rehabilitation of Afghanistan: Now, therefore be it:

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) deplores the continued human rights violations by all parties, factions, and powers in Afghanistan; (2) condemns targeted discrimination against women and girls and expresses deep concern regarding the prohibitions on employment and education; (3) strongly condemns the use of rape or other forms of systematic gender discrimination by any party, faction, or power in Afghanistan as an instrument of war; (4) calls on all parties, factions, and powers in Afghanistan to respect international norms and standards of women's human rights and gender equality.
(A) discrimination on the basis of gender; and
(B) deprivation of human rights of women;
(c) call on all Afghan parties in particular to take measures to ensure—
(A) the effective participation of women in civil, economic, political, and social life throughout the country;
(B) the right of women to work;
(C) the right of women and girls to an education without discrimination, reopening schools to women and girls at all levels of education;
(D) respect for the right of women to physical security;
(E) those responsible for physical attacks on women are brought to justice;
(F) respect for freedom of movement of women and their effective access to health care; and
(G) equal access of women to health facilities;
(7) supports the work of nongovernmental organizations advocating respect for human rights in Afghanistan and an improvement in the status of women and their access to humanitarian and development assistance and programs;
(8) calls on the international community to provide, on a nondiscriminatory basis, adequate humanitarian assistance to the people of Afghanistan and Afghan refugees in neighboring countries pending their voluntary repatriation, and requests all parties in Afghanistan to lift the restrictions imposed on the movement of aid and to cease any action which may prevent or impede the delivery of humanitarian assistance;
(9) welcomes the appointment of Ambassador Lakhidar Brahimi as special envoy of the United Nations Secretary General for Afghanistan, and encourages United Nations efforts to produce a durable peace in Afghanistan consistent with the goal of a broad-based national government respectful of human rights; and
(10) calls on all warring parties, factions, and powers to participate with Ambassador Brahimi in an intra-Afghan dialogue regarding the peace process.

SEC. 2. ADDITIONAL ACTION BY PRESIDENT.

It is the sense of Congress that the President and Secretary of State should—
(1) work with the United Nations High Commissioner for Refugees and the international community to—
(A) guarantee the safety of, and provide international development assistance for, Afghan women's groups in Pakistan and Afghanistan;
(B) increase support for refugee programs in Pakistan providing assistance to Afghan women and children with an emphasis on health, education, and income-generating programs; and
(C) explore options for the resettlement of those Afghan women, particularly war widows and their families, who are under threat or who fear for their safety or the safety of their children;
(2) establish an Afghanistan Women's Initiative, based on the successful model of the Bosnian Women's Initiative and the Rwandan Women's Initiative, that is targeted at Afghan women's groups, in order to—
(A) facilitate organization among Afghan women's groups in Pakistan and Afghanistan;
(B) provide humanitarian and development services to the women and the families most in need; and
(C) promote women's economic security;
(3) make a policy determination that—
(A) recognition of any government in Afghanistan by the United States should depend, among other things, on the government's policies towards women adopted by that government;
(B) the United States should not recognize any government which systematically maltreats women; and
(C) any nonemergency economic or developmental assistance should be based on respect for human rights; and
(4) call for the creation of—
(A) an international commission to establish the criminal culpability of any individual or party in Afghanistan employing rape or other crimes against humanity considered a grave breach of the Geneva Convention, war crimes, or crimes against humanity;
(B) an ad hoc international criminal tribunal by the United Nations for the purposes of indicting, prosecuting, and imprisoning any individual responsible for crimes against humanity in Afghanistan.

SEC. 3. REPORT.

It is the sense of Congress that the Secretary of State should submit a report to Congress not later than 6 months after the date of the adoption of this resolution regarding actions that have been taken to implement this resolution.

WORKFORCE INVESTMENT ACT OF 1998—CONFERENCE REPORT

Mr. JEFFORDS. I ask unanimous consent that the Senate now turn to the consideration of the conference report to accompany H.R. 1385 to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The Legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1385), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

The conference report is printed in the House proceedings of the Record of July 29, 1998.

Mr. JEFFORDS. I ask unanimous consent that the conference report be adopted, the motion to reconsider be laid upon the table, and other statements relating to this conference report be printed in the Record.

Before you proceed, Mr. President, I believe the Senator from Ohio would like to make some comments, and I invite him to proceed.

Mr. DeWINE. Mr. President, I thank the Chair. I thank the chairman of the committee, Senator Jeffords, for yielding to me and thank him also for the tremendous work he has done on this bill. He has been working on this for a number of years. This is the culmination of a great deal of work.

We are about to pass the conference report. Once the bill is sent to the President and signed by the President, it will represent a major accomplishment of this Congress. This bill consolidates over 70 federally funded job training related programs—over 70 of them consolidated. This bill will make job training, federally funded job training, in this country much more accountable. It will also involve the business community much more in the development and design of job training.

The one thing Chairman Jeffords and I have learned is that we have to be in this together. We have to have a lot of involvement from the business community. This bill will make sure that we have that. We have to have the business community involved. When you are talking about job training, there are two consumers. One is the person who wants the job and wants to be trained for the job. But the other, equally as important, is the company or the individual who wants to hire that person, and so you have to involve them both in the design of job training.

That is what this bill does. This bill also dramatically reforms Job Corps. Job Corps is a Great Society-era job training program, residential, that is run by the Federal Government. It costs over $1 billion a year. It is targeted at our most-at-risk young people in this country, people who desperately need a helping hand, desperately need our assistance. What this bill does is make sure that $1 billion will be correctly spent. And again, we do that by measuring the results.

One of the things that Chairman Jeffords and I think, and the rest of the committee, were so shocked about when we held hearings several years ago on this—actually former Senator Kassebaum was chairman—was that Job Corps did not really measure success or failure of the young people. It didn't measure the success or failure of a particular job training program. They looked at it and saw whether or not a person had a job for 2 weeks. If they kept a job for 2 weeks after graduating from the program, they didn't care what the job was—the program was considered a success. The contractor who was in charge of getting that person a job got paid, and then no one ever looked back.

What we do with this bill is say we are going to measure success or failure after 6 months. We are going to measure success or failure after 12 months. And then we are going to be able to tell which programs work and which do not work in regard to Job Corps.

Another change we are making in Job Corps is that Job Corps is to involve the local business community. Too often Job Corps has herded young people from 500, 600, 700 miles a way. They go to the Job Corps. They stay there for awhile, they complete the program, and then they go back home, and it is very difficult to involve the local business community when they know that person is not going to be there to work for them.

And so we change those priorities in regard to Job Corps as well.

We also in this bill make a major step forward to link the regular job training programs of this country with
vocational rehabilitation. We do that by closing the gap. We do that by preserving the dedicated flow of money that will go for this targeted population, targeted population that is in need of our assistance, who wants to help themselves, to help preserve that dedicated fund, those dedicated funds. But we give that recipient, that client, more resources. We empower that client to go to the vocational rehabilitation site or, if the services are not there, to make sure that the client has the legal right to go across the street or across the county, wherever that is, to get help and assistance from the regular system as well. It integrates the two.

In conclusion, let me say this bill is a bill for workers. It is a bill for people who want to be workers. It is a bill for young people. It is a bill that literally empowers the person who is seeking the job training. It gives them more, many more rights. It gives them a lot more flexibility. It puts them into the ball game as far as choosing what is the job training that is best for them. So it makes a significant difference.

This bill also has a very significant component aimed directly at children. We set aside a significant sum of money for those young people between the ages of 14 and 21. We do it with a target; we say it is important. There is nothing, I think, more important in this country than what we do with our young people and the assistance we try to provide for them. We have many young people in this country who we call at-risk youth. This bill will go a long way to give them direct assistance. However, even though we target it in this bill and say these funds are dedicated for these young people, we also want to make it clear that we are dedicated to the local community, States and local communities to allow them to design the specific program that will actually work for their young people and their local communities.

This is a new bill. It is a bill that dramatically changes the status quo. It is a bipartisan bill. It is a bill that Senator WELLSTONE worked on with me in the subcommittee. It is a bill on which Senator KENNEDY worked with Senator EIFFORDS. It is a bill that Secretary Alexis Herman has been very, very much involved in. She has been involved in it up until the last 30 minutes, as we have negotiated the final language of this bill.

So, it is a bipartisan bill. It is a bill we can all be very proud of. It is a bill that will truly make a difference for our young people and for those people who need to be trained in this country.

I yield the floor. The PRESIDENT OFFICER. The Senator from Vermont.

Mr. J EIFFORDS. Mr. President, first, I thank my colleague from Ohio for his very eloquent description of the legislation, the unerring necessity for me to go further. I appreciate the kind comments he made.

As he pointed out, this is an example of bipartisanship as well. Senator WELLSTONE and Senator KENNEDY, on the other side of the aisle, participated always in a constructive way and allowed us to come up with an excellent piece of legislation.

On the House side, Congressman GOODLING, my good friend and colleague for many years, as chairman of the committee, and Congressman CLAY, whom I also worked with in the past and to the present, Congressman MCKEON of California, and Congressman KILDEE of Michigan—all participated in this legislation. It has been a struggle, which has lasted for 4 years to be able to get there.

Mr. KENNEDY. Mr. President, final passage of the Workforce Investment Act is a landmark achievement in which we can all pride. For years, Congress has struggled to design an employment training system that would provide America’s workers with the skills they need to succeed in the 21st century workplace. I believe this legislation will accomplish that enormous task. Few bills which we will consider will have a greater impact on more Americans than the Workforce Investment Act we pass today.

An educated workforce has become the most valuable resource in the modern economy. Its long-term economic vitality depends on the creation of an effective, accessible and accountable system of job training and career development which is open to all our citizens. Schools must assume more responsibility for preparing their students to meet the challenges of the 21st century workplace. Disadvantaged adults and out of school youth need the opportunity to develop job skills which will make them productive members of the workforce. Dislocated workers who have been displaced by the rapid pace of technological change deserve the chance to pursue new careers. Individuals with disabilities need the opportunity to fully develop their career potential. The way in which we respond to these challenges today will determine how prosperous a nation we are in the next century.

The importance of highly developed employment skills has never been greater. The gap between skilled and unskilled workers is steadily widening. For those who enter the workforce with good academic training and well-developed career skills, this new economy offers almost unlimited potential. However, for those who lack basic proficiency in language, math and science and who have no career skills, the new economy presents an increasingly hostile environment.

There are three million men and women between the ages of 16 and 24 in this country who did not complete high school and are not enrolled in school. Many graduate from high school without the level of knowledge and skill that a high school diploma should represent. They are two years behind in education and job training in order to obtain stable, well-paying employment. Without it, they are in danger of becoming a lost workforce generation.

Effective job training is also essential to the success of welfare reform. More than 40 percent of those in the JTPA program for disadvantaged adults have come from the welfare rolls. Under the welfare reform legislation, an additional 17 million people are expected to be leaving the rolls. Most of these individuals have little or no work background and very limited employment skills. In many cases, they are also the sole support of young children. They are making urgent new demands on a job training system which is already burdened beyond its capacity.

In addition, the combination of rapidly changing technology and the shift of manufacturing jobs overseas is creating an alarming number of displaced workers. These individuals have extensive work experience, but their skills are no longer in demand. We must give them the opportunity for retraining, and for the development of new skills to enable them to compete in the 21st century workplace.

The accelerating pace of technological change has made much of the existing job training system obsolete. Broad reforms are clearly needed to meet the demands of the modern workplace.

The Workforce Investment Act will provide employment training opportunities for millions of Americans. It responds to the challenge of the changing workplace by enabling men and women to acquire the skills required to enter the workforce and to upgrade their skills throughout their careers. It will provide them with access to the educational tools that will enable them not only to keep up, but to get ahead.

The legislation is the product of a true bipartisan collaboration. I want to publicly commend Senators EIFFORDS and DeWINE for the genuine spirit of bipartisanship which has made this effort possible. Senator WELLSTONE and I appreciate it. This spirit of collaboration was the result of the unprecedented efforts amongst business, labor, education and state and local government.

The resulting legislation will, I believe, truly expand career options, encourage greater program innovation and facilitate cooperative efforts amongst business, labor, education and state and local government.

I also want to recognize the important role President Clinton has played in bringing about this dramatic reform.
of our current job training system. He has consistently emphasized the need for greater individual choice in the selection of career paths and training providers. The philosophy behind his skill grant proposal is reflected in our legislation.

The Workforce Investment Act is designed to provide easy access to state-of-the-art employment training programs which are geared to real job opportunities in the community through a single, customer-focused training system of One Stop Career Centers. Over 700 such Centers are already operating successfully across the country. This legislation will ensure that every individual in need of employment services will have access to such a facility. The cornerstones of this new system are individual choice and quality labor market information. In the past, men and women seeking new careers often did not know what job skills were most in demand and which training programs had the greatest success rates. Too often, they were forced to make one of the most important decisions of their lives based on anecdotes and late-night advertisements.

No training system can function effectively without accurate and timely information. The frequent unavailability of quality labor market information is one of the most serious flaws in the current system. This legislation places a strong emphasis on providing accurate and timely information about what area industries are growing, what skills those jobs require, and what earning potential they have. Extensive business community and organized labor participation is encouraged in developing a regional plan based on this information. Once a career choice is made, the individual must still select a training provider. At present, many applicants make that choice with a little or no reliable information. Under this bill, the training program must have to publicly report graduation rates, job placement and retention rates, and average earnings of graduates.

Because of the extensive information which will be available to each applicant, real consumer choice in the selection of a career and of a training provider will be possible. The legislation establishes individual training accounts for financially eligible participants. Each participant can use to a career education and skill training programs. Men and women seeking training assistance will no longer be limited to a few predetermined options. As long as there are real job opportunities in the field selected and the training provider meets established performance standards, the individual will be free to choose which option best suits his or her needs.

An essential element of the new system is accountability. As I noted earlier, each training provider will have to monitor and report the job placement and retention achieved by its graduates and their average earnings. Only those training programs that meet an acceptable performance standard will remain eligible for receipt of public funds. The same principle of accountability is applied to those agencies administering state and local programs being given wide latitude to innovate under this legislation. But they too will be held accountable if their programs fail to meet challenging performance targets.

The rapid pace of technological change in the workplace has produced an alarming number of workers who have become dislocated in mid-career. The dislocation has been compounded by the increasing number of labor intensive production employers relocating their businesses abroad. This trend has been particularly acute in the manufacturing sector. We have a special obligation to those dislocated workers who have long and dedicated work histories and now are unemployed throughout no fault of their own. The Workforce Investment Act makes a commitment to them by maintaining a special dislocated worker program, supported by a separate funding stream, which is geared to their retraining needs. The current dislocated worker program served approximately 540,000 dislocated workers nationwide in the most recent year. Of those who completed the program during that year, 71 percent were employed when they left the program, earning on average $9,3 percent of their previous wages. America's dislocated workers have earned the right to assistance in developing new skills which will allow them to be full participants in the 21st century economy.

There is no challenge facing America today which is tougher or more important than providing at-risk, often out-of-school, youth with meaningful education and employment opportunities. Far too many of our teenagers are becoming disengaged from the skills needed to survive in the 21st century economy. I am particularly pleased with the commitment which the Workforce Investment Partnership Act makes to these young men and women. This legislation authorizes a new initiative focused on teenagers living in poverty in communities offering them few constructive employment opportunities. Each year, the Secretary of Labor will award grants from a $250 million fund to innovative programs designed to provide opportunities to youth living in these areas. The programs will emphasize mentoring, strong links between academic and worksite learning, and job placement and retention. It will encourage broad-based community participation from local service agencies and area employers. These model programs will, we believe, identify the techniques which are most effective in reaching those youth at greatest risk.

Another important program for young people who face the highest barriers to employment is Job Corps. Most of the participants grow up in extreme poverty. Their educational opportunities are limited. Job Corps, at its best, moves them from deprivation to opportunity. But, for many of them, it is an extremely difficult transition. As a result, critics of the program are always able to point to failures. But for each failure, there are many stories of success. Job Corps is a program worth preserving and worth expanding too. Our legislation decisively rejects the view that Job Corps should be dismantled. Instead, it strengthens the program in several ways. It establishes closer ties between individual Job Corps Centers and the communities they serve. It ensures that training programs correspond with the area's labor market needs. It extends follow-up counseling for participants up to 12 months and established detailed performance standards to hold programs accountable.

The legislation also provides for the continuation of summer jobs as an essential part of the training process too. For many youth, summer jobs are their first opportunity to work and their first critical step in learning the work ethic. The summer jobs program also provides many youth with quality instruction, experience, and earnings during the school year. Studies by the Department of Labor's Office of the Inspector General and research by Westat, Inc. have reported positive findings regarding the program, confirming that the young participants acquire useful work, that the education component teaches students new skills that they apply in school, and that students learn the value of work.

I believe that the summer jobs program needs to continue to be available on a significant scale with sufficient funding. This bill recognizes the critical importance of the summer youth program by requiring that it be a part of each local area's youth program and that the local communities determine the number of summer jobs to be created.

The Workforce Investment Act includes titles reauthorizing major vocational rehabilitation and adult literacy programs. Both programs will continue to be separately funded and independently administered. We have incorporated them in the Workforce Act because they must be integral components of any comprehensive strategy to prepare people to meet the demands of the 21st century workplace.

Vocational rehabilitation offers new hope to individuals with disabilities, allowing them to reach their full potential and actively participate in their communities. The Rehabilitation Title of the Act will ensure that all working-aged individuals with disabilities, even those with the most significant disabilities, have realistic opportunities to obtain the resources and training they need to reach their employment goals.

Adult literacy programs are essential for the 27% of the adult population who...
have not earned a high school diploma or its equivalent. Learning to read and communicate effectively are the first steps to career advancement. This legislation will increase access to educational opportunities for those people most in need of assistance and enhance the quality of services provided.

The Workforce Investment Partnership Act will make it possible for millions of Americans to gain the skills needed to compete in a global economy. In doing so, we are also enabling them to realize their personal American dreams.

I would like to recognize the substantial contributions made by several individuals to this important legislative effort. On my staff, Jeffrey Teitz has worked on the development of the workforce and education titles of this bill for nearly eighteen months and done an outstanding job. Connie Garner has worked on the reauthorization of the vocational rehabilitation title. Jane Oates’ assistance throughout the conference process has also been invaluable. I am proud of their work.

I ask all the Senate’s attention to the role of my longtime friend, William Spring of Boston. Bill is a leader on training and education issues in Massachusetts and his creative recommendations are incorporated throughout this legislation. There is one further person who deserves special mention. Steven Spinner worked for me during the 104th Congress until his tragic and untimely death. His invaluable efforts helped to lay the groundwork for our success in reforming the workforce system.

Mr. DODD. Mr. President, I am pleased to join with my colleagues in support of the Workforce Investment Act Conference Report. This is a truly bipartisan bill. A conference report that incorporates these programs provide — will receive funds on a prioritized basis.

Mr. President, in order to better assist nonnative English speakers and fully assimilate them into our society, we must help them become more fluent in English. I can think of few more important factors in determining whether or not someone new to this society will successfully make this difficult transition than their ability to speak English.

A clear and effective grasp of the English language is still the best indicator of success for nonnative English speakers. The ability to speak English for anyone in today’s marketplace represents an “open door.” Mr. President, this “open door” can lead to greater employment and advancement opportunities for those whose first language is not English.

Additionally, Mr. President, this legislation reauthorizes the Rehabilitation Act. This critically important legislation provides comprehensive vocational rehabilitation services designed to help individuals with disabilities become more employable and achieve greater independence and integration into society.

Under the Rehabilitation Act, states, with assistance provided by the federal government in the manner of formula grants, provide a broad array of services to individuals with disabilities that includes assessment, counseling, vocational and other educational services, work related placement services, and post-employment services. More than 1.25 million Americans with disabilities were served by vocational rehabilitation programs in 1995 alone, Mr. President.

I am particularly pleased that a provision dealing with assistive technology was included in this legislation.

This provision, Section 508, will require the federal government to provide assistive technology to federal employees with disabilities. This provision sends a job function for the first time regulations requiring the federal government to provide its employees with disabilities access to appropriate technology suited to their individual needs. This legislation will enable the federal government to take the lead in providing critical access to information technology to all federal employees with disabilities in this country. It strengthens the federal requirement for all electronic and information technology purchased by federal agencies to be accessible to their employees with disabilities.

Electronic and information technology accessibility is essential for federal employees to maintain a meaningful employment experience, as well as to meet their full potential. We live in a world where information and technology are synonymous with professional advancement. Increasingly, essentially every job function involves the use of technology, and where it is inaccessible, job opportunities that others take for granted are foreclosed to people with disabilities.

Currently, there are approximately 145,000 individuals with disabilities in the federal workforce. Roughly 61 percent of these employees hold permanent positions in professional, administrative, or technical occupations. Nationally, there are 40 million Americans who have disabilities, nearly half of them have a severe disability. Yet most mass market information technology is designed without consideration for their needs.

Section 508, Mr. President, is the first step in an effort to ensure that all individuals with disabilities have access to the assistive technology providing them the ability to reach their full capability. Though Section 508 will not affect all federal employees, it is my hope that one day all individuals with disabilities will have the same access to assistive technology now afforded federal employees because of this important legislation. If the federal government truly be an equal opportunity employer, and this equal opportunity must apply fully to individuals with special needs.
Finally, Mr. President, I would again like to commend Senators JEFFORDS, DEWINE, KENNEDY, and WELLSTONE, as well as Chairman GOODLING, Congressmen CLAY, KILDEE, and MARTINEZ for the important role they each played in making this conference agreement a reality. I will work closely with myself and my staff to address numerous concerns and for that I would like to thank them.

Mr. WELLSTONE. Mr. President, I am extremely pleased we are about to pass this important conference report. I look forward to working with my colleagues Senator DEWINE, Senator JEFFORDS and Senator KENNEDY to help bring us to where we are this evening. I thank the senators who have worked directly with me and my staff during the months of hearings, preparations, debate and drafting.

The conference bill preserves important policy principles contained in the Senate bill and help continue, streamline and decentralize our federal job training system. At the same time, it will make that system more accountable to real performance measures. It gives private sector employers—the people who have jobs to offer and who need workers with the right skills—a greater role in directing policy at the state and local level, which is where most decision-making power resides in this bill. The bill retains crucial federal priorities, then allows state and local authorities to decide how best to address their needs.

And where the contrary to where Minnesota and a number of other states have already moved decisively: to a system of One-Stop service centers where people can get all the information they need in one location. It will replace the currently over-bureaucratized systems in many states and localities with systems driven more by the needs of those who utilize them. Adults seeking training will receive Individual Training Accounts to give them direct control over their own careers. High quality labor market information will be accessible through the One-Stop, and training providers will be required to report publicly on their performance. Men and women will have the ability to make their own choices based on the best information about which profession they should pursue, work closely with myself and my staff to address numerous concerns and for that I would like to thank them.

Mr. DEWINE. Mr. President, I am pleased it has been a very busy week. I have given longer speeches on this topic in the past and may yet again. For now, I am extremely satisfied with our accomplishment in this bill. I hope we will soon be able to celebrate its enactment.

Mr. REED. Mr. President, I rise in support of the Conference Report on H.R. 1385, the Workforce Investment Act of 1998.

In a world where economic activity knows no national boundaries, it is crucial we ensure that we have the most knowledgeable and best trained workforce in the world.

As a member of the Conference Committee on H.R. 1385, I am pleased that the Conference Agreement before us today will help us reach this goal by streamlining and reforming job training, adult education, and vocational rehabilitation programs. As a result, we will have a strong role in the policy processes established in the bill. Community-based organizations are assured an appropriate role in setting policy. Labor organizations, too, retain a prominent role. Crucial provisions regarding the federal employment service are protected.

Mr. JEFFORDS. Mr. President, I urge my colleagues to support this legislation.

Mr. JEFFORDS. Mr. President, I now renew my unanimous consent request. The PRESIDING OFFICER. Without objection, the conference report is agreed to.

PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1085) to revise, codify and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies and Organizations."

Is there objection to the immediate consideration of the bill?

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

Mr. JEFFORDS. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 1085) was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 1085) was ordered to a third reading, was read the third time, and passed.
AUTHORIZING THE PRINTING OF COPIES OF THE PUBLICATION ENTITLED “THE UNITED STATES CAPITOL” AS A SENATE DOCUMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 115, submitted earlier by Senator WARNER.

The PRESIDENT pro Tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 115) to authorize the printing of copies of the publication entitled “The United States Capitol” as a Senate document.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The concurrent resolution (S. Con. Res. 115) was considered and agreed to as follows:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled “The United States Capitol” (referred to as “the pamphlet”) shall be reprinted as a Senate document.

(b) There shall be printed 2,000,000 copies of the pamphlet in the English language at a cost not to exceed $100,000 for distribution as follows:

(i) 206,000 copies of the publication for the use of the Members with 2,000 copies distributed to each Member;

(ii) 886,000 copies of the publication for the use of the House of Representatives, with 2,000 copies distributed to each Member; and

(iii) 908,000 of the publication for distribution to the Capitol Guide Service;

and (2) if the total printing and production costs of copies in paragraph (1) exceed $100,000, such number of copies of the publication as does not exceed total printing and production costs of $100,000, with distribution to be allotted in the same proportion as in paragraph (1).

(c) In addition to the copies printed pursuant to subsection (b), there shall be printed at a total printing and production cost of not to exceed $70,000:

(1) 50,000 copies of the pamphlet in each of the following languages: German, French, Russian, Chinese, and Japanese; and

(2) 100,000 copies of the pamphlet in Spanish;

be distributed to the Capitol Guide Service.

AUTHORIZING THE PAYMENT OF THE EXPENSES OF REPRESENTATIVES OF THE SENATE ATTENDING THE FUNERAL OF A SENATOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 263, submitted earlier by Senator WARNER.

The PRESIDENT pro Tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 263) to authorize the payment of the expenses of representatives of the Senate attending the funeral of a Senator.

THE PRESIDENT OF THE SENATE. Is there objection to the immediate consideration of the resolution?

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

Mr. JEFFORDS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The resolution (S. Res. 263) was agreed to, as follows:

S. RES. 263

Resolved. That, upon approval by the Committee on Rules and Administration, the Secretary of the Senate is authorized to pay, from the contingent fund of the Senate, the actual and necessary expenses incurred by the representatives of the Senate who attends the funeral of a Senator, including the funeral of a retired Senator. Expenses of the Senate representatives attending the funeral of a Senator shall be processed on vouchers submitted by the Secretary of the Senate and approved by the Chairman of the Committee on Rules and Administration.

CURT FLOOD ACT OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 231, S. 53.

The PRESIDENT OF THE SENATE. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 53) to require the general application of the antitrust laws to major league baseball, and for other purposes.

The Senate proceeded to consider the bill which has 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:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Curt Flood Act of 1997.”

SEC. 2. PURPOSE.

It is the purpose of this legislation to clarify that major league baseball players are covered under the antitrust laws (i.e., that major league players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision that makes it clear that the passage of this Act does not change the applicability of the antitrust laws in any other context or with respect to any other person or entity.

SEC. 3. APPLICATION OF THE ANTITRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding at the end the following new section:

“Sec. 27. (a) The conduct, acts, practices, or agreements of persons in the business of organized professional major league baseball relating to or affecting employment to play baseball at the major league level are subject to the antitrust laws to the same extent such conduct, acts, practices, or agreements would be subject to the antitrust laws engaged in by persons in any other professional sports business affecting interstate commerce: Provided, however, That nothing in this subsection shall be construed as providing the basis for any negative inference regarding the caselaw concerning the applicability of the antitrust laws to minor league baseball.

(b) Nothing contained in subsection (a) of this section shall be deemed to change the application of the antitrust laws to the conduct, acts, practices, or agreements of persons engaging in, conducting, or participating in the business of organized professional baseball, except the conduct, acts, practices, or agreements to which subsection (a) of this section shall apply. More specifically, but not by way of limitation, this section shall not be deemed to change the application of the antitrust laws to:

(i) the organized professional baseball amateur draft, the reserve clause as applied to minor league players, the agreement between organized professional major league baseball teams and the teams of the National Association of Professional Baseball Leagues, commonly known as the Professional Baseball Agreement, the relationship between organized professional major league baseball and organized professional minor league baseball, or any other matter relating to professional organized baseball leagues and minor leagues;

(ii) any conduct, acts, practices, or agreements of persons in the business of organized professional baseball relating to franchise expansion, location or relocation, ownership issues, including ownership transfers, and the relationship between the Office of the Commissioner and franchise owners;

(iii) any conduct, acts, practices, or agreements protected by Public Law 87-331 (15 U.S.C. 291 et seq.) (commonly known as the ‘Sports Broadcasting Act of 1961’); or

(iv) the relationship between persons in the business of organized professional baseball and umpires or other individuals who are employed in the business of organized professional baseball by such persons.

(c) As used in this section, ‘persons’ means any individual, partnership, corporation, or unincorporated association or any combination or association thereof.

AMENDMENT NO. 3479

Mr. JEFFORDS. Senator HATCH has a substitute amendment at the desk. I ask for its consideration.

The PRESIDENT OF THE SENATE. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. HATCH, proposes an amendment numbered 3479.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Curt Flood Act of 1998.”

SEC. 2. PURPOSE.

It is the purpose of this legislation to state that major league baseball players are covered under the antitrust laws (i.e., that major league baseball players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision that makes it clear that the passage of this Act does not change the application of the antitrust laws in any other context or with respect to any other person or entity.

SEC. 3. APPLICATION OF THE ANTITRUST LAWS TO PROFESSIONAL MAJOR LEAGUE BASEBALL.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding at the end the following new section:
Sec. 2(a) Subject to subsections (b) through (d) below, the conduct, acts, practices or agreements of persons in the business of organized professional major league baseball relating to or affecting employment of major league baseball players to play baseball at the major league level are subject to the antitrust laws to the same extent as those set forth in subsection (a). This section does not create, permit or imply a cause of action by which to challenge under the antitrust laws, or otherwise apply the antitrust laws to, any conduct, acts, practices or agreements that do not directly relate to or affect employment of major league baseball players to play baseball at the major league level, including but not limited to:

(1) any conduct, acts, practices or agreements of persons engaging in, conducting or participating in the business of organized professional major league baseball relating to or affecting employment of major league baseball players to play baseball at the major league level, any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players;

(2) the agreement between organized professional major league baseball teams and the teams of the National Association of Professional Baseball Leagues, commonly known as the 'Professional Baseball Agreement,' the relationship between organized professional major league baseball and organized professional minor league baseball, or any other matter relating to organized professional baseball's minor leagues;

(3) any conduct, acts, practices or agreements of persons engaging in, conducting or participating in the business of organized professional baseball relating to or affecting franchise expansion, location or relocation, franchise ownership issues, including ownership transfers, the relationship between the Office of the Commissioner and franchise owners, or sales or other dispositions of the entertainment product of organized professional baseball and the licensing of intellectual property rights owned or held by organized professional baseball teams individually or collectively;

(4) any conduct, acts, practices or agreements protected by Public Law 87-393 (15 U.S.C. §1291 et seq.) (commonly known as 'the Sports Broadcasting Act of 1961');

(5) the relationship between persons in the business of organized professional baseball and umpires or other individuals who are employed in the business of organized professional baseball by such persons;

(6) any practices, practices or agreements of persons not in the business of organized professional major league baseball.

(c) Only a major league baseball player has standing to sue under this section. For the purposes of this section, a major league baseball player is:

(1) a person who is a party to a major league player's contract, or is playing base-
ball at the major league level; or

(2) a person who is a party to a major league player's contract, or is playing baseball at the major league level at the time of the injury that is the subject of the complaint; or

(3) a person who has been a party to a major league player's contract or who has played baseball at the major league level, and who claims he has been injured in his efforts to secure a subsequent major league player's contract by an alleged violation of the antitrust laws, provided however, that the alleged antitrust violation shall not include any conduct, acts, practices or agreements of persons in the business of organized professional major league baseball relating to or affecting employment of major league baseball players to play baseball at the major league level, including any organized professional baseball amateur or first-year player draft, or any reserve clause as applied to minor league players; or

(4) a person who was a party to a major league player's contract, or was playing baseball at the major league level at the conclusion of the last full championship season immediately preceding the expiration of the last collective bargaining agreement between persons in the business of organized professional major league baseball and the exclusive collective bargaining representative of major league baseball players.

(d)(1) As used in this section, 'person' means any entity, including an individual, partnership, corporation, trust or unincorporated association or any combination or association thereof. As used in this section, the National Association of Professional Baseball Leagues, its member leagues and the National Association of Professional Baseball Leagues, Inc., (collectively referred to as 'the business of organized professional major league baseball.'

(2) In cases involving conduct, acts, practices or agreements that directly relate to or affect employment of major league baseball players to play baseball at the major league level and also relate to or affect any other aspect of organized professional baseball, including but not limited to employment to play baseball at the minor league level, only those components, portions or aspects of such conduct, acts, practices or agreements that directly relate to or affect employment of major league baseball players to play baseball at the major league level.

(3) As used in subsection (a), interpretation of the term 'directly' shall not be governed by any interpretation of 29 U.S.C. §151 et seq. (as amended).

(4) Nothing in this section shall be con-
tended to affect the application to organized professional baseball of the nonstatutory labor exemption from the antitrust laws.

The consent, acts, practices or agreements covered by subsection (b) shall not be strictly or narrowly con-
strained.

Mr. HATCH. Mr. President, today I offer on behalf of myself and Senator LEAHY, the Ranking Member of the Ju-
diciary Committee, an amendment in the nature of a substitute to S. 53, the Curt Flood Act of 1997. This bill, which was reported out of the Judiciary Committee almost exactly one year ago. At the Committee markup, however, several Members indicated a concern that the bill might
inadvertently have a negative impact on the Minor Leagues. Although both Senator Leahy and myself were firmly of the view that the bill as reported adequately protected the minor leagues against such a consequence, we pledged to work with the minor league representatives, in conjunction with the major league owners and players, to make certain that their concerns were fully addressed.

Although this process took much longer, and much more work, than I had anticipated, I am pleased to report that it has been completed. I have in my hand a letter from the minor leagues, and a letter co-signed by Don Fehr and Bud Selig, indicating that the major league players, and major and minor league owners, all support a new, slightly amended version of S. 53. I ask unanimous consent that these letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

NATIONAL ASSOCIATION OF PROFESSIONAL BASEBALL LEAGUES, INC.

July 21, 1998

Dear Mr. Hatch:

As you know, the National Association of Professional Baseball Leagues, Inc. ("NAPBL") objected to S. 53 as it was reported out of the Judiciary Committee last year. Since that time, we have been consulted about proposals to amend the bill to assure the continued survival of minor league baseball. We understand that a draft of an amended bill has been put forth by the major leagues and the Players' Association (copy attached) that I believe addresses the concerns of the NAPBL which we support in its final form.

Respectfully yours,

Stanley M. Brand.


DONALD M. FEHR, ESQUIRE, Executive Director and General Counsel, Major League Baseball Players Association, New York, NY.

DONALD M. FEHR, Executive Director, and General Counsel, Major League Baseball Players Association, New York, NY.

Dear Mr. Hatch:

As you know, in our efforts to address the concerns of the minor leagues with S. 53, as reported by the Senate Judiciary Committee, several changes in the bill were agreed to by the parties, i.e., the Major League Clubs, the Major League Baseball Players Association and the National Association of Professional Baseball Leagues (minor leagues). Among those changes was the addition of the word "directly" immediately before "relating to" in new subsection (a) of the bill.

This letter is to confirm our mutual understanding that the addition of that word was something sought by the Minor leagues and is intended to indicate that this legislation is meant as protection by non-major league players. By using "directly" we are not limiting the application of new subsection (a) to matters which would be considered mandatory subjects of bargaining in the collective bargaining context. Indeed, that is the reason we agreed to add paragraph (d)(3). There is no question that, under this Act, major league owners may pursue the same actions as could be brought by athletes in professional football and basketball with respect to their employment at the major league level.

I trust you concur with this intent and interpretation.

Very truly yours,

DONALD M. FEHR, Executive Director, and General Counsel, Major League Baseball Players Association.

ALLAN H. SELIG, Commissioner of Baseball.

Mr. Hatch. This new bill specifically precludes courts from relying on the bill to change the application of the antitrust laws in areas other than player-owner relations; clarifies who has standing under the new law; and adds several provisions which ensure that the bill will not harm the minor leagues.

Senator Leahy and I have incorporated these changes into our substitute, which, given its support across the board, we hope and expect to be passed today without objection. I urge my colleagues to adopt this substitute. This amendment, while providing for major league players with the antitrust protections of their colleagues in the other professional sports, such as basketball and football, is absolutely neutral with respect to the state of the antitrust laws between major and minor leagues because it treats neutrality sought by the Committee with respect to S. 53 is still applicable to this substitute, and as in S.53 is intended to incorporate the entire jurisprudence of the antitrust laws, as it now exists and as it may develop.

In order to accommodate the concerns of the minor leagues however, new subsection (a) has been changed by adding the word "directly" immediately before the phrase "relating to or affecting employment" and the phrase "major league players" has been added before the phrase "to play professional baseball." These two changes were also made at the behest of the minor leagues in order to ensure that minor league players, particularly those who had spent some time in the major leagues, did not use new subsection (a) as a bootstrap by which to attack conduct, acts, practices or agreements designed to apply to minor league employment. This is in keeping with the neutrality sought by the Committee with respect to circumstances not between major league owners and major league players.

Additionally, the new draft adds a new paragraph (d)(3) that states that the term directly is not to be governed by interpretations of the labor laws. This paragraph was added to ensure that no court would use the word "directly" in too narrow a fashion and limit matters covered in subsection (a) to those that would otherwise be known as mandatory subjects of bargaining in the labor law context. The use of directly is related to the relationship between the major leagues and


DONALD M. FEHR, Commissioner, Major League Baseball.
Mr. President, I have a letter from the Commissioner of Baseball, Mr. Allan H. “Bud” Selig, to the Executive Director of the Major League Baseball Players Association, which implements the portion of the purpose section stating that the “passage of the Act does not change the application of the antitrust laws in any other context or with respect to any other person or entity.” In other words, with respect to areas set forth in subsection (b), whatever the law was before the enactment of this legislation, it is unchanged by the passage of the legislation. With the exception of the express statutory exemption in the area of television rights recognized in paragraph (d)(4), each of the areas set forth depend upon judicial interpretation of the law. But Congress at this time seeks only to address the specific question of the application of the antitrust laws with respect to the continued employment of major league players at the major league level.

Thus, as to any matter set forth in subsection (b), a plaintiff will not be able to allege an antitrust violation by virtue of the enactment of this Act. Nor can the courts use the enactment of this Act to glean congressional intent as to the validity or lack thereof of such actions.

New subsection “c” deals specifically with the issue of standing. Although normally standing under such an act would be governed by the standing provision of the antitrust laws, 15 U.S.C. Sec. 15, the minor leagues again expressed concern that without a more limited statutory provision, the minor league owners and players or amateurs would be able to attack what are in reality minor league issues by bootstrapping under this Act through subsection (a).

The subsection sets forth the zone of persons to be protected from alleged antitrust violations by major league owners under this Act.

New paragraph (d)(1) defines “person” for the purposes of the Act, but includes a provision expressly recognizing a minor league claim that major league baseball teams are not in the business of major league baseball. This addition was requested by the minor leagues to ensure that they would not be named as party defendants in any action brought against the major leagues pursuant to subsection (a).

New paragraph (d)(2) was added to give the courts direction in cases involving matters that relate to both matters covered by subsection (a) and to those with respect to which the Act is neutral as set forth in subsection (b).

In such a case, the acts, conduct or agreements may be challenged under this Act as they directly relate to the employment of major league players at the major league level, but to the extent the practice is challenged as to its effect on any issue set forth in subsection (b), it must be challenged under current law, which may or may not provide relief.

New paragraph (d)(5) merely reflects the Committee’s intention that a court’s determination of which fact situations fall within subsection (b) should follow ordinary rules of statutory construction, and should not be subject to any exceptions or departures from these rules.

As stated in the Committee Report, nothing in this bill is intended to affect the scope or applicability of the “non-statutory” labor exemption from the antitrust laws. See, e.g., Brown v. Pro Football, 116 S.Ct. 2116 (1996).

Before yielding to my good friend from Vermont, I would like to thank him for his hard work on this bill. His bipartisan efforts have been vital to the process, and I would also like to thank our original cosponsors, Senators Thurmond and Moynihan. I urge the quick adoption of this bill, which will help restore stability to major league baseball and protect the rights of players at the major league level, to attack what is the heart of turmoil in baseball and what at the heart of the breach of trust with the fans that marked the cancellation of the 1994 World Series. At least we can take this small step toward restoring the continuity of the game and restoring public confidence in it.

When David Cone testified at our hearing three years ago, he posed a perceptual question: If baseball were coming to Congress to ask us to provide a statutory antitrust exemption, would such a bill be passed? The answer to that question is a resounding no. Nor should the owners, sitting at the negotiating table in a dispute, think that anti-competitive behavior cannot be challenged. That is an advantage enjoyed by no other group of employers.

The certainty provided by this bill will level the playing field, making labor disruptions less likely in the future. The real beneficiaries will be the fans. They deserve it.

Mr. President, I just wanted to comment briefly on a couple of changes in the substitute bill as reported by the Committee. First, the changes in the language in subsection (a) are not intended to limit in any way the rights of players at the major league level as they would be construed under the language of the bill as reported by the Judiciary Committee last July. The additional language was added to ensure that a minor league player, or someone who had played at the major league level and returned to the minor leagues, cannot use subsection (a) to attack what is a minor league employment issue only. Alternatively, neither can the major leagues use the wording of subsection (a) and that of subsection (d) to subvert the purpose of subsection (a) merely by linking a major league practice with a minor league practice. That linkage itself may be an antitrust violation and be actionable under this Act. It cannot be used as a subterfuge to link to subsequent players at the major league level to its acts, practices or agreements that teams or owners in other sports could not subject athletes to.

nally, in the most well-known case on the issue, Flood v. Kuhn, the Court reaffirmed the Federal Baseball case on the basis of the legal principle of stare decisis while specifically finding that professional baseball is indeed an activity involving commerce, and thereby rejecting the legal basis for the Federal Baseball case.

Mr. President, as a result of that and subsequent decisions, and with the end of the major league reserve clause as the result of an arbitrator’s ruling in 1976, there has been a growing debate as to the continued vitality, if any, of any antitrust exemption for baseball. It is for precisely this reason that this bill is limited in its scope to employment relations between major league owners and major league players. That is what is at the heart of turmoil in baseball and what is at the heart of the breach of trust with the fans that marked the cancellation of the 1994 World Series. At least we can take this small step toward restoring the continuity of the game and restoring public confidence in it.

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Finally, the practices set forth in subsection (b) are not intended to be affected by this Act. While this is true, it should be remembered that although the pure entrepreneurial decisions in this area are unaffected by the Act, if those decisions are made in such a way as to implicate employment of major league players at the major league level, once again, those actions may be actionable under subsection (a). More importantly, we are making no findings as to how, under labor laws, those issues are to be treated.

In closing, Mr. President, I would like to thank all those involved in this undertaking: Chairman Hatch, of course, without whose unfailing efforts this result would not be possible; our fellow cosponsors, Senators Thurmond and Moynihan, and other members of our Committee; and John Conyers, the Ranking Democrat on the Senate Judiciary Committee, for making this bill a priority. And I want to commend the interest and the work of the people that have found a solution they can all support. Not only have they done a service to the fans, but they may find, on reflection, that they have done a service to themselves by working together for the good of the game.

Finally, Mr. President, I would be remiss if I did not comment on the man for whom this legislation is named, Curt Flood. He was a superb athlete and a courageous man who sacrificed his career for perhaps a more lasting baseball legacy. When others refused, he stood up and said no to a system he thought un-American as it bound one man to another for his professional career without choice and without a voice in his future.

I am sad that he did not live long enough to see this day. In deference to his memory and in the interests of every fan of this great game, I hope that Congress will act quickly on this bill. I am delighted that we are moving forward for what we are finally able to enjoy the game once again.

Mr. Jeffords. Mr. President, I ask unanimous consent that the bill be read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the Record.

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

The amendment (No. 3479) was agreed to.

The bill (S. 53), as amended, was considered read a third time and passed.

INTERSTATE FOREST FIRE PROTECTION COMPACT

Mr. Jeffords. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 471, S. 1134.

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

The legislative clerk read as follows:

A bill (S. 1134) granting the consent and approval of Congress to an interstate forest fire protection compact.

The Senate proceeded to consider the bill:

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the Record.

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

The bill (S. 1134) was deemed read the third time and passed, as follows:

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

SECTION 1. CONSENT OF CONGRESS.

(a) In General.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) Compact.—The compact reads substantially as follows:

"THE NORTHWEST WILDLAND FIRE PROTECTION AGREEMENT"

"THIS AGREEMENT is entered into by and between the State, Provincial, and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as "Members".

"FOR AND IN CONSIDERATION of the following terms and conditions, the Members agree:

"Article I

"1.1 The purpose of this Agreement is to promote effective prevention, presuppression and control of forest fires in the Northwest wildland region of the United States and adjacent areas of Canada (by the Members) by providing mutual aid in prevention, presuppression and control of wildland fires, and by establishing procedures in operating plans that will facilitate such aid.

"Article II

"2.1 The agreement shall become effective on the date of signatures, and any subsequent re-signatures, of the Members.

"Article III

"3.1 The role of the Members is to determine from time to time such methods, practices, and agreements as may be found for enhancing the prevention, presuppression, and control of forest fires in the area comprising the Member’s territory; to coordinate plans and the work of the appropriate agencies of the Members; and to coordinate the rendering of aid by the Members to each other in fighting wildland fires.

"Article IV

"4.1 A majority of Members shall constitute a quorum for the transaction of its general business. Motions of Members present shall be carried by a simple majority except as stated in Article II. Each Member shall have one vote on motions brought before them.

"Article V

"5.1 Whenever a Member requests aid from any other Member in controlling or preventing wildland fires, the Members agree to the extent they possibly can, to render all possible aid.

"Article VI

"6.1 Whenever the forces of any Member are aiding another Member under this Agreement, the employees of such Member shall be treated as if they were the officers of the Member to which they are rendering aid and be considered agents of the Member they are rendering aid to and, therefore, have all the same privileges and responsibilities as comparable employees of the Member to which the are rendering aid.

"6.2 No Member or its officers or employees rendering aid within another State, Territory, or Province, pursuant to this Agreement shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith to the extent authorized by the laws of the Member receiving the assistance. The receiving Member, to the extent authorized by the laws of the State, Territory, or Province, agrees to indemnify and save-harmless the assisting Member from any such liability.

"6.3 Any Member rendering outside aid pursuant to this Agreement shall be reimbursed by the Member receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment and for the cost of all materials, transportation, wages, salaries and maintenance of personnel and equipment incurred in such request in accordance with the provisions of the previous section. Nothing contained hereon shall prevent any assisting Member from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving Member without charge or cost.

"Article VII

"7.1 When appropriations for support of this agreement, or for the support of common services in executing this agreement, are needed, costs will be allocated equally among the Members.

"7.2 As necessary, Members shall keep accurate books of account, showing in full, its receipts and disbursements, and the books of account shall be open at any reasonable time to the inspection of representatives of the Members.

"7.3 The Members may accept any and all donations, gifts, and grants for equipment, supplies, materials and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for cooperation in carrying out any provisions under this Agreement, and may receive and use the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants as set forth in this Agreement.

"Article VIII

"8.1 Nothing in this Agreement shall be construed to limit or restrict the powers of
any Member to provide for the prevention, control, and extinguishment of wildland fires or to prohibit the enactment of enforcement of State, Territorial, or Provincial laws, rules or regulations intended to aid in such prevention, control and extinguishment of wildland fires in such State, Territorial, or Provincial agencies.

8.2. Nothing in this Agreement shall be construed to affect any existing or future cooperative agreement between Members and/or their respective Federal agencies.

**Article IX**

9.1. The Members may request the United States Forest Service to act as the coordinating agency of the Northwest Wildland Fire Protection Agreement in cooperation with the appropriate agencies for each Member.

9.2. The Members will hold an annual meeting to review the terms of this Agreement, any applicable Operating Plans, and make necessary modifications.

9.3. Amendments to this Agreement can be made by simple majority vote of the Members and will take effect immediately upon passage.

**Article X**

10.1. This Agreement shall continue in force on each Member until such Member takes action to withdraw therefrom. Such action shall not be effective until 60 days after notice thereof has been sent to all other Members.

10.11. Nothing in this Agreement shall oblige the United States beyond those approved by appropriate legislative action.

**SEC. 2. OTHER STATES.**

Without further submission of the compact, the consent of Congress is given to any State to become a party to it in accordance with its terms.

**SEC. 3. RIGHTS RESERVED.**

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

**MEASURE READ FOR THE FIRST TIME—S. 2939**

Mr. JEFFORDS. Mr. President, I understand that earlier today, Senator Murkowski read S. 2939. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2939) to protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources.

Mr. JEFFORDS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

Mr. JEFFORDS. The bill will be read a second time on the next legislative day.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, this legislation regarding the State of Alaska's sovereign right to manage its fish and game resources.

The legislation will extend a current moratorium on the federal government from assuming control of Alaska's fisheries for two years until December 1, 2000.

The language is similar to past moratoriums on this issue and is similar to language Congressman Young added to the Interior Appropriations bill in the House, except that it is not conditioned upon action by the Alaska State Legislature.

To every one of my colleagues their respective state's right to manage fish and game is absolute—every other state manages its own fish and game. In Alaska, this is not the case, and therefore, action must be taken to maintain the sovereign right of our state.

Mr. President, Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) requires the State of Alaska to provide a rural subsistence hunting and fishing preference on federal "public lands" or run the risk of losing its management authority over fish and game resources.

If the State fails to provide the required preference by state statute, the federal government can step in to manage federal lands.

The Alaska State Legislature passed such a subsistence preference law in 1978 which was upheld by referendum in 1982. The law was slightly revised in 1986, and remained on the books until it was struck down by the Alaska Supreme Court in 1989 as unconstitutional because of the State of Alaska's common use of fish and game clause.

At that time, the Secretary of the Interior and the Secretary of Agriculture took over management of fish and game resources on federal public lands in Alaska.

In 1995 a decision by the Ninth Circuit Court of Appeals in Katie John v. United States extended the law far beyond its original scope to apply not just to "federal lands," but to most of Alaska's State and territorial lands.

Hence State and private lands were impacted too.

The theory espoused by the Court was that the "public lands" included navigable waters in which the United States has reserved water rights.

If implemented, the court's decision would mean all fisheries in Alaska would effectively be managed by the federal government.

Indeed in April of 1996, the Department of the Interior and Agriculture published an "advance notice of proposed rulemaking" which identified about half of the state as subject to federal authority to regulate fishing activities.

These regulations were so broad they could have affected not only fishing activities, but virtually all activities on state and federal lands that may have an impact on subsistence uses.

There is no precedent in any other state in the union for this kind of overreaching into state management prerogatives.

For that reason Congress acted in 1996 to place a moratorium on the federal government from assuming control of Alaska's fisheries.

That moratorium has twice been extended and is set to expire December 1, 1998.

The State's elected leaders have courageously tried to resolve this issue by placing an amendment to the State constitution that would allow them to come into compliance with the federal law and provide a subsistence priority.

Unfortunately, the State of Alaska's constitution is not easily amended and these efforts have fallen short of the necessary votes needed to be placed before the Alaska voters.

In fact, the legislature—the elected representatives of the people—in the most recent special session indicated that they were not supportive of amending the State constitution and putting the issue to a vote of the people.

Therefore we once again are in a position where we have no other alternative than to extend the moratorium prohibiting a federal takeover of Alaska's fisheries.

The bill I am introducing today will accomplish this. It extends the current moratorium through December 1, 2000.

I believe this will provide the State's elected leaders the needed time to work through this dilemma as they cannot finally resolve the matter of amending the State Constitution until November 2000.

Mr. President, I do not take this moratorium lightly.

I, along with most Alaskans, believe that subsistence uses of fish and game should have a priority over other uses in the State.

We have provided for such uses in the past, I hunted and fished under those regulations and I respected and supported them and continued to do so now.

I believe the State can again provide for such uses without significant interruption to the sport or commercial fisherman.

I also believe that Alaska's rural residents should play a greater role in the management and enforcement of fish and game laws in Alaska.

They understand and live with the fish and game resources in rural Alaska. They see and experience the fish and game resources in the state.

They should bear their share of the responsibility for formulating fish and game laws as well enforcing fish and game laws.

It is my hope that the State will soon provide for Alaska's rural residents to have this greater role while at the same time resolving the subsistence dilemma once and for all.

But until that happens, I cannot stand by and watch the federal government move into the State and assume control of the Alaska fish and game resources.

I have lived under territorial status and it does not work. In 1959 Alaskan's

Federal control would again be a disaster for the resources and those that depend on it.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that immediately following the vote on the conference report to accompany H.R. 629, the Texas compact, previously ordered to occur when the Senate reconvenes following the August recess, the Senate turn to consideration of the conference report to accompany H.R. 4059, the military construction appropriations bill.

I further ask unanimous consent that the conference report be considered as having been read; further, the Senate immediately ordered to a vote on the adoption of the conference report without any intervening action or debate.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 872, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

A bill (H.R. 872) to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

Mr. MCCAIN. Yes it does. Section 7(a)(2)(B) provides that in a case where the manufacturer has gone bankrupt, the claimant may enter evidence in the underlying action against the manufacturer regarding defect in the biomaterials used.

Mr. FEINGOLD. Finaly, I am concerned that in a case where the manufacturer has gone bankrupt, the claimant will be unable to recover from the liable party. Does your bill address this issue?

Mr. Feingold. Mr. President, as my colleagues are aware, the biomaterials exemption should not be considered as a judgement about silicone breast implants. Our goal is to simplify and ensure that this legislation draws no conclusion about and has no impact upon pending suits.

Finally, I would like to mention that this exemption should not be considered an invitation for additional carve-outs or exemptions for other raw material or component part suppliers.

I do not wish to see suppliers, who are engaged in the protection of this act, return to the medical device manufacturing marketplace. I am concerned, however, that the exemption draws no conclusion about and has no impact upon pending suits.

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refusing to sell them to device manufacturers. Why? Because suppliers no longer want to risk having to pay enormous legal fees to defend against product liability suits when those legal fees far exceed any profit they make from supplying materials for use in implantable devices.

Let me emphasize that I am speaking here about—and the bill addresses—the suppliers of raw materials and component parts—not about the companies that make the medical devices themselves. The materials these suppliers sell—things like resins and yarns—are basically generic materials that they sell for a variety of uses in many, many different products. Their sales to device manufacturers usually make up only a very small part of their markets—often less than one percent. As a result—and because of the small amount of the materials that go into the implants—many of these suppliers make very little money from supplying implants. Just as importantly, these suppliers generally have nothing to do with the design, manufacture or sale of the product.

But despite the fact that they generally have nothing to do with making the product, because of the common practice of suing everyone involved in any way with a product when something goes wrong, these suppliers sometimes get brought into lawsuits claiming problems with the implants. One company, for example, was hauled into 651 lawsuits involving 1,605 implant recipients based on a total of 5 cents worth of that company’s product in each implant. In other words, in exchange for selling less than $100 of its product, this supplier received a bill for perhaps millions of dollars of legal fees it spent in its ultimately successful effort to defend against these lawsuits.

Now, the results from such experiences should not surprise anyone. Even though not a single biomaterials supplier has ultimately been held liable so far—let me say that again: Not a single biomaterials supplier has ultimately been held liable so far—the message nevertheless is clear for any rational business: Why would any business stay in a market that yields them little profit, but exposes them to huge legal costs? An April 1997 study of this issue found that 75 percent of suppliers surveyed were not willing to sell their raw materials to implant manufacturers under current conditions. That study predicts that unless this trend is reversed, patients whose lives depend on implantable medical devices may no longer want to risk having to pay enormous legal fees to defend against product liability suits, unless the supplier falls into one of three categories: (1) the supplier also manufactured the implant alleged to have caused harm; (2) the supplier furnished raw materials or component parts that failed to meet applicable contractual requirements or specifications; or (3) the supplier furnished raw materials or component parts that failed to meet applicable contractual requirements or specifications or component parts from product liability suits, unless the supplier fails into one of three categories: (1) the supplier also manufactured the implant alleged to have caused harm; (2) the supplier furnished raw materials or component parts that failed to meet applicable contractual requirements or specifications; or (3) the supplier furnished raw materials or component parts that failed to meet applicable contractual requirements or specifications.

Second, the bill would provide suppliers with a mechanism for making that immunity meaningful by obtaining early dismissal from lawsuits. By guaranteeing suppliers in advance that they will not face needless litigation costs, this bill should spur suppliers to remain in or come back to the biomaterials market, and so ensure that people who need implantable medical devices will still have access to them.

Now, it is important to emphasize that in granting suppliers immunity, we would not be depriving anyone injured by a defective implantable medical device of the right to compensation for their injuries. Injured parties still will have their full rights against anyone involved in the design, manufacture or sale of an implant, and they can sue implant manufacturers, or any other allegedly responsible party, and collect for their injuries from them if that party is at fault.

We also have added a new provision to this version of the bill, one that resulted from lengthy negotiations with representatives of the implant manufacturers, the American Trial Lawyers Association—ATLA—the White House and others. This provision responds to concerns that the previous version of the bill would have left injured implant recipients without a means of seeking compensation if the manufacturer or other responsible party was bankrupt or otherwise unable to pay. As the bill is now drafted, the bill provides that in such cases, a plaintiff may bring the raw materials supplier back into a lawsuit after judgment if a court concludes that evidence exists to warrant holding the supplier liable.

Finally, let me add that the bill does not cover lawsuits involving silicone gel breast implants.

In short, Mr. President, the Biomaterials Bill is—and I am engaging in hyperbole when I say this—potentially a matter of life and death for the millions of Americans who rely on implantable medical devices to survive. This bill would make sure that implant manufacturers still have access to the raw materials they need for their products, while at the same time ensuring that those injured by implants are able to get compensation for injuries caused by defective implants. This is a good bill, and I urge my colleagues to support it.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the Record.

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

The bill (H.R. 872) was considered read the third time and passed.

IDENTITY THEFT AND ASSUMPTION DETERRENCE ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 460, S. 512.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 512) to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

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

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 insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identity Theft and Assumption Deterrence Act of 1998".

SEC. 2. IDENTITY THEFT.

(a) ESTABLISHMENT OF OFFENSE.—Section 1028(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by adding "or" at the end;

(3) in the flush matter following paragraph (6), by striking "or attempts to do so,;"; and

(4) by inserting after paragraph (6) the following:

"(7) knowingly possesses, transfers, or uses, without lawful authority, a means of identification of another person with the intent to commit, or to assist or otherwise promote, or carry on, or facilitate any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law,;"

(b) PENALTIES.—Section 1028(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—
(a) In paragraph (B), by striking "or" at the end of paragraph (C), by adding "or" at the end, and by striking "relating to section 1028, the United States Code, as amended by this Act)".

(b) With respect to offenses described in subsection (a), the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)⎯

(1) the extent to which the number of victims (as defined in section 3663A of title 18, United States Code) involved in the offense included in the number of victims (as defined in section 3663A of title 18, United States Code, as amended by this Act) involved in the offense, including harm to reputation, inconvenience, and other difficulties resulting from the offense, is adequate measure for establishing penalties under the Federal sentencing guidelines; and

(2) the number of means of identification, identification documents, or false identification documents (as those terms are defined in section 1028(c)(3) of title 18, United States Code, as amended by this Act) involved in the offense, is an adequate measure for establishing penalties under the Federal sentencing guidelines.

(c) The extent to which the loss or gain to any individual caused by the offense is an adequate measure for establishing penalties under the Federal sentencing guidelines.

(d) The extent to which sentencing enhancements within the Federal sentencing guidelines and the court’s authority to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense.

(2) The extent to which Federal sentencing guidelines for offenses under subsection (a) have been constrained by statutory maximum penalties; and

(3) The extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code; and

(4) Any other factor that the United States Sentencing Commission considers to be appropriate.

SEC. 5. CENTRALIZED COMPLAINT AND CONSUMER EDUCATION SERVICE FOR VICTIMS OF IDENTITY THEFT.

(a) In general.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall establish procedures to—

(1) Log and acknowledge the receipt of complaints by individuals who certify that they have a reasonable belief that 1 or more of their means of identification (as defined in section 1028 of title 18, United States Code, as amended by this Act) have been assumed, stolen, or otherwise unlawfully acquired in violation of section 1028 of title 18, United States Code, as amended by this Act;

(2) Provide information to individuals described in paragraph (1) regarding the steps necessary to prevent future misuse of the means of identification or to mitigate the harm caused by the misuse;

(3) Refer complaints described in paragraph (1) to appropriate entities, which may include referrals to—

(A) The 3 major national consumer reporting agencies; and

(B) Appropriate law enforcement agencies for potential law enforcement action.

(b) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. TECHNICAL AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) Technical correction relating to criminal forfeiture procedures.—Section 982(b)(3) of title 18, United States Code, is amended to read as follows: "(3) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 871 et seq.), except as otherwise provided in law.".

(b) Economic espionage and theft of trade secrets as predicate offenses for wire interception.—Section 2516(1)(a) of title 18, United States Code, as amended by section 982 of title 18, United States Code, is amended by inserting "Chapter 90 (relating to protection of trade secrets)," after "(1)."

SEC. 2. CENTRALIZED VICTIM RESOURCES AND COMPENSATION PROGRAM.

(a) In general.—The Federal Trade Commission shall establish procedures to provide an eligible victim of an identity theft offense with—

(1) a centralized complaint and information service; and

(2) Appropriate law enforcement agencies for potential law enforcement action.

(b) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.
STEIN along with Senators DeWine, D'Amato, Grassley, Abraham, Faircloth, Harkin, Warner, Murkowski, and Robb reflects two small but important improvements over the bill reported out of committee. Both changes were recommended by the Department of Justice. First, the substitute further refines the scope of the offense and applicable punishments by deleting the term “possession” from the offense and penalty sections of the reported bill. As explained by the Department, the term “possession” was applied to identity theft offense added to the criminal code by this legislation. The second change simply adds standard forfeiture procedure to the existing criminal forfeiture penalty in the reported bill. Without a procedure attending the forfeiture penalty, the Department considers this penalty unenforceable.

There are numerous private entities and federal law enforcement agencies that use consumer reporting agencies to trace a bill through its redraftings to its present form that I would like to thank. On the private side, thank yous go to the American Bankers Association, the American Credit Bureau, the Visa and Mastercard, the American Society of Industrial Services, and the United States Public Interest Research Group. Public agencies which lent important support to this legislative effort are the Federal Trade Commission, the Federal Trade Commission, and the U.S. Postal Inspectors. Special thanks goes to the Secret Service and the Department of Justice for the great deal of time and effort they have expended to help make this bill the well drafted piece of legislation it is today.

In conclusion, I also thank Senators Leahy, Hatch and Feinstein for lending their valuable support and input to this bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today is adopting the Kyl-Leahy substitute amendment to S. 512, the “Identity Theft and Assumption Deterrence Act.”

Protecting the privacy of our personal information is a challenge, especially in this information age. Every time we obtain or use a credit card, place a toll-free phone call, surf the Internet, get a driver’s license or are featured in Who’s Who, we are leaving virtual pieces of ourselves in the form of personal information, which can be used without our consent or even our knowledge. Too frequently, criminals are getting hold of this information and using the personal information of innocent individuals to carry out other crimes. Indeed, the U.S. National Crime Report has called identity theft “a crime of the 90’s”.

The consequences for the victims of identity theft can be severe. They can have their credit ratings ruined and be unable to get credit cards, student loans, or mortgages. They can be hounded by creditors or collection agencies to repay debts they never incurred, but were obtained in their name, at their address, with their social security number or driver’s license number. It can take months or even years, and agonizing effort, to clear their good names and correct their histories. Indeed, in some instances, victims of identity theft have even been arrested for crimes they never committed when the actual perpetrators provided law enforcement officials with assumed names.

The new legislation provides important remedies for victims of identity theft. Specifically, it makes clear that these victims are entitled to restitution, including payment for any costs and attorney’s fees in clearing up their credit histories and having to engage in any civil or administrative proceedings to satisfy debts, liens or other obligations resulting from a defendant’s theft of their identity. In addition, the bill directs the Federal Trade Commission to set up a centralized complaint center to provide information to victims of this crime on how to deal with its aftermath.

This is an important bill on an issue that has caused harm to many Americans. The committee has continued its original formulation, which would have made it an offense, subject to 15 years’ imprisonment, to possess “with intent to deceive” identity information issued to another person. I was concerned that the scope of the proposed offense in the bill as introduced would have resulted in the federalization of innumerable state and local offenses, such as the status offenses of underage teenagers using fake ID cards to gain entrance to bars or to buy cigarettes, or even the use of a borrowed ID card without any illegal purpose. This problem, and others, were addressed in the Kyl-Leahy substitute that was reported out of the Committee and further refined in the substitute amendment the Senate considers today.

Since Committee consideration of this bill, we have continued to consult with the Department of Justice to improve the bill in several ways. Most significantly, the Kyl-Leahy substitute amendment appropriately limits the scope of the new offense governing the illegal transfer or use of another person’s “means of identification” to exclude “possession.” This change ensures that the bill does not inadvertently subject innocuous conduct to the risk of serious federal criminal liability. For example, with this change, the bill would no longer raise the possibility of criminalizing the mere possession of another person’s name in an address book or Rolodex, when coupled with some sort of bad intent.

At the same time, the substitute restores the nuanced penalty structure of section 1028, so that it continues to treat refined in the substitute offenses involving identification documents and document-making implements as misdemeanors. Thus, in the substitute, the use or transfer of 1 or more means of
criminals are not always going to keep prosecution for fraud. Obviously, such
statute, Title 18 United States Code
\textit{Section 1028}, only criminalizes the pos-

Finally, again with the support of the Department of Justice, we
forfeiture procedure to be used in connection with offenses under section 1028. The bill as reported created a for-

I am glad that Senator Kyl and I were able to join forces to craft legisla-

Mr. HATCH. Mr. President, it is with pleasure that I rise today in support of S. 512, the “Identity Theft and Assump-

Mrs. FEINSTEIN. Mr. President, I am

On May 20, the Senate Judiciary Committee, Subcommittee on Technology, Terrorism, and Government Info-
makes it difficult for the individuals to obtain employment. In short, it virtually takes over the lives of innocent cit-

Many of you know individuals who have been victims of this crime. These are people whose lives have been de-

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3480) was agreed to.

Earlier this month, the Senate Judiciary Committee passed the Victim’s Rights Amendment to the Constitu-

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

The committee amendment, as amended, was agreed to.

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FEDERAL ACTIVITIES INVENTORY

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

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The committee amendment, as amended, was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3480) was agreed to.

The committee amendment, as amended, was agreed to.

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

The amendment (No. 3480) was agreed to.
The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, an amendment to strike all after the acting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Activities Inventory Reform Act of 1998”.

SEC. 2. ANNUAL LISTS OF GOVERNMENT ACTIVITIES NOT INHERENTLY GOVERNMENTAL IN NATURE.

(a) Lists Required. Not later than the end of the third quarter of each fiscal year, the head of each executive agency shall submit to the Director of the Office of Management and Budget a list of activities performed by Federal Government sources for the executive agency that, in the judgment of the head of the executive agency, are not inherently governmental functions.

The entry for an activity on the list shall include the following:

(1) The fiscal year for which the activity first appeared on a list prepared under this section.

(2) A representative of any business or professional association that includes within its membership private sector sources that may otherwise be provided in a law other than this Act, an Executive order, regulations, or other form of agreement, to perform the activity.

(b) OMB Review and Consultation. The Director of the Office of Management and Budget shall review the executive agency’s list for a fiscal year and consult with the head of the executive agency regarding the content of the final list for that fiscal year.

(c) Public Availability of Lists.

(1) Publication. Upon the completion of the review and consultation regarding a list of an executive agency—

(A) the head of the executive agency shall transmit the list to Congress and make the list available to the public; and

(B) the Director of the Office of Management and Budget shall promptly publish in the Federal Register a notice that the list is available to the public.

(2) Changes. If the list changes after the publication of the notice as a result of the resolution of any of the matters referred to in paragraph (1), the head of the executive agency shall—

(A) make each such change available to the public and transmit a copy of the change to Congress; and

(B) publish in the Federal Register a notice that the change is available to the public.

(d) Competition Required. Within a reasonable time after a date on which a notice of the public availability of a list is published under subsection (c), the head of the executive agency concerned shall review the activities on the list and determine whether the head of the executive agency considers contracting with a private sector source for the performance of such an activity, the head of the executive agency shall use a competitive process to select the source (except as may otherwise be provided in a law other than this Act, an Executive order, regulations, or any Executive branch circular setting forth requirements that is issued by competent executive authority).

The Director of the Office of Management and Budget shall issue guidance for the administration of this subsection.

(e) Realistic and Fair Cost Comparisons.

For the purpose of determining whether to contract with a source in the private sector for the performance of an activity, the head of the executive agency shall use the list on the basis of a comparison of the costs of procuring services from such a source with the costs of performing that activity by the executive agency, the head of the executive agency shall ensure that all costs (including the costs of quality assurance, technical monitoring of the performance of the activity, liability insurance, employee retirement and disability benefits, and all other overhead costs) are considered and that the costs considered are realistic and fair.

SEC. 3. CHALLENGES TO THE LIST.

(a) Challenge Authorized. An interested party may submit to an executive agency a challenge of a particular activity on a list for which a notice of public availability has been published under section 2.

(b) Challenge Filing Date. For the purposes of this section, the term “interested party”, with respect to an activity referred to in subsection (a), means the following:

(1) A private sector source that—

(A) is an actual or prospective offeror for any contract, or other form of agreement, to perform the activity; and

(B) has a direct economic interest in performing the activity that would be adversely affected by a determination not to procure the performance of the activity by a Federal Government source.

(2) The head of a Federal Government employee responsible for the activity from whom additional information about the activity may be obtained.

(c) OMB Review and Consultation. The Director of the Office of Management and Budget shall review the executive agency’s list for which a challenge has been submitted as provided in paragraph (2) and—

(1) authorize the appeal.

(2) transmit to the party submitting the challenge a written notification of the decision together with a discussion of the rationale for the decision to appeal under subsection (d).

(d) Initial Decision. Within 28 days after an executive agency receives an appeal, an official designated by the head of the executive agency shall—

(1) decide the challenge; and

(2) transmit to the party submitting the challenge a written notification of the decision together with a discussion of the rationale for the decision and an explanation of the party’s right to appeal under subsection (e).

(e) Appeal.

(1) Authorization of Appeal. An interested party may appeal an adverse decision of the official referred to in paragraph (d) to the head of the executive agency within 10 days after receiving a notification of the decision under subsection (d).

(2) Decision on Appeal. Within 10 days after the head of an executive agency receives an appeal of a decision under paragraph (1), the head of the executive agency shall—

(A) decide the appeal and transmit to the party submitting the appeal a written notification of the decision together with a discussion of the rationale for the decision.

(f) Costs Considered. When determining whether to strike a particular activity from a list, the costs considered are those identified in paragraph (e).

SEC. 4. APPLICABILITY.

(a) Executive Agencies Covered. Except as provided in subsection (b), this Act applies to the following executive agencies:

(1) Executive Department. An executive department named in section 101 of title 5, United States Code.

(2) Military Department. A military department named in section 102 of title 5, United States Code.

(3) Independent Establishment. An independent establishment, as defined in section 104 of title 5, United States Code.

(b) Exclusions. This Act does not apply to or with respect to the following:

(1) General Accounting Office. The General Accounting Office.

(2) Government Corporation. A Government corporation or a Government controlled corporation, as those terms are defined in section 103 of title 5, United States Code.

(c) Nonappropriated Funds Instrumentality. A part of a department or agency if all of the employees of that part of the department or agency are employees referred to in section 2105(c) of title 5, United States Code.

SEC. 5. DEFINITIONS.

In this Act:

(1) Federal Government source. The term “Federal Government source”, with respect to performance of an activity, means any organization within an executive agency that uses Federal Government employees to perform the activity.

(2) Inherently Governmental Function. (A) Definition. The term “inherently governmental function” means a function that is so intimately related to the public interest as to require performance by Federal Government employees.

(b) Functions Included. The term includes activities that require either the exercise of discretion in applying Federal Government authority, the making of policy decisions, or the making of decisions for the Federal Government, including judgments relating to monetary transactions and entitlements. An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as to significantly affect the life, liberty, or property of public or private persons.

(c) Functions Excluded. The term does not normally include:

(1) gathering information for or providing advice, opinions, recommendations, or ideas to Government officials; or

(2) personal, tangible or intangible, of the United States; or

(iii) to significantly affect the life, liberty, or property of private persons;

(iv) to commission, appoint, direct, or control officers or employees of the United States; or

(v) to exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the collection, control, or disbursement of appropriated and other Federal funds.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on October 1, 1998.

Mr. THOMPSON. Mr. President, S. 314 has been reported by the Governmental Affairs Committee on July 15, 1998. The original S. 314 has had long and contentious past. The bill reported by our Committee represents months of drafting and redrafting to create language which truly represents a consensus.

I commend the original sponsors of this bill for their dedication to this issue and I urged their willingness to accommodate the Governmental Affairs Committee’s changes in order to develop legislation which could be supported by all sides. Interested industry groups...
have expressed their support of this legislation. And the Administration and the Federal employee unions, although opposed to the original S. 314, all have indicated they will not object to this legislation.

S. 314 would require Federal agencies to prepare a list of activities that are not inherently governmental functions that are being performed by Federal employees, submit that list to OMB for review, and make the list publicly available. It also would establish an ‘approach’ process within each agency to challenge what is on the list or what is not included on the list. S. 314 also would create a statutory definition—identical to current regulation—for what is an ‘inherently governmental function’ that must be performed by the government and not the private sector.

S. 314 adheres to the seven principles the Administration outlined in its testimony to this Committee. It reflects recommendations made by the General Accounting Office in testimony to this and other committees. And it provides a statutory basis for longstanding administrative policy.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

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

The committee amendment was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; that the title amendment be agreed to; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 314) was considered read the third time and passed.

The title was amended so as to read: ‘A bill to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, and for other purposes.’

BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 342, S. 1360.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1360) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes:

SEC. 1. SHORT TITLE. This Act may be cited as the ‘‘Border Improvement and Immigration Act of 1998’’.

SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996. (a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

‘‘(a) SYSTEM.—

‘‘(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

‘‘(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien’s arrival in the United States; and

‘‘(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

‘‘(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

‘‘(A) at a land border or seaport of the United States for any alien; or

‘‘(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208, 110 Stat. 3009–546).

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate a report that—

‘‘(1) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

‘‘(2) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 4. ANNUAL REPORTS ON ENTRY-EXIT CONTROL AND USE OF ENTRY-EXIT CONTROL DATA.

(a) ANNUAL REPORTS ON IMPLEMENTATION OF ENTRY-EXIT CONTROL AT AIRPORTS.—Not later than 30 days after the end of each fiscal year, the Attorney General shall certify to Congress that the entry-exit control system required by section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended, has been developed, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that—

‘‘(1) provides an accurate assessment of the status of the development of the entry-exit control system;

‘‘(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met; and

‘‘(3) includes a detailed estimated funding, if any, needed for the development of the entry-exit control system.

(b) ANNUAL REPORTS ON VISA OVERSTAYS IDENTIFIED THROUGH THE ENTRY-EXIT CONTROL SYSTEM.—Not later than June 30 of each year, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report that sets forth—

‘‘(1) the number of arrival records of aliens and the number of departure records of aliens that were collected during the preceding fiscal year under the entry-exit control system under section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality;

‘‘(2) the number of departure records of aliens that were successfully matched to records of such aliens’ prior arrival in the United States, with a separate accounting of such numbers by country of nationality and by classification as immigrant or nonimmigrant; and

‘‘(3) the number of aliens who arrived as nonimmigrants, or as visitors under the visa waiver program under section 101(a)(15) of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system, or through other means, as of the end of such fiscal year, with an accounting by country of nationality and approximate date of arrival in the United States.

(c) INCORPORATION INTO OTHER DATABASES.—Information regarding aliens who have remained in the United States beyond their authorized period of stay that is identified through the system referred to in subsection (a) shall be integrated into appropriate databases of the Immigration and Naturalization Service and the Department of State, including those used at port-of-entry and at consular offices.

SEC. 5. LIMITATION ON CERTAIN BORDER CROSSING-RELATED VISA FEES.

(a) LIMITATION.—In general.—Notwithstanding any other provision of law, the Secretary of State may not charge a fee in excess of the following amounts for the processing of any application for the issuance of a visa under section 101(a)(15)(B) of the Immigration and Nationality Act if the appropriate consular officer has reason to believe that the visa will be used only for travel in the United States within the continental United States or to any foreign country other than the United States and Mexico and for a period of less than 72 hours:

(i) In the case of any alien 18 years of age or older, $45.

(ii) In the case of any alien under 18 years of age, zero.

(b) PERIOD OF VALIDITY OF VISAS FOR CERTAIN MINOR CHILDREN.—If a consular officer has reason to believe that a visa issued under section...
101(a)(15)(B) of the Immigration and Nationality Act to a child under 18 years of age will be used only for travel in the United States within 25 miles of the international border between the United States and Mexico for a period of less than 72 hours, then the visa shall be issued to expire on the date on which the child attains the age of 18.

(b) ALL IN BORDER CROSSING RESTRICTIONS.—Section 104(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking "3 years" and inserting "4 years".

(c) PROCESSING IN MEXICAN BORDER CITIES.—The Secretary of State shall continue until at least October 1, 2000, to process applications for visas to the United States with respect to Section 101(a)(15)(B) of the Immigration and Nationality Act at the following cities in Mexico located near the international border with the United States: Nogales, Nuevo Laredo, Ciudad Juarez, Piedras Negras, Agua Prieta, and Reynosa.

SEC. 6. AUTHORIZATIONS OF APPROPRIATIONS FOR BORDER CONTROL AND ENFORCEMENT ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) IN GENERAL.—

(1) INS.—In order to enhance enforcement and inspection services on the land borders of the United States, enhance investigative resources, and foster efforts against drug smuggling and money-laundering organizations in their early stages, process cargo, reduce commercial and passenger traffic waiting times, and open all ports of entry during peak hours at major land border points of entry on the Southwest and Northern land borders of the United States, in addition to any other amounts appropriated, there are authorized to be appropriated for salaries, expenses, and equipment for the Immigration and Naturalization Service for purposes of carrying out this section:

(A) $113,604,000 for fiscal year 1999;

(B) $121,064,000 for fiscal year 2000; and

(C) such sums as may be necessary in each fiscal year thereafter.

(b) FISCAL YEAR 1999.—

(1) INS.—Of the amounts authorized to be appropriated under subsection (a)(2)(A) for fiscal year 1999 for the Immigration and Naturalization Service, $15,090,000 shall be available until expended for precision and other expenses associated with implementation and full deployment of cross-border control systems.

(2) INS.—Of the amounts authorized to be appropriated under subsection (a)(2)(E) for fiscal year 1999, $15,090,000 shall be available until expended for the equipment specified in this section.

(c) PROCESSING IN MEXICAN BORDER CITIES.—The Secretary of State shall continue until at least October 1, 2000, to process applications for visas to the United States with respect to Section 101(a)(15)(B) of the Immigration and Nationality Act at the following cities in Mexico located near the international border with the United States: Nogales, Nuevo Laredo, Ciudad Juarez, Piedras Negras, Agua Prieta, and Reynosa.

SEC. 7. SENSE OF THE SENATE CONCERNING AUTHORIZATION OF APPROPRIATIONS FOR BORDER CONTROL AND ENFORCEMENT ACTIVITIES OF THE UNITED STATES CUSTOMS SERVICE.

Given that the Customs Service is cross-designated to enforce immigration laws and given the important border control role played by the Customs Service, it is the sense of the Senate that appropriations for border control activities should be granted to the Customs Service similar to those granted to the Immigration and Naturalization Service under section 6.

AMENDMENT NO. 3481

(Purpose: To provide a complete substitute)

Mr. JEFF FORD (for Senator Abraham). The Customs Service has a subcommittee meeting at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the amendment as follows:

Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3481) was agreed to.

Mr. ABRAHAM. Mr. President, I rise today to remark on final passage of an important piece of legislation, the Border Improvement and Immigration Act of 1996. I am very pleased that we now have a bill that the Senate can pass by unanimous consent.

The substitute amendment makes a number of improvements on the committee-reported version. I have worked particularly closely with Senators Gramm and Kyl to include provisions that would provide authorization for significant additional resources for the inspections and drug enforcement operations of the United States Customs Service at the land borders. These resources would help ease traffic and trade back-ups and would detect and deter drug trafficking. It is my hope that they be deployed on a fair basis among the northern and southern border ports.

Senator Kyl and I have also worked closely with the State Department and with the Immigration and Naturalization Service to make sure that modifications were made in the implementation of border crossing improvements so that local communities, particularly in Arizona, would not be unduly harmed by laws and regulations that could not be implemented without keeping travelers from visiting, shopping, and doing business in the United States.

I spoke at length on this legislation in the Judiciary Committee, and that Committee produced a full report on the difficulties that would be faced if Section 110 of the Illegal Immigration and Immigrant Responsibility Act of 1996 were not modified. I do not want to repeat myself here, but would like to comment briefly on some of the key issues.

The legislation first addresses the so-called Section 110 problem. Section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act requires the INS to develop, by September 30, 1998, an automated entry and exit control system to document the entry and departure of "every alien" arriving in and leaving the United States. The problem is that the term "every alien" could be interpreted to cover all aliens entering at land borders, airports, and seaports. As a result of entry where entry-exit control has not been in place. My legislation exempts land borders and seaports from coverage of the system, and instead requires the Attorney General to submit a detailed feasibility report to Congress on what full entry-exit control would involve, what it would cost, and what burdens it would impose on our States and our constituents. This is simply a sensible and responsible approach.

The other provisions in the bill include reporting requirements on data obtained from the entry-exit control system that would be in operation at
airports, provisions to fix some serious problems that are being experienced on the Southern border with the issuance of the new biometric "laser visas"—which I know is of great concern to Senator KYL and others on the Southern border. I understand that the National Customs and INS resources for border inspections and enforcement.

I will say a bit more about the Section 110 problem because that is the provision that is most important to me. Implementing Section 110 at the land borders is essentially impossible at the moment. No one—not INS, not the State Department, and not anyone in Congress—has come up with a feasible way of implementing such a system at the land borders.

At a hearing before the House Subcommittee on Immigration and Claims just last week, testimony was heard from a private sector technology company that developing feasible technology to implement Section 110 would require "substantial" time, "ultimately long lead times", and "significantly, resources," none of which the company could specify with any precision. Given the absolutely monumental nature of the task. Commenting on the sheer size of the database that would be needed to contain the number of visitor entry and exit records that would in theory be collected and entered into the system by the INS, Ann Cohen, Vice President of the EDS Corporation, testified, "to put some perspective on the magnitude of this number, the information in this system at the end of one year would be equal to the amount of data stored in the U.S. Library of Congress."

In the Senate, we heard testimony at an earlier subcommittee hearing that if this system were implemented with just a 30-second inspection required for every border crosser, backups at the Ambassador Bridge in Detroit would immediately exceed 24 hours, for hours on end, and the border would effectively be closed. The impact would be immediate and would be staggering. The U.S. automobile industry alone conducts $300 million in trade with Canada everyday. I learned in Michigan that there are 800 employees of the Detroit Medical Center who commute from Canada every day and who would no longer be available to provide medical care to Michiganders. Tourism would be harmed. And our international relations with Canada and Mexico would likewise be seriously damaged.

To add to this, Congress did not have the chance to fully consider the question of entry-exit control at the land borders, as opposed to just at airports, because the final language of Section 110 appeared for the first time only in the Conference Report. Senator SIMPSON and Chairman SMITH acknowledged in letters to the Canadian Embassy following passage of the 1996 Act that they did not intend Section 110 to impose any new automated monitoring system at the land borders.

I am proud to be an original co-sponsor of S. 1360 and have spoken repeatedly about the need for this remedy. We must be sure that the Immigration and Naturalization Service might be obligated to begin implementing an enormously expensive automated entry-exit monitoring system at all of our nation's borders this fall without having the opportunity to study the situation and develop a workable system. The passage of this legislation means the Attorney General will now have one year to study and report to Congress on the feasibility of various means of tracking the entry and exit of immigrants crossing our country's land borders.

Over the past year, I have worked hard to ensure that this legislation does not negatively impact the thousands of people and the millions of dollars of trade which cross our borders each day. This bill preserves the integrity of our open border with Canada and ensures that no additional burden is placed upon Canadians who plan to shop or travel in the United States. The Border Improvement Act will also have additional time under this bill to acquire new border crossing cards and will be able to obtain border crossing cards for their children under age 15 at a reduced cost. Vermonters and others who cross our nation's land borders on a daily basis to work or visit with family or friends in Canada and Mexico should be able to continue to do so without additional border delays.

The Border Improvement Act also takes a more thoughtful approach to modifying U.S. immigration policies than that contained in section 110 of the 1996 Illegal Immigration Reform and Immigration Responsibility Act ("IIRIRA"). By requiring an automated system for monitoring entry and exit of "all aliens", section 110 would subject Canadians, and others who are not currently required to show documentation, to unprecedented border checks at U.S. points of entry. This type of tracking system would be enormously costly to implement along the borders, especially since there is no current infrastructure in place to track the departure of individuals leaving the United States at our land borders or airports. Section 110, currently worded, would also lead to excessive and costly traffic delays for those living and working near the borders. That is why I am so pleased that we were able to pass this legislation today to remedy this situation.

Instead of requiring the INS to implement such a costly and burdensome border tracking system with little forethought, S. 1360 mandates that the Attorney General conduct a study over the next year of the feasibility of various automated monitoring systems. This study will include an assessment of the potential costs and impact of any new automated monitoring system
The implementation of Section 110 would negatively affect our dynamic trading relationship with our Northern neighbor and would wreak havoc with the flow of traffic at the border. Each year, more than eight million trucks cross the eastern United States-Canada border carrying a variety of goods to markets throughout the eastern border. The Eastern Border Transportation Coalition has estimated that 57 million cars crossed that region in 1995. Sixty percent of these were day trips—people crossing the border to go to school or work, attend cultural events, visit friends, and the like. The remaining forty percent of auto border crossings were by vacationers making significant contributions to both nations’ economies. Might I note that visitors from the U.S. comprise the largest single group of vacationers in Canada and Canadians are the largest single non-U.S. group of vacationers in Florida.

It was not the intent of Congress to interfere with the vibrant trading relationship and long traditions between Canada and Canadian friends. On December 18, 1996, Representative Lamar S. Smith and then-Senator Alan K. Simpson sent a letter to Canadian Ambassador Raymond Chrétien to assure him of this fact, that Congress intended to impose a new requirement for border crossing cards or I-94’s on Canadians who are not presently required to possess such documents.” Thankfully, tonight this ambiguity has been resolved by this amendment.

By passing this bill and exempting land border crossings from the automated entry-exit control system created under Section 110, we have prevented what could have been a catastrophe at the Canadian border.

Mrs. FeinsteiN. Mr. President, S. 1360, the “Border Improvement and Immigration Act of 1998” sponsored by Senator Abraham requires an entry-exit system at air ports by the year 2000. A study of 100 ports of entry found an entry-exit system for land and sea ports within a year. However, it does not address all the problems for which Section 110 of the 1996 Act was intended. I hope that during conference, we can improve the bill by mandating a workable deadline for creating an entry-exit system at all land and sea ports.

Section 110 of the 1996 Immigration Act requires an automated entry-exit system for foreign nationals. It also requires the Attorney General to identify visa overstays, making the system an integrated part of data collection by the INS.

The purpose of Section 110 in current law is to fix the problem which exists now. INS says that in FY 96, over 24 million non-immigrants came into the U.S. INS also says that they are “unable to calculate overstays rates on non-immigrants in general or for particular non-immigrant classes.” INS also told the committee that they “do not have an estimate” of the average length of overstay for non-immigrants or know the “destinations of non-immigrants.”

The purpose of Section 110 is to make sure INS has the ability, by building an integrated data system at all ports of entry—including air, sea and land ports of entry, in order to know who is coming into the country and who is leaving and more importantly, who is breaking the law by overstaying their visas.

INS estimates that there are over 5 million illegal aliens in this country and 41% of the illegal alien population is due to visa overstays—that these aliens failed to depart. (source: 1996 Statistical Yearbook of INS).

In the 1997 report, the INS Inspector General concluded that currently, INS has no real ability to identify the characteristics of the visa overstays which could be used in developing an enforcement strategy that effectively targets visa overstays. It also found that capturing entry-exit information only at airports reveals information about 10% of the nonimmigrants in this country who come through airports. The other 90% come and leave through sea and land ports and therefore, are unknown if there is no entry-exit system at those ports.

INS’ inability to identify visa overstays has greater significance to the law enforcement agencies, not only to dispensaries of law enforcement, not only to dispensers of justice, but to all those with visas and border crossing cards, providing valuable information for the law enforcement officials, not only to deport visa overstays but in prosecuting those drug runners who provide a critical link into the heartland of America.

Time has come to fully implement the 1996 Immigration Act. I hope that during conference, we can find a workable deadline for INS to create an entry-exit system at both sea and land ports. Doing a feasibility study is helpful for planning purposes, but without tough mandates to install entry-exit systems while drug runners go back and forth freely at the South-east border without law enforcement’s knowledge, and while potential terrorists slip in easily through the Canadian ports of entry, the current law is inadequate.

The committee amendment as amended, was agreed to.

Mr. Jeffords. I ask unanimous consent that the committee amendment, as amended, be agreed to. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, the bill is ordered to be engrossed for a third reading, and was read the third time.
Mr. JEFFORDS. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2920, the House companion bill.

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

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to its consideration, all after the enacting clause be stricken, and the text of S. 1360, as amended, be inserted in lieu thereof. I further ask that the bill be read a second time, and passed, the motion to reconsider be laid upon the table, and any statements relating to this measure appear at the appropriate place in the Record.

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

The bill (H.R. 2920), as amended, was considered read the third time and passed.

Mr. JEFFORDS. I finally ask unanimous consent that S. 1360 be placed back on the calendar.

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

STEVE SCHIFF AUDITORIUM

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3731, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3731) to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium."

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

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

Mr. JEFFORDS. Mr. President, it is a real honor today to support legislation, H.R. 3731, honoring Representative Steve Schiff. This legislation designates a special auditorium at the Sandia National Laboratories as the "Steve Schiff Auditorium." Steve spoke in this Auditorium on several occasions, as part of his long service to the people of New Mexico.

Steve Schiff exemplified all that was good about public service: integrity of the highest order, deep and fundamental decency, and an acute and open mind. He went about his business quietly, but with wonderful efficiency.

He was great at telling stories, usually about himself. He was a model for all politicians to admire.

Steve came to New Mexico from Chicago, where he was born and raised. He served the people of New Mexico in different capacities since 1972, when he graduated from the Law School at the University of New Mexico. Before election to Congress in 1980, he served as District Attorney for eight years.

One of Steve's favorite local programs was his Tree Give-Away Program. For eight years, Steve held a Saturday tree give-away day at the Indian Pueblo Cultural Center. He gave away more than 115,000 trees. Through those trees, he shared his own hope, faith, and love. Those trees now flourish throughout the Albuquerque area in New Mexico as lasting symbols of Steve's legislative achievements continue to serve the American people as another reminder of this great American.

Along with those trees and his legislation, the Steve Schiff Auditorium serves as lasting memorial. I'm happy and honored to have been a part of his life.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that 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 be placed at the appropriate place in the Record.

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

The bill (H.R. 3731) was considered read the third time and passed.

COMMERCIAL SPACE ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of calendar No. 393, H.R. 1702.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1702) to encourage the development of a commercial space industry in the United States, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, without an amendment strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

1. Short Title.—This Act may be cited as the "Commercial Space Act of 1997".

2. Table of Contents.—

(a) SHORT TITLE. The Congress declares that a priority goal of constructing the International Space Station, which is the "International Space Station〟 means a commercial provider, organized and operated in the United States, which is-

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company’s subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers, to companies described in subparagraph (A) with respect to long-term investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

(b) POLICY. The Congress declares that a priority goal of constructing the International Space Station is—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services, including space-related activities; and

(3) the term "payload" means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within outer space, or in suborbital trajectory.

(c) Definitions.—

(1) The term "space transportation vehicle" means—

(A) a vehicle specifically designed or adapted for that payload;

(B) any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(II) providing no barriers, to companies described in subparagraph (A) with respect to long-term investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

(c) POLICY. The Congress declares that a priority goal of constructing the International Space Station is—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services, including space-related activities; and

(3) the term "payload" means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within outer space, or in suborbital trajectory.

The bill (H.R. 3731) was considered read the third time and passed.
Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic benefits, and should therefore govern the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, servicing, and reentering Earth to which a reentry vehicle is intended to return from Earth orbit or outer space is essential to play a role in International Space Station activities, including operation, use, servicing, and reentry of the United States burden to fund operations.

The Administrator is advancing to encourage and facilitate these commercial opportunities; and (E) the revenues and cost reimbursements to the Federal Government's share of all partners and the Federal Government's share of the economic development of the Space Station.

This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1), based on the external market assessment.

The Administrator shall deliver to the Committee on Commerce of the House of Representatives and the Committee on Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independent-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1), based on the external market assessment.

(3) The Administrator shall deliver to the Congress, not later than the submission of the President's annual budget request for fiscal year 2000, a report detailing how many proposals the National Aeronautics and Space Administration received under this Act, including how many agreements the National Aeronautics and Space Administration plans to make available to commercial providers in fiscal year 1999 and 2000;

(4) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independent-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1), based on the external market assessment.

(b) REPORTS.Ð(1) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, a study that identifies and estimates the economic development of the International Space Station, broken down by each of these activities, including operation, use, servicing, and reentry of the United States.

A study that identifies and estimates the economic development of the International Space Station, broken down by each of these activities, including operation, use, servicing, and reentry of the United States shall include consideration of the role of State governments as brokers in promoting commercial participation in the International Space Station program.

SEC. 103. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) Amendments.ÐChapter 701 of title 49, United States Code, is amended as follows:

(1) in section 70102Ð

(5) in section 70104Ð

(3) in section 70108Ð

(1) by amending the item relating to section 70109 to read as follows: "70109. Preemption of scheduled launches or reentries:";

and (2) in section 70102Ð

(1) by inserting "microgravity research" after "information services," in subsection (a)(3);

(3) by inserting "reentry services" after "launch services" in subsection (a)(6); and

(4) by adding at the end of the following new paragraphs:

"10. `reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter);"

"11. `reentry services' means—

(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

(B) the conduct of a reentry.

12. `reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter);"

"(B) by inserting "and reentry services" after "commercial space launches" in paragraph (1); and (C) by inserting "and reentry" after "space launch" in paragraph (2); and

(2) in section 70104Ð

(A) by amending the section designation and heading to read as follows: "§70104. Restrictions on launches, operations, and reentries;"

"(b) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site," each place it appears in subsection (a); and

(C) by inserting "and launch" or "operation" in subsection (a)(3) and (4); and

(D) in subsection (b)Ð

(ii) by inserting "or reentry" after "may launch;"

and

(iii) by inserting "or reentry" after "related to launching;" and

(E) in subsection (c)Ð

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND

REENTRIES;";

(ii) by inserting "or reentry" after "prevent

entry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(iii) by inserting "or reentry" after "decides

the launch;"

(3) in section 70105Ð

(A) by inserting "(1)" before "A person may apply"

in subsection (a); and

(B) by striking "receiving an application" both places it appears in subsection (a) and in

serting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D);"

(4) in adding at the end of subsection (a) the following: "The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when a license is not issued within the deadline established by this subsection.

(5) in carrying out paragraph (1), the Secretary may establish procedures for safety

approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities."

(E) by inserting "or reentry services" after "information services," in subsection (a);

and

(F) by inserting "and reentry services" after "information services," in subsection (a).

(6) in section 70108Ð

(A) by inserting "(1)" before "A person may apply"

in subsection (a); and

(B) by striking "receiving an application" both places it appears in subsection (a) and in

serting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D);"

(7) in adding at the end of subsection (a) the following: "The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when a license is not issued within the deadline established by this subsection.

(8) in carrying out paragraph (1), the Secretary may establish procedures for safety

approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities."

(D) by inserting "or reentry site, or the

entry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(E) by striking "or operation" and inserting in lieu thereof "operation, or reentry" in

section (b)(2)(A); and

(F) by striking "and" at the end of subsection

(b)(2)(B); and

(G) by striking the period at the end of subsection

(b)(2)(C) and inserting in lieu thereof "and;" and

(H) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for ac-

cepting or rejecting an application for a license under this chapter within 60 days after receipt of such application;";

and

(I) by inserting "and the Secretary shall in each year request a report on the economic development of the International Space Station from the Administrator of Commerce, as well as an annual report on the economic development of the International Space Station from the Secretary of Commerce," in subsection (a).
§70109. Preemption of scheduled launches or reentries;

(B) in subsection (a)—

(i) by inserting “or reentry” after “ensure that a launch”;

(ii) by inserting “, reentry site,” after “United States Government launch site”;

(iii) by inserting “or reentry date commitment” after “launch date commitment”;

(iv) by inserting “or reentry” after “obtained for a launch”;

(v) by inserting “, reentry site,” after “access to a launch site”;

(vi) by inserting “, or services related to a reentry” after “amount for launch services”;

and (vii) by inserting “or reentry” after “the scheduled launch”;

and (C) in subsection (c), by inserting “or reentry” after “prompt launching”;

(10) in section 70111—

(A) by inserting “or reentry” after “prevent the launch” in subsection (a)(2); and

(B) by inserting “or reentry site, or reentry of a reentry vehicle, after “operation of a launch site” in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting “or reentry” after “launch” in subsection (a)(A);

(B) by inserting “and reentry services” after “launch services” in subsection (a)(1)(B);

(C) by inserting “or reentry services” after “or launch services” in subsection (a)(1)(B);

(D) by striking “source, whether such source is located on or off a Federal site”;

(E) by inserting “or reentry” after “commercial launch” both places it appears in subsection (b)(1);

(F) by inserting “or reentry services” after “launche services” in subsection (b)(2)(C);

(G) by inserting after subsection (b)(2) the following new paragraph:

“(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.”;

(H) by striking “or its payload for launch” in subsection (b)(2) and inserting in lieu thereof “or reentry vehicle, or the payload of either, for launch or reentry”;

and (I) by inserting “, reentry vehicle,” after “manufacturer of the launch vehicle” in subsection (d);

(12) in section 70112—

(A) in subsection (a)(1), by inserting “launch or reentry site” after “reentry site”;

(B) by inserting “or reentry” after “one launch” in subsection (a)(3);

(C) by inserting “or reentry services” after “launche services” in subsection (a)(4);

(D) in subsection (b)(1), by inserting “launch or reentry” after “(1) A”;

(E) by inserting “or reentry services” after “launche services” each place it appears in subsection (b);

(F) by inserting “applicable” after “carried out under the” in paragraphs (1) and (2) of subsection (d);

(G) by striking “, Space, and Technology” in subsection (d)(1);

(H) by inserting “or reentries” after “launche” in the heading for subsection (e); and

(i) by inserting “or reentry site or a reentry” after “launch site” in subsection (e); and

(j) in subsection (f), by inserting “launch or reentry” after “lack”;

(13) in section 70113—by inserting “or reentry” after “one launch” each place it appears in paragraphs (1) and (2) of subsection (d);

(14) in section 70114(1)(D), by inserting “or reentry site,” after “launch site,” and

(b) by inserting “or reentry vehicle” after “launch vehicle” both places it appears;

(15) in section 70117—

(A) by inserting “or reentry site, or to reenter a reentry vehicle” after “operate a launch site” in subsection (a);

(B) by inserting “or reentry” after “approval of a space launch” in subsection (d);

(C) by amending subsection (f) to read as follows:

“(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, payload included in launches, or reentry vehicle carried out under a launch decision, shall be considered to be a United States Export or Import, respectively, for purposes of a law controlling exports or imports, except that payloads included in launches or reentry vehicles, or launch site or reentry site, or to reenter a reentry vehicle, or operation of a launch site or reentry site,”; and

(d) by striking “(1) A” in subsection (g)—

(i) by striking “operation of a launch vehicle or launch site,” in paragraph (1) and inserting in lieu thereof “operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,”;

and (ii) by inserting “, or reentry,” after “launch,” in paragraph (2); and

(16) by adding at the end the following new paragraphs:

§70120. Regulations

(a) IN GENERAL.—The Secretary of Transportation, within 9 months after the date of the enactment of this section, shall issue a notice of proposed rule making to carry out this chapter that includes—

(1) guidelines for industry and State governments to obtain sufficient insurance coverage for potential damages to third parties;

(2) procedures for requesting and obtaining licenses to launch a commercial launch vehicle;

(3) procedures for requesting and obtaining operator licenses for launch operators;

(4) procedures for requesting and obtaining launch site operator licenses;

(5) procedures for the application of government indemnification;

(b) REENTRY.—The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue a notice of proposed rule making to carry out this chapter that includes—

(1) procedures for requesting and obtaining licenses to reenter a reentry vehicle;

(2) procedures for requesting and obtaining operator licenses for reentry;

and (3) procedures for requesting and obtaining reentry site operator licenses;

§70121. Report to Congress

The Secretary of Transportation shall submit to Congress an annual report to accompany the President’s budget request that—

(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation to further commercial launches and reentries; and

(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 70119 of title 49, United States Code, is amended to read as follows:

§70119. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

(1) $6,182,000 for the fiscal year ending September 30, 1998;

(2) $6,275,000 for the fiscal year ending September 30, 1999; and

(3) $6,600,000 for the fiscal year ending September 30, 2000.

(c) EFFECTIVE DATE.—The amendments made by subsection (a)(6)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(H).

SEC. 102. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.

(a) FINDING.—The Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data links, and associated command and control facilities, has become an essential element in civil, scientific, and military space and other programs because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.

(b) NATIONAL COORDINATION.—In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national security, public safety, scientific, and economic interests of the United States, the Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees;

(2) enter into international agreements that promote cooperation with foreign governments and international organizations that provide for—

(A) establish the Global Positioning System and its augmentations as an acceptable international standard, and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide; and

(3) provide clear direction and adequate resources to United States representatives so that on an international basis they can—

(A) achieve and sustain efficient management of the electromagnetic spectrum used by the Global Positioning System; and

(B) protect that spectrum from disruption and interference.

SEC. 103. ACQUISITION OF SPACE SCIENCE DATA.

(a) ACQUISITION FROM COMMERCIAL PROVIDERS.—In order to satisfy the scientific and educational requirements of the National Aeronautics and Space Administration, and where practicable of other Federal agencies and scientific researchers, the Administrator shall to the maximum extent possible acquire, where cost effective, space science data from a commercial provider.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations. Nothing in this subsection shall be construed to preclude the United States from acquiring sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) DEFINITION.—For purposes of this section, the term “space science data” includes scientific data concerning the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets, microgravity acceleration, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

SEC. 104. ADMINISTRATION OF COMMERCIAL SPACE CENTER.

The Administrator shall administer the Commercial Space Center program in a coordinated manner from National Aeronautics and Space
Administration headquarters in Washington,
D.C.
T I T L E  2 — R E M O T E  S E N S I N G

(a) FINDING—The Congress finds that—

(1) a robust domestic United States industry in high resolution Earth remote sensing is in the economic, employment, technological, scientific, and national security interests of the United States;

(2) to secure its national interests the United States must nurture a commercial remote sensing industry in the world;

(3) the Federal Government must provide policies and regulations that promote a stable business environment for that industry to succeed and fulfill the national interest;

(4) it is the responsibility of the Federal Government to create domestic and international conditions favorable to the health and growth of the United States commercial remote sensing industry;

(5) it is a fundamental goal of United States policy to support and enhance United States industrial competitiveness in the field of remote sensing, while at the same time protecting the national security concerns and international obligations of the United States;

(6) it is fundamental that the states be able to deploy and utilize this technology in their land management responsibilities. To date, very few states do so without engaging the academic institutions within their boundaries. In order to develop a market for the commercial sector, the states must have the capacity to fully develop the technology.

(b) AMENDMENTS.—The Remote Land Sensing Policy Act of 1992 is amended—

(1) in subsection (2) (15 U.S.C. 5611)—

(A) by amending paragraph (5) to read as follows:

``5. Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal of United States policy.''

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively;

(C) in paragraph (11), as so redesignated by subparagraph (B) of this paragraph, by striking “determining the design” and all that follows through “international consortium” and inserting in lieu thereof “ensuring the continuity of Landsat quality data”; and

(D) by adding at the end the following new paragraph:

``16. The United States should encourage remote sensing systems to promote access to land remote sensing data by scientific researchers and educators.”

``17. It is in the best interest of the United States to encourage remote sensing systems whether privately-funded or publicly-funded, to promote widespread affordable access to enhanced land remote sensing data by scientific researchers and educators and to allow such users appropriate rights for redistribution for scientific and educational noncommercial purposes.”;

(2) in section 101 (15 U.S.C. 5611)—

(A) in subsection (c)(1), by inserting “and” at the end of paragraph (6);

(B) by striking paragraph (7); and

(C) by redesignating paragraph (8) as paragraph (7); and

(D) in subsection (6)(e)(1)—

(i) by inserting “and” at the end of subparagraph (A); (ii) by striking “, and” at the end of subparagraph (B) and inserting therein a period; (iii) by striking subparagraph (C); (iv) in section 201 (15 U.S.C. 5621)—

(A) by inserting “11” after “NATIONAL SECURITY”;

(B) in subsection (a)(1), as so redesignated by subparagraph (A) of this paragraph—

(i) by striking “No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply” and inserting in lieu thereof “The Secretary shall grant a license to the applicant if the Secretary determines that the activities proposed in the application are consistent”;

(ii) by inserting “, and that the applicant has provided all information necessary to determine, in combination with other information available to the Secretary that is relevant to activities proposed in the application, that the applicant will comply with all applicable laws” after “concerns of the United States”; and

(iii) by inserting “and policies” after “international obligations”;

(C) by adding at the end of subsection (b) the following new paragraph:

“2. The Secretary, within 6 months after the date of enactment of the Commercial Space Act of 1997, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. If the application has not been complete 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may deny the application on the basis of the absence of any such information.”;

(D) in subsection (c), by adding the second sentence thereof to read as follows: “If the Secretary has not granted the license within such 120-day period, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant in order to result in the granting of a license.”;

(3) in section 202 (15 U.S.C. 5622)—

(A) by striking “section 506” in subsection (b)(1) and inserting in lieu thereof “section 507”;

(B) in subsection (b)(2), by striking “as soon as such data are available and on reasonable terms and conditions, including the reasons therefor, the limitations on distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations on the period during which such limitations apply.”;

(C) by inserting “, the reasons therefor, the limitations on the period during which such limitations apply.” after “issue the determination”;

(D) by striking “Termination, Modification, or Suspension.”—Not later than 30 days after an action by the Secretary to seek an order of injunction shall result in the issuance of any such order, the Secretary shall provide written notification to Congress of such action and the reasons therefor.”;

(4) in section 301 (15 U.S.C. 5631)—

(A) by inserting “, that are not being commercially developed” after “end thereof” in subsection (a)(2); and

(B) by adding at the end the following new subsection:

``(d) D U P L I C A T I O N  O F  C O M M E R C I A L  S E C T O R  A C T I V I T I E S.—The Federal Government shall not undertake activities under this section which duplicate activities available from the United States commercial sector, unless such activities would result in significant cost savings to the Federal Government, or are necessary for reasons of national security or international obligations or policies.”;

(5) in section 302 (15 U.S.C. 5632)—

(A) by striking “a” General Rule.— “

(B) by striking “, including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303,”;

(C) by striking subsection (b);

(D) by repealing section 303 (15 U.S.C. 5633);

(E) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking “, including any such enhancements developed under the technology demonstration program under section 303,”;

(F) in section 501(a) (15 U.S.C. 5651(a)), by striking “section 506” and inserting in lieu thereof “section 507”;

(G) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking “section 506” and inserting in lieu thereof “section 507”;

(H) in section 107 (15 U.S.C. 5657)—

(A) by amending subsection (a) to read as follows:

``(a) A M E N D M E N T S O F T H E S E C R E T A R Y  O F D E F E N S E.—The Secretary shall consult with the Secretary of Defense on all matters under title II affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with the policies and regulations established by the Secretary, that are necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of the determinations. The Secretary of Defense shall convey to the Secretary the determinations for a license issued under title II, consistent with this Act, that the Secretary of Defense determines necessary to meet the national security concerns of the United States.”;

(B) by striking subsection (b)(1) and (2) and inserting in lieu thereof the following:

``(b) R E S P O N S I B I L I T Y  O F T H E S E C R E T A R Y  O F D E F E N S E.—(1) The Secretary shall consult with the Secretary of State on all matters under title II affecting international obligations and policies of the United States. The Secretary shall be responsible for determining those conditions, consistent with the policies and regulations established by the Secretary, that are necessary to meet international obligations and policies of the United States, and for notifying the Secretary promptly of the determinations. The Secretary of State shall convey to the Secretary the determinations for a license issued under title II, consistent with this Act, that the Secretary of Defense determines necessary to meet the international obligations and policies of the United States.”;

(C) in section 206 (15 U.S.C. 5652a)—

``SEC. 206. NOTIFICATION.—(a) LICENSATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations on the period during which such limitations apply.”;

``(b) T E R M I N A T I O N ,  M O D I F I C A T I O N ,  O R  S U P E N S I O N .—Not later than 30 days after an action by the Secretary to seek an order of injunction shall result in the issuance of any such order, the Secretary shall provide written notification to Congress of such action and the reasons therefor.”;"
Administration should develop and implement a program to aid the transfer of remote sensing technology and Mission to Planet Earth (OES) science at the state level; and

(C) in subsection (a) by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require.

SEC. 202. ACQUISITION OF EARTH SCIENCE DATA.

(a) POLICY AND PREPARATION. The Administrator shall determine whether the Federal Government goals for Mission to Planet Earth, and in order to satisfy the scientific and educational requirements of the National Aeronautics and Space Administration, and where appropriate of other Federal agencies and scientific researchers, the Administrator shall to the maximum extent possible acquire, where cost-effective, and airborne and remote sensing data, services, distribution, and applications from a commercial provider.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS. Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations. Nothing in this subsection shall be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

(c) SAFETY STANDARDS. Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(d) ADMINISTRATION AND EXECUTION. This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) IN GENERAL. Except as otherwise provided in this section, the Federal Government shall not acquire space transportation services (including chapters 137 and 140 of title 10, United States Code) except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations. Nothing in this subsection shall be construed to prohibit the United States from acquiring sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(b) SAFETY STANDARDS. Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(c) DETERMINATION. The Administrator shall, where appropriate, require''.

SEC. 203. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

(a) POLICY AND PREPARATION. The Administrator shall prepare for an orderly transition toward the privatization of the Space Shuttle and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle, and shall keep safety and cost effectiveness as high priorities.

(b) SAFETY STANDARDS. The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor shall own the Space Shuttle orbiter;

(2) whether the Federal Government shall indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads shall be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments; and

(c) Authorization Act. Within 60 days after the date of the enactment of this Act, the United States commercial providers whenever the United States serves the interest of the foreign policy purposes; and

(d) Historical Purpose. This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload shall not be reasonably available from United States commercial providers; and

(2) it is more cost effective to transport a payload under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with foreign policy purposes, or launch of the payload by a foreign entity serves foreign policy purposes;

(6) the use of space transportation services from United States commercial providers is inconsistent with foreign policy purposes, or launch of the payload by a foreign entity serves foreign policy purposes;

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(d) REPORT TO CONGRESS. Congress shall transmit to the Committee on National Security and Foreign Policy, and to the Committee on Science, Space, and Transportation of the Senate and the Committee on Science of the House of Representatives.

SEC. 305. USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.

(a) IN GENERAL. The Federal Government shall not convert any missile described in subsection (c) to a space transportation vehicle configuration or otherwise use any such missile to place a payload in space, or transfer ownership of any such missile to another person, except as provided in subsection (b).

(b) AUTHORIZED USES. A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if except as provided in paragraph (2), at least 30 days before such conversion the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on National Security and Foreign Policy, and to the Committee on Armed Services, to the Committee on Commerce, Science, and Transportation of the Senate, shall notify the Committee on Science, Space, and Transportation, and the Committee on Science of the House of Representatives of the plan to promote the use of such missile—

(1) it is consistent with international obligations of the United States; and

(2) the legal and political consequences of such conversion would be consistent with the legal and political consequences of conversion of the same weapon system to the use of such missile—

(3) to a space transportation vehicle configuration or otherwise use any such missile to place a payload in space, or transfer ownership of any such missile to another person, except as provided in subsection (b).

SEC. 306. NATIONAL LAUNCH CAPABILITY.

(a) FINDINGS. Congress finds that—

(1) existing satellite launch industry in the United States serves the interests of the United States by—

(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads shall be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments; and

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(c) DELAYED EFFECT. Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before the date of the enactment of this Act with respect to which a contract for such acquisition or ownership has been entered into before such date.

(b) HISTORICAL PURPOSES. This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(2) the use of space transportation services from United States commercial providers is in consistent with national security objectives;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with foreign policy purposes, or launch of the payload by a foreign entity serves foreign policy purposes;

(6) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(d) REPORT TO CONGRESS. Congress shall transmit to the Committee on National Security and Foreign Policy, and to the Committee on Armed Services, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.
The assistant legislative clerk read as follows:

The Senate from Vermont, [Mr. JEFFORDS], for Mr. FRIST, proposes an amendment numbered 3482.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 46, between lines 1 and 2, strike the item relating to section 306 and insert the following:

Sec. 306. National launch capability study.

The amendment is as follows:

[The amendment text is not clearly visible in the image provided.]

Mr. JEFFORDS. Mr. President, I ask for its consideration.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

On page 87, beginning in line 21, strike "Government if, except as provided in paragraph (2) and at least 30 days before such conversion:" and inserting "Government if, except as provided in paragraph (2) and at least 30 days before such conversion:".

On page 88, beginning in line 3, strike "shall ensure in writing" and insert "a certification".

On page 89, line 7, strike "CAPABILITY" and insert "CAPABILITY STUDY.".

On page 91, strike lines 9 through 16 and insert the following:

(iii) the ability to support commercial launch-on-demand on short notification at national launch sites or test ranges;

On page 91, line 18, insert "and" after the semicolon.

On page 91, line 23, strike "(A)"); and insert "(A)").

On page 91, between lines 23 and 24, insert the following:

(3) QUINQUENNIAL UPDATES.—The Secretary shall update the report required by paragraph (2), quinquennially beginning with 2012.

(d) RECOMMENDATIONS.—Based on the report under subsection (c), the Secretary, after consultation with the Secretary of Transportation, the Secretary of Commerce, and representatives from interested private sector entities, States, and local governments, shall:

Reset the matter appearing on page 91, beginning with line 24 through line 22 on page 92, 2 ems closer to the left margin.

On page 91, line 24, strike "(E)" and insert "(D)".

On page 92, line 5, strike "(F)" and insert "(G)".

On page 92, beginning in line 6, strike "paragraph (D), and insert "subsection (C)(2)(D)."

On page 92, line 12, strike "(I)" and insert "(A)".

On page 92, line 13, strike, "(II)" and insert "(B)".

On page 92, line 15, strike "(iii)" and insert "(C)".

On page 92, line 17, strike "(iv)" and insert "(D)".

On page 92, line 18, strike "clauses (i) through (iii)," and insert "subparagraphs (A) through (C)."

On page 92, line 19, strike "(G)" and insert "(H)".

On page 92, beginning in line 21, strike "launch sites in the United States cost-competitive on an international level." and insert "national ranges in the United States cost-competitive on an international level.".

Mr. JEFFORDS. Mr. President, the federal government should be encouraging private industry's involvement and investment in space, not competing with it and in some cases, stifling it. I am afraid that if we do not act on and pass this amendment, we will continue to encourage American companies to move their operations overseas. Companies need consistent government policy that encourages the development of new technology through private investment. We should enable private companies to locate and conduct their business here at home.

This growing sector of the economy provides jobs to many highly-skilled and technically-trained workers. To put it into perspective, industry revenues have exceeded $7.5 billion. Commercial space businesses have grown faster than the economy and have been relatively recession proof.

Senator GRAHAM and I have proposed a number of balanced changes to current law. Among them, our amendment requires a study by NASA to identify commercial opportunities and interest in servicing the International Space Station. Second, we authorize the Office of Commercial Space Transportation to license commercial providers to re-enter Earth's atmosphere and return payloads to Earth. Currently, only the Federal Government is permitted to do so.

Third, we encourage the President to enter into regional agreements with foreign governments to secure the U.S. Global Positioning System as the world's standard. Finally, we require the federal government to procure commercial space transportation services.

Space is a frontier for research and exploration. The Federal Government's investments in space technology have provided the private sector with impressive capabilities that can benefit both our citizens and the economy. It is now the private sector's challenge to make commercial space activities earn a profit. The role of the Federal Government should be to provide stable and supportive policies for these activities.

Mr. President, we are moving into the 21st century. However, the laws regulating this business are decades old. It is critical that we update them. The Senate Commerce Committee reported this bill favorably on June 2, 1998, and the House passed a similar version on November 4, 1997. I hope it will receive broad, bipartisan support.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be considered reported as a third order of business, as amended, the motions to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the Record.

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

The amendment (No. 3482) was agreed to. The committee amendment, as agreed to, was agreed to, the committee substitute be agreed to, as amended, the bill be considered reported as a third order of business, as amended, was agreed to, the bill (H.R. 1702), as amended, was considered read the third time and passed.

Mr. GRAHAM. Mr. President, thank you for the opportunity to address the Senate on the passage of the "Commercial Space Act," introduced by Senator MACK and myself in November 1997.
I am pleased this bill has passed today because it is critical in allowing United States launch companies to compete effectively in the growing commercial space race. Having already passed the House by a large margin, the Commercial Space Act needed to be considered by the Senate. I was pleased to work with my colleagues to ensure the future of our nation's high-tech economic frontier: commercial space.

I speak today as a Senator concerned about both our national security and our nation's economic position. The United States cannot afford to descend into another "launch gap." Our recent discussions over why U.S. satellites are being launched from China demands that the U.S. Senate act quickly to make the commercial launch environment in this country as progressive and productive as possible.

When the space race began with the launch of Sputnik in October 1957, America listened in fascination and fear as the first man-made satellite—a Soviet satellite—beeped its way around the earth. In the two decades that followed, an aggressive U.S. space program, both civil and military, brought the country back to its rightful place in history.

Mr. President, U.S. commercial space industry faces a number of competitors from abroad. The most serious of these competitors are the Russian Proton, the Chinese Long March, and the European Space Agency Ariane rockets launched from French Guiana in South America. But this is not a comprehensive list. There are numerous competitors who would be more than happy to see the U.S. commercial launch industry locked in a web of regulations and limitations.

I am pleased to report that one thing our bill does not do is spend any new taxpayer dollars. As a policy bill, we seek to level the playing field without creating any new government programs. Our bill does require studies, but those studies will be accomplished using the existing resources of agencies involved and data that has already been collected.

For instance, our legislation would require the Department of Defense to conduct an inventory of its range assets and determine what, if any, deficiencies exist. Much of this information is already available through existing Defense Department reports. Armed with this information, we can convert our nation's launch ranges back to the busiest space facilities in the world.

But this legislation does more than just refrain from new spending. It actually saves money by allowing the conversion of excess ballistic missiles into space transportation vehicles. Due to the START treaty, these missiles can no longer be used for their original intended purpose. Furthermore, they are extremely expensive to store or destroy.

By using these missiles as launch vehicles, the government will be able to launch smaller, less expensive payloads that cannot afford the larger and more expensive rocket systems. This is a legal and efficient way to dispose of an expensive asset. Our Russian counterparts have been firing their missiles as opposed to spending money to destroy them. We will implement one more practical step by firing them with a payload.

In closing, let me remind you of remarks that President Kennedy made in the midst of the hotly contested space race. During one of his visits to Cape Canaveral, President Kennedy declared, "We choose to go the moon in this decade and do the other things, not because they are easy, but because they are hard."

As we consider this bill, we should all ponder that quote. It is not easy for the federal government to change the way it has done business for many years. It is hard, it is a challenge, for forward-thinking people both in and out of the government. But it is what we must do to protect our investment in the nation's economic future and our national pride. It is vital that we ensure our nation's position in the commercial space race of the 21st Century.

I thank the distinguished Chairman and Ranking Member of the Senate Commerce Committee Senator McCain and Senator Hollings, and the Chairman of the Space, Technology, and Government Operations Committee Senator Frist for supporting this legislation and guiding it through the Senate process.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: 605, 616, 617, 618, 652, 709, 711, 716, 719, 720, 721, 722, 739, 740, 741, 742, 743, 744 through 778, 779, 780, and 781, and all the nominations on the Secretary's desk in the Air Force, Army, Coast Guard, and Marine Corps and Navy.

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

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

The nominations considered and confirmed en bloc are as follows: DEPARTMENT OF LABOR

Raymond L. Bramucci, of New Jersey, to be an Assistant Secretary of Labor.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Thelma J. Askey, of Tennessee, to be a Member of the United States International Trade Commission for the remainder of the term expiring December 16, 2000.

Jennifer Anne Hillman, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 15, 2006.

Stephen Kaplan, of Virginia, to be a Member of the United States International Trade
Commission for the term expiring June 16, 2005.

EXECUTIVE OFFICE OF THE PRESIDENT
Deirdre A. Lee, of Oklahoma, to be Administrator for Federal Procurement Policy.
Ross K. Miller, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

COAST GUARD
The following named officer for appointment as Chief of Staff, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50a:
To be vice admiral
Rear Adm. Timothy W. Josiah, 7249

CENTRAL INTELLIGENCE AGENCY
L. Britt Snider, of Virginia, to be Inspector General, Central Intelligence Agency.

FEDERAL ELECTION COMMISSION
Scott E. Thomas, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2003. (Reappointment)
Darryl R. Wolf, of California, to be a Member of the Federal Election Commission for a term expiring April 30, 2001.

Lt. Gen. John W. Handy, 5379

10 U.S.C., section 601:
Of importance and responsibility under title grade indicated while assigned to a position 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:

Lt. Gen. Maxwell C. Bailey, 0835

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:

Lt. Gen. Philip J. Ford, 8399

To be lieutenant general
Maj. Gen. Ronald C. Marcotte, 7848

The following named officer for appointment in the United States Air Force as Chief, National Guard Bureau, and for appointment to the grade indicated under title 10, U.S.C., section 10502:

To be lieutenant general
Maj. Gen. Russell C. Davis, 2021

DUTY IN THE AIR FORCE
The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general
Col. Richard S. Colt, 9447

The following named officers 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:

Rear Adm. Timothy W. Josiah, 7249

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:

Col. Dale R. Barber, 8409

IN THE ARMY
The following officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Robert F. Foley, 9574

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 624:

To be lieutenant general
Col. Robert T. Dail, 5056

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general
Col. Robert A. Cocroft, 7353

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be brigadier general
Maj. Gen. Leon J. LaPorte, 9033

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. James M. Link, 6041

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 601:

To be general
Lt. Gen. John N. Abrahams, 5774

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. David H. Ohle, 2815

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general
Col. William J. Davies, 1673
Col. James P. Combs, 0758

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general
Lt. Gen. John N. Abrahams, 5774

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Paul J. Glazier, 2517

Col. John R. Groves, Jr., 2716

Brig. Gen. David T. Hartley, 1609

Brig. Gen. Lloyd E. Krase, 3636

Brig. Gen. Bennett C. Landreneau, 0645

Brig. Gen. Benny M. Paulino, 5066

Brig. Gen. Jean A. Romney, 1872

Brig. Gen. Allen E. Tackett, 5032

To be brigadier general
Col. Richard W. Averitt, 7139

Col. Daniel P. Coffey, 4196

Col. Howard A. Dillon, Jr., 1659

Col. Barry A. Griffin, 8148

Col. Larry D. Haub, 3638

Col. Robert J. Hayes, 7789

Col. Lawrence F. Lafrenz, 4984

To be major general
Col. Steven R. Hawkins, 7697

To be lieutenant general
Col. John W. Holly, 6285

To be brigadier general
Col. David H. Huntoon, Jr., 1919

To be major general
Col. Robert F. Foley, 9574

To be brigadier general
Col. David H. Ohle, 2815

To be lieutenant general
Maj. Gen. Robert F. Foley, 9574

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general
Col. Col. Dale R. Barber, 8409

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general
Col. Robert T. Dail, 5056

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general
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The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. James M. Link, 6041

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Col. John R. Groves, Jr., 2716

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Brig. Gen. Bennett C. Landreneau, 0645

Brig. Gen. Benny M. Paulino, 5066

Brig. Gen. Jean A. Romney, 1872

Brig. Gen. Allen E. Tackett, 5032

To be brigadier general
Col. Richard W. Averitt, 7139

Col. Daniel P. Coffey, 4196

Col. Howard A. Dillon, Jr., 1659

Col. Barry A. Griffin, 8148

Col. Larry D. Haub, 3638

Col. Robert J. Hayes, 7789

Col. Lawrence F. Lafrenz, 4984
Col. Victor C. Langford, III, 4255
Col. Thomas P. Mancino, 3133
Col. Dennis C. Merrill, 5790
Col. Walter A. Paulson, 4766
Col. Robley S. Bigelow, Jr., 1754
Col. Kenneth B. Robinson, 8162
Col. Roy M. Umbarger, 9266
Col. Thomas P. Mancino, 3133
Col. Paul H. Wetzel, Jr.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Col. Bruce W. Pieratt, 4901

under title 10, U.S.C., section 12203:
Reserve of the Army to the grade indicated
United States officer for appointment in the

Col. Thomas J. Romig, 9070

ment in the United States Army to the grade
indicated under title 10, U.S.C., section

Capt. Gwilym H. Jenkins, Jr., 0193

ment in the United States Navy to the grade
indicated under title 10, U.S.C., section 624:

Rear Adm. Joseph S. Mobley, 1731

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:


portance and responsibility under title 10,
U.S.C., section 601:

Rear Adm. (1h) Anderson B. Holderby, Jr., II. 4815,

ment to the grade indicated under title 10,
U.S.C., section 624:

Rear Adm. Herbert A. Brownie, Jr., II. 4815,

CORPORATION FOR PUBLIC BROADCASTING

Diane D. Blair, of Arkansas, to be a Mem-
ber of the Board of Directors of the Corpora-
tion for Public Broadcasting for a term ex-

DEPARTMENT OF TRANSPORTATION

Kelley S. Coyner, of Virginia, to be Admin-
istrator of the Research and Special Pro-
grams Administration, Department of Trans-
portation.

CORPORATION FOR PUBLIC BROADCASTING

Ritajean Hartung Butterworth, of Wash-
ington, to be a Member of the Board of Di-
rectors of the Corporation for Public Broad-

NOMINATIONS PLACED ON THE SECRETARY’S DESK

IN THE AIR FORCE, ARMY, COAST GUARD, MARINE CORPS, NDGS:

Air Force nominations beginning Albert K. Aimer, and ending Jerry L. Wilper, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 1998.

Air Force nominations beginning Hedy C. Pinkerton, and ending Philip M. Shue, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998.

Air Force nominations beginning John J. Abbatello, and ending Michael P. Zurmalt, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998.

Army nominations beginning John K. Ahan, and ending Glorinda K. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

Army nomination of Angela D. Meggs, which was received by the Senate and appeared in the Congressional Record of June 15, 1998.

Army nominations beginning Kevin C. Abbott, and ending Mark G. Ziembas, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998.

Army nominations beginning *Celethia M. Abner, and ending *Shanda M. Zugner, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998.

Army nominations beginning Robert D. Branson, and ending William B. Walton, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 1998.

Army nominations beginning Mark A. Acker, and ending *Kaysen, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 1998.

Coast Guard nomination of Christopher A. Buckridge, which was received by the Senate and appeared in the Congressional Record of June 17, 1998.

Marine Corps nomination of Michael J. Colburn, which was received by the Senate and appeared in the Congressional Record of June 15, 1998.

Marine Corps nominations beginning Regi-
nald H. Baker, and ending James J. Witkowski, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

Navy nominations beginning Mark T. Ack-
erman, and ending Mary J. Zurey, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 1998.

Navy nominations beginning David Abner-
thathy, and ending Michael B. Witham, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 1998.

Navy nominations beginning Sanders W. Anderson, and ending Paul R. Zambito, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 1998.

Navy nominations beginning Paul S. Webb, and ending Wesley P. Ritchie, which nominations were received by the Senate and appeared in the Congressional Record of July 7, 1998.

Navy nominations beginning Kevin J. Bed-
ford, which was received by the Senate and appeared in the Congressional Record of July 7, 1998.

Navy nominations beginning Douglas J. McNamery, and ending Richard A. Mohler, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 1998.

NOMINATION OF RAYMOND BRAMACCIU AS ASSISTANT SECRETARY OF LABOR

Mr. LAUTENBERG. Mr. President, I rise in support of the nomination of Ray Bramucci for the position of Assistant Secretary of Employment and Training in the Department of Labor.

Mr. President, I have known Ray for many years. He is a man of enormous integrity, deep commitment to public service, and is ready and anxious to take up his responsibilities at the Department of Labor. Ray has a passion for making things better, and believes strongly in lifelong education and job training for our youth, especially our disadvantaged youth. He will give this job his full measure. I urge the Senate to move rapidly to confirm him.

In New Jersey, as you know, Ray is a leading figure in state and national labor-management relations, job training initiatives, employment services, and policy development provides a solid foundation for overseeing the ad-
mistration of agency programs as Assis-
tant Secretary. From 1990 to 1994, Mr. Bramucci served as Commissioner of the New Jersey Department of Labor. In this position, he was a key cabinet member and principal advisor to the governor on matters of both statewide and national impact, par-
ticularly in regard to economic develop-
ment, education and training, and labor relations.
Mr. Bramucci also served as Chief Executive Officer of the New Jersey Department of Labor, an agency charged with workforce training and preparation, protecting workers from exploitation, and providing income security to workers who had exhausted their regular claims, as well as New Jersey State Employment and Training Commission, the Employment Security Council, two national leaders in reforming and revitalizing the workforce security system.

To the position of Assistant Secretary, he would also bring the skills he acquired in his 22 years of service as part of the International Ladies’ Garment Workers’ Union. During this time, he rose from shop floor worker to eventually become the senior executive and key negotiator for the Union, in which he played a central role in negotiating hundreds of individual and industry-wide contracts.

From 1979 to 1990, he was Director of New Jersey Operations for our former colleague, Bill Bradley. Ray was the eyes and ears for Senator Bradley in New Jersey, and a key adviser to him on political and policy matters. It was during this period that I got to know Ray well, and then when he served as Labor Commissioner. In recognition of his many accomplishments, he has been named to the Executive Board of the New Jersey Black Achievers Program of Business and Education, and President of the New Jersey Caucus Education Corporation.

Mr. President, the Assistant Secretary for Employment and Training is charged with directing Department programs and ensuring that programs funded through the agency are free from unlawful discrimination, fraud, and abuse. Ray Bramucci has the experience and commitment to assume these responsibilities with sensitivity and skill. He will make an exceptional Assistant Secretary. I thank the NJDEA colleagues for confirming Ray Bramucci so he can get on with the job.

Mr. President, I am delighted to support the nomination of Patrick T. Henry to be the Assistant Secretary of the Army for Manpower and Reserve Affairs.

Mr. Henry has served on the staff of the Armed Services Committee for the last five years. Before that, he had a distinguished career on active duty in the Marine Corps and in the Office of the Secretary of Defense, as well as serving as the Chief of Staff of the American Red Cross here in Washington.

Mr. President, I can’t think of a better person to serve in this important position. P.T. Henry has played a key role in virtually every Defense manpower and personnel issue in the last two decades. Whether the issue is quality of life issues, military pay and benefits questions, recruiting and retention, or military health care, the United States Senate and the men and women of our armed forces have benefitted tremendously from the advice and counsel of P.T. Henry.

I know that every member of the Armed Services Committee agrees with me that P.T.’s expertise in the area of Defense manpower and personnel issues is exceeded only by his commitment to the welfare of the men and women of the armed forces and their families. I am disappointed that P.T. will be leaving the Armed Services Committee staff, but I am pleased and proud that he will be moving to such an important position in the Defense Department. The Senate’s and the Armed Services Committee’s loss is certain to the Army’s gain.

Mr. Chairman, I want to thank P.T. Henry for his service to the Senate and the nation. I know that he will do an outstanding job as the Assistant Secretary of the Army for Manpower and Reserve Affairs, and that he will continue to be an effective advocate for the men and women of the Army.

Mr. President, I am pleased that the President has nominated Brigadier General Allen E. Tackett for the rank of Major General. Brigadier General Tackett, a resident of Miami, West Virginia, graduated from East Bank High School and received a Bachelor of Arts degree from the University of Charleston, Charleston, West Virginia. He began his military career over 35 years ago as a Private in the Special Forces. Advancing from a Private to a Major General is an accomplishment which exemplifies his dedication to the National Guard, our country, and our State of West Virginia.

Brigadier General Tackett is a military graduate of the Special Warfare Center, Jumpmaster Course; Infantry Officer Basic and Advanced Courses; Command and General Staff College; and the Special Warfare Center, Techniques of Special Operations.

Brigadier General Tackett’s major decorations include the Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, National Defense Medal, Humanitarian Service Medal, and the Armed Forces Reserve Medal. He was awarded, through rigorous training and proven efficiency, the coveted Special Forces Tab and Master Parachutist Badge.

Three years ago, Brigadier General Tackett assumed his current prestigious command as Adjutant General, West Virginia National Guard, with leadership responsibility for six thousand men and women serving in the West Virginia National Guard.

Mr. President, I am pleased to cast my vote for the confirmation of Brigadier General Allen E. Tackett as Major General, and I urge my colleagues to support this nomination.
Senate passed Department of Defense Appropriations, 1999.
House Committee ordered reported the District of Columbia appropriations for fiscal year 1999.

Department of Defense Appropriations, 1999:
By 97 yeas to 2 nays (Vote No. 252), Senate passed H.R. 4103, making appropriations for the Department of Defense for fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2132, Senate companion measure, after taking action on amendments proposed thereto, as follows:

Stevens/Inouye Modified Amendment No. 3391, to provide a 3.6 percent pay raise for military personnel during Fiscal Year 1999. (By 29 yeas to 70 nays (Vote No. 248), Senate earlier failed to table the amendment.)

Subsequently, the amendment was modified.

By unanimous vote of 99 yeas (Vote No. 250), Hutchinson Amendment No. 3419 (to Amendment No. 3124), of a perfecting nature. (By 29 yeas to 70 nays (Vote No. 248), Senate earlier failed to table the amendment.)
a combination of declining defense budget and expanded missions, including the ongoing commitment of U.S. forces to the peacekeeping mission in Bosnia.

Stevens (for Akaka) Amendment No. 3420, to set aside $12,000,000 for continuation of electric and hybrid-electric vehicle development. Pages S9375-85

Stevens (for Bingaman/Domenici) Amendment No. 3421, to set aside $2,250,000 for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas. Pages S9375-85

Stevens (for Cochran) Amendment No. 3422, to provide $1,000,000 for Acoustic Sensor Technology Development Planning for the Department of Defense. Pages S9375-85

Stevens (for Domenici/Harkin) Amendment No. 3423, to require the Secretary of Defense to report on food stamp assistance for Armed Forces families, and to require the Comptroller General to study and report on issues relating to the family life, morale, and retention of members of the Armed Forces. Pages S9375-85

Stevens (for Durbin) Amendment No. 3424, relating to the conveyance of the remaining Army Reserve property at former Fort Sheridan, Illinois. Pages S9375-85

Stevens (for Gregg) Amendment No. 3425, to require a conveyance of certain property at former Pease Air Force Base, New Hampshire. Pages S9375-85

Stevens (for Hollings) Amendment No. 3426, to make available up to $10,000,000 for the Department of Defense share of environmental restoration at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina. Pages S9375-85

Stevens (for Inouye) Amendment No. 3427, to designate funds for a strategic materials manufacturing project. Pages S9375-85

Stevens (for Inouye) Amendment No. 3428, to authorize the transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii. Pages S9375-85

Stevens (for Inouye) Amendment No. 3429, to provide that the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii. Pages S9375-85

Stevens (for Kennedy) Amendment No. 3430, to reduce funds available for Navy S-3 Weapon System Improvement program and to provide funds for a cyber-security program. Pages S9375-85

Stevens (for Sarbanes) Amendment No. 3431, to provide additional funding for repair of the Korean War Veterans Memorial. Pages S9375-85

Stevens (for McConnell/Ford) Amendment No. 3432, to set aside $18,000,000 for the Assembled Chemical Weapons Assessment for demonstrations of technologies and a pilot scale facility. Pages S9375-85

Stevens (for Mack) Amendment No. 3433, to authorize the lease of real property at the Naval Air Warfare Center, Training Systems Division, Orlando, Florida. Pages S9375-85

Stevens (for Mikulski) Amendment No. 3434, to provide for the funding of a vessel scrapping pilot program. Pages S9375-85

Stevens (for Lott) Amendment No. 3435, to provide that the Department of Defense shall, in allocating funds for the Next Generation Internet initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the Department of Defense Major Shared Resources Centers and Centers with supercomputers. Pages S9375-85

Stevens (for Murkowski) Amendment No. 3436, to provide $500,000 for payment of subcontractors and suppliers under an Army services contract. Pages S9375-85

Stevens (for Shelby) Amendment No. 3437, to designate funds to continue an electronic circuit board manufacturing program. Pages S9375-85

Stevens (for Specter) Amendment No. 3438, to re-establish the Commission To Assess the Organization of the Federal Government To Combat the Proliferation of Weapons of Mass Destruction. Pages S9375-85

Stevens Amendment No. 3439, to designate funds for the procurement of Multiple Integrated Laser Engagement System (MILES) training equipment. Pages S9375-85

Stevens Amendment No. 3440, to strike the emergency designation for the funds authorized to be appropriated for the costs of overseas contingency operations. Pages S9375-85

Stevens (for Coats) Amendment No. 3441, to reduce funds available for development of the Army Joint Tactical Radio and to provide funds for the development of the Army Near Term Digital Radio. Pages S9375-85

Stevens (for Warner) Amendment No. 3442, to designate Army Digitization funds for development of the Digital Intelligence Situation Mapboard. Pages S9375-85

Stevens (for Boxer) Amendment No. 3443, to set aside $5,000,000 of Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System, which is to be developed for use in urban warfare, littoral operations, and peacekeeping operations. Pages S9375-85

Stevens (for Ford) Amendment No. 3444, to revise and clarify the authority for Federal support of National Guard drug interdiction and counterdrug activities. Pages S9375-85

Stevens (for Dodd) Amendment No. 3445, to set aside funds for research and surveillance activities relating to Lyme disease and other tick-borne diseases. Pages S9375-85
Stevens (for Kerry) Amendment No. 3446, to make available $3,000,000 for advanced research relating to solid state dye lasers.

Stevens (for McCain/Kyl) Amendment No. 3447, to authorize the Secretary of Defense to lease a parcel of real property from the City of Phoenix.

Stevens (for Kyl) Amendment No. 3448, to designate Army RDT&E funds for integration and evaluation of a passenger safety system for heavy tactical trucks.

Stevens (for Grassley) Amendment No. 3449, relating to matching disbursements for financial accounting.

Stevens (for Harkin) Amendment No. 3450, to increase the amount provided for research and development relating to Persian Gulf illnesses.

Stevens Amendment No. 3451, to reduce funds available for development of the Navy Hard and Deeply Buried Target Defeat System and to provide funds for the procurement of Joint Tactical Combat Training System (JTCTS) equipment.

Stevens (for Faircloth) Amendment No. 3452, to require a comprehensive assessment of the TRICARE program.

Stevens Amendment No. 3453, to authorize the Secretary of the Army and the Secretary of the Air Force to enter into one or more multiyear leases of non-tactical firefighting, crash rescue, or snow removal equipment.

Stevens (for Bumpers) Amendment No. 3454, to provide funds for a Domestic Preparedness Sustainment Training Center.

Stevens (for Faircloth) Amendment No. 3455, to ensure that a balanced investment is made in the Aerostat development program.

Stevens (for Baucus/Burns) Amendment No. 3456, to provide funds for the redevelopment of Haver Air Force Base and Training Site, Montana, for public benefit purposes.

Stevens (for McCain/Hutchison) Amendment No. 3457, to repeal limitations on authority to set rates and waive requirements for reimbursement of expenses incurred for instruction at service academies of persons from foreign countries.

Stevens (for Dorgan) Amendment No. 3458, to make small businesses eligible to participate in the Indian Subcontracting Incentive Program.

Stevens (for McConnell/Ford) Amendment No. 3459, to provide for full funding of the testing of six chemical demilitarization technologies under the Assembled Chemical Weapons Assessment.

Stevens (for Wellstone) Amendment No. 3460, to express the sense of the Senate regarding the use of child soldiers in armed conflict.

Stevens (for Faircloth) Amendment No. 3461, to provide that funds available for Pulsed Fast Neutron Analysis Project should be executed through cooperation with the Office of National Drug Control Policy.

Stevens (for Bennett) Amendment No. 3462, to designate funds for the development and testing of alternate turbine engines for missiles.

Stevens (for Gramm) Amendment No. 3463, to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

Inouye (for Moseley-Braun) Amendment No. 3464, to provide for the conversion of the Eighth Regiment National Guard Armory into a Chicago Military Academy.

Stevens (for D'Amato) Amendment No. 3466, to provide for the conversion of the Eighth Regiment National Guard Armory into a Chicago Military Academy.

Stevens (for Frist) Amendment No. 3467, to require the Secretary of Defense to carry out a program to donate surplus dental equipment to the Indian Health Service Facilities and to Federally-qualified health centers that serve rural and medically underserved populations.

Stevens (for Bingaman) Amendment No. 3468, to require a report on uniformed services dental care policies, practices, and experience pertaining to furnishing of dental services to dependents of members of the uniformed services on active duty.

Stevens (for Dodd) Amendment No. 3469, to make funds available for actions necessary to eliminate the backlog of unpaid retired pay relating to Army service and to report to Congress.

Stevens (for Harkin) Amendment No. 3470, to require the Secretary of Defense to take action to ensure the elimination of the backlog of incomplete actions on requests for replacement medals and replacement of other decorations.

Stevens (for Harkin) Amendment No. 3471, to provide tobacco cessation therapy.

Stevens (for Frist) Amendment No. 3472, to make available funds for procurement of lightweight maintenance enclosures (LME) for the Army and the Marine Corps.

Stevens (for Dorgan) Amendment No. 3473, to require the abatement of hazardous substances at Finley Air Force Station, Finley, North Dakota.

Stevens (for DeWine) Amendment No. 3474, to provide additional resources for enhanced drug interdiction efforts in the Caribbean and South America.

Stevens (for Wellstone) Amendment No. 3475, to provide for enhanced protections of the confidentiality of records of family advocacy services and other professional support services relating to incidents of
sexual harassment, sexual abuse, and intrafamily abuse.  

Robb Amendment No. 3476, to express the sense of the Congress that the United States should resolve the claims of the victims of the U.S. Marine Corps aircraft incident in Cavalese, Italy as quickly and fairly as possible.  

Leahy Amendment No. 3477, to prohibit the use of funds to support training programs of security forces of a foreign country if such unit has committed a violation of human rights.  

Stevens (for Santorum) Amendment No. 3394, to add $8,200,000 for procurement of M888, 60-millimeter, high-explosive ammunition for the Marine Corps, and to offset the increase by reducing the amount for Air Force war reserve materials (PE 13950).  

Stevens (for Kerrey) Amendment No. 3478, to express the sense of the Senate regarding payroll tax relief.  

Rejected:  

Feingold Amendment No. 3397, to provide additional funds for the Army National Guard operation and maintenance account, and reduce the amount provide for procurement for the F/A-18E/F aircraft program. (By 80 yeas to 19 nays (Vote No. 247), Senate tabled the amendment.)  

Pages S9329–32, S9333–34, S9358  

Hutchison Amendment No. 3413, to condition the use of appropriated funds for the purpose of an orderly and honorable reduction of U.S. ground forces in the Republic of Bosnia and Herzegovina. (By 68 yeas to 31 nays (Vote No. 249), Senate tabled the amendment.)  

Pages S9344, S9360, S9372–73  

Durbin Amendment No. 3465, to prohibit the availability of funds for offensive military operations except in accordance with Article I, Section 8 of the Constitution. (By 84 yeas to 15 nays (Vote No. 251), Senate tabled the amendment.)  

Pages S9386–92  

Withdrawn:  

Kyl Amendment No. 3398, to limit the use of funds pending establishment of the position of Deputy Under Secretary of Defense for Technology Security Policy.  

Pages S9332–33, S9392  

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferes on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Inouye, Hollings, Byrd, Leahy, Bumpers, Lautenberg, Harkin, and Dorgan.  

Subsequently, S. 2132 was indefinitely postponed.  

Pages S9417  

Department of Transportation Appropriations, 1999: Pursuant to the order of July 23, 1998, Senate passed H.R. 4328, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2307, Senate companion measure, as passed by the Senate on July 24, 1998.  

Also, pursuant to the order of July 23, 1998, passage of S. 2307 was vitiated and the bill was indefinitely postponed.  

VA/HUD Appropriations, 1999: Pursuant to the order of July 16, 1998, Senate passed H.R. 4194, making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2168, Senate companion measure, as passed by the Senate on July 17, 1998, insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferes on the part of the Senate: Senators Bond, Burns, Stevens, Shelby, Campbell, Craig, Mikulski, Leahy, Lautenberg, Harkin, and Byrd.  

Also, pursuant to the order of July 16, 1998, passage of S. 2168 was vitiated and the bill was indefinitely postponed.  

Congressional Adjournment: Senate agreed to S. Con. Res. 114, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.  

Pages S9407  

Emergency Farm Financial Relief: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. 2344, to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts, and the bill was then passed.  

Pages S9413–16  

Patriotic and National Observances, Ceremonies, and Organizations: Senate passed H.R. 1085, to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations", clearing the measure for the President.  

Pages S9493  

Printing Authority: Senate agreed to S. Con. Res. 115, to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.  

Pages S9494  

Authorizing Payment of Expenses: Senate agreed to S. Res. 263, to authorize the payment of expenses of representatives of the Senate attending the funeral of a Senator.  

Pages S9494  

Antitrust Laws/Major League Baseball: Senate passed S. 53, to require the general application of the antitrust laws to major league baseball, after agreeing to a committee amendment in the nature
of a substitute, and the following amendment proposed thereto:

Jeffords (for Hatch) Amendment No. 3479, in the nature of a substitute.

Granting Consent of Congress: Senate passed S. 1134, granting the consent and approval of Congress to an interstate forest fire protection compact.

Biomaterials Access Assurance Act: Senate passed H.R. 872, to establish rules governing product liability actions against raw materials and bulk component supplies to medical device manufacturers, clearing the measure for the President.

Identity Theft and Assumption Deterrence Act: Senate passed S. 512, to amend chapter 47 of title 18, United States Code, relating to identity fraud, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Jeffords (for Kyl) Amendment No. 3480, in the nature of a substitute.

Freedom From Government Competition Act: Senate passed S. 314, to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, after agreeing to a committee amendment in the nature of a substitute.

Border Improvement and Immigration Act: Committee on the Judiciary was discharged from further consideration of H.R. 2920, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system, and the bill was then passed after striking all after the enacting clause and inserting in lieu thereof the text of S. 1360, Senate companion measure, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Jeffords (for Abraham) Amendment No. 3481, in the nature of a substitute.

Subsequently, S. 1360 was returned to the Senate Calendar.

Steve Schiff Auditorium: Senate passed H.R. 3731, to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium", clearing the measure for the President.

Commercial Space Act: Senate passed H.R. 1702, to encourage the development of a commercial space industry in the United States, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Jeffords (for Frist) Amendment No. 3482, to modify the provisions relating to national launch capability.

Pending:

McConnell Amendment No. 3379, to provide for appointment and term length for the staff director and general counsel of the Federal Election Commission. (By 45 yeas to 54 nays (Vote No. 246), Senate failed to table the amendment.)

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

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

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

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

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

Withdrawn:

Stevens Amendment No. 3385, to provide for an adjustment in the computation of annuities for certain Federal officers and employees relating to average pay determinations. (By 54 yeas to 45 nays (Vote No. 246), Senate passed.)

A unanimous-consent agreement was reached providing for further consideration of the bill and amendments pending thereto.

Texas Low-Level Radioactive Waste Disposal Compact Consent Act Conference Report—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the conference report on H.R. 629, to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

Military Constructions Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of H.R. 4059, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999.
Nominations Confirmed: Senate confirmed the following nominations:

- Scott E. Thomas, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2003.
- Darryl R. Wold, of California, to be a Member of the Federal Election Commission for a term expiring April 30, 2001.
- Raymond L. Bramucci, of New Jersey, to be an Assistant Secretary of Labor.
- Deidre A. Lee, of Oklahoma, to be Administrator for Federal Procurement Policy.
- Thelma J. Askey, of Tennessee, to be a Member of the United States International Trade Commission for the remainder of the term expiring December 16, 2000.
- Jennifer Anne Hillman, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 16, 2006.
- Stephen Koplan, of Virginia, to be a Member of the United States International Trade Commission for the term expiring June 16, 2005.
- David M. Mason, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2003.
- Rosina M. Bierbaum, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.
- Diane D. Blair, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.
- Jonathan H. Spalter, of the District of Columbia, to be an Associate Director of the United States Information Agency.
- L. Britt Snider, of Virginia, to be Inspector General, Central Intelligence Agency.
- Hugh Q. Parmer, of Texas, to be an Assistant Administrator of the Agency for International Development.
- Kelley S. Coyner, of Virginia, to be Administrator of the Research and Special Programs Administration, Department of Transportation.
- Carolyn H. Becraft, of Virginia, to be an Assistant Secretary of the Navy.
- Ruby Butler DeMesme, of Virginia, to be an Assistant Secretary of the Air Force.
- Patrick T. Henry, of Virginia, to be an Assistant Secretary of the Army.
- Ritajean Hartung Butterworth, of Washington, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, and Navy. Pages S9409-10, S9516-19

Nominations Received: Senate received the following nominations:

- Francis M. Allegra, of Virginia, to be Judge of the United States Court of Federal Claims for a term of fifteen years.
- Legrome D. Davis, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.
- Michael M. Reyna, of California, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2004.
- Cardell Cooper, of New Jersey, to be an Assistant Secretary of Housing and Urban Development.
- Charles G. Groat, of Texas, to be Director of the United States Geological Survey.
- David C. Williams, of Maryland, to be Inspector General, Department of the Treasury.
- Claiborne deB. Pell, of Rhode Island, to be an Alternate Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.
- Rod Grams, of Minnesota, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.
- John U. Sepulveda, of New York, to be Deputy Director of the Office of Personnel Management.
- Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission for the term of three years.
- Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2003.
- Stephen W. Preston, of the District of Columbia, to be General Counsel of the Department of the Navy.
- Harold Lucas, of New Jersey, to be an Assistant Secretary of Housing and Urban Development.

Routine lists in the Army, Air Force, and Navy. Pages S9407-09

Nominations Withdrawn: Senate received notification of the withdrawal of the following nominations:

- Daryl L. Jones, of Florida, to be Secretary of the Air Force, vice Sheila Widnall, resigned, which was sent to the Senate on October 22, 1997.
- Tadd Johnson, of Minnesota, to be Chair of the National Indian Gaming Commission for the term of three years, vice Harold A. Monteau, resigned, which was sent to the Senate on July 31, 1997, and September 2, 1997.

9 Air Force nominations in the rank of general.
79 Army nominations in the rank of general.
11 Navy nominations in the rank of admiral.
Cardell Cooper, of New Jersey, to be an Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, vice Elliott Pearson Laws, resigned, which was sent to the Senate on September 2, 1997.

The nomination of Rebecca M. Blank, of Illinois, to be a Member of the Council of Economic Advisers.

NOMINATIONS
Committee on Environment and Public Works: Committee concluded hearings on the nominations of Romulo L. Diaz, Jr., of the District of Columbia, to be Assistant Administrator for Administration and Resources Management, and J. Charles Fox, of Maryland, to be Assistant Administrator for Water, both of the Environmental Protection Agency, after the nominees testified and answered questions in their own behalf. Mr. Fox was introduced by Senator Sarbanes.

NRC REFORM
Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded oversight hearings on the structure and functions of the Nuclear Regulatory Commission, focusing on its license renewal process, after receiving testimony from Shirley Ann Jackson, Chairman, and Nils J. Diaz and Edward McGaffigan, both Commissioners, all of the Nuclear Regulatory Commission; Gary Jones, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; Joe F. Colvin, Nuclear Energy Institute, and David A. Lochbaum, Union of Concerned Scientists, both of Washington, D.C.; James T. Rhodes, Institute of Nuclear Power Operations, Atlanta, Georgia; and Steven M. Fetter, Fitch IBCA Inc., New York, New York.

MEDICARE+CHOICE PROGRAM
Committee on Finance: Committee held hearings to examine efforts to implement the Medicare+Choice program which provides new health care options for beneficiaries, receiving testimony from Michael Hash, Deputy Administrator, Health Care Financing Administration, Department of Health and Human Services; Sally Gronda, Tampa Bay Regional Council of Area Agency on Aging, St. Petersburg, Florida, on behalf of the National Association of Area Agencies on Aging; Daniel Lestage, Blue Cross Blue Shield of Florida, Jacksonville, on behalf of the Blue Cross Blue Shield Association; Janet G. Newport, PacifiCare Health Systems, Santa Ana, California, on behalf of the American Association of Health Plans; James T. Paquette, Sisters of Charity of Leavenworth, Billings, Montana, on behalf of the American Hospital Association; Steven J. Smith, St. Joseph Healthcare System, Albuquerque, New Mexico; and Thomas R. Reardon, Portland, Oregon, on behalf of the American Medical Association.

Hearings were recessed subject to call.

CENSUS 2000
Committee on Governmental Affairs: Committee concluded hearings to examine the status of preparations for the Year 2000 Decennial Census, after receiving
testimony from J. Christopher Mihm, Associate Director, Federal Management and Workforce Issues, and Victoria Miller and Bruce Taylor, both Senior Evaluators, all of the General Government Division, General Accounting Office.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Carl J. Barbier, to be United States District Judge for the Eastern District of Louisiana, David R. Herndon, to be United States District Judge for the Southern District of Illinois, Gerald Bruce Lee, to be United States District Judge for the Eastern District of Virginia, Nora M. Manella, to be United States District Judge for the Central District of California, Rebecca R. Pallmeyer, to be United States District Judge for the Northern District of Illinois, Jeanne E. Scott, to be United States District Judge for the Central District of Illinois, Patricia A. Seitz, to be United States District Judge for the Southern District of Florida; Paul M. Warner, to be United States Attorney for the District of Utah, and Howard Hikaru Tagomori, to be United States Marshal for the District of Hawaii;

S. 1031, to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury, with an amendment in the nature of a substitute;

H.R. 3528, to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, with amendments;

S.J. Res. 51, granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia; and

S. Res. 193, designating December 13, 1998, as "National Children's Memorial Day".

NOMINATIONS
Committee on the Judiciary: Committee concluded hearings on the nominations of Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit, Donovan W. Frank, to be United States Circuit Judge for the District of Minnesota, and Richard M. Berman, Alvin K. Hellerstein, Colleen McMahon, and William H. Pauley, III, each to be a United States District Judge for the Southern District of New York, after the nominees testified and answered questions in their own behalf. Ms. Berzon was introduced by Senators Feinstein, Boxer, D'Amato, and Moynihan, Mr. Frank was introduced by Senators Wellstone and Grams, and Messrs. Berman, Hellerstein, and Pauley and Ms. McMahon were introduced by Senators D'Amato and Moynihan.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 4353–4363; and 1 resolution, H. Con. Res. 313, were introduced.

Reports Filed: Reports were filed today as follows:

H. Res. 513, providing for consideration of H.R. 3736, to amend the Immigration and Nationality Act to make changes relating to H-1B nonimmigrants (H. Rept. 105–660); and

H.R. 2921, to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution, amended (H. Rept. 105–661, Part 1).

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Emerson to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Douglas Tanner of Washington, D.C.

Education Committee Investigative Authority: The House agreed to H. Res. 507, providing special investigative authority for the Committee on Education and the Workforce, by a recorded vote of 222 ayes to 200 noes, Roll No. 357. Earlier, agreed to the Rules Committee amendment to the resolution.

Vietnam Waiver Disapproval: The House failed to pass H.J. Res. 120, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, by a yea and nay vote of 163 yeas to 260 nays, Roll No. 356.

Commerce, Justice, State, Judiciary Appropriations: The House agreed to H. Res. 508, the rule providing for consideration of H.R. 4276, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, by voice vote.

Bipartisan Campaign Integrity Act: The House resumed consideration of amendments to H.R. 2183, to amend the Federal Election Campaign Act of
1971 to reform the financing of campaigns for elections for Federal office. The bill was last debated on July 20.

Agreed To:

The Salmon amendment to the Shays amendment that requires the President to post on the Internet the names of all non-governmental persons who are passengers on Air Force One or Air Force Two within 30 days of the flight;

The Linda Smith of Washington amendment that clarifies the term "express advocacy" and provides an exception for voting record and voting guide information. The amendment was debated on July 20 (agreed to by a recorded vote of 343 ayes to 84 noes, Roll No. 361);

The Traficant amendment, as modified, to the Shays amendment that requires the Committee on Standards of Official Conduct to make a report and recommend to the House concerning any Member who is convicted of accepting a foreign campaign contribution. The report may include a recommendation for expulsion;

The Blunt amendment, as modified, to the Shays amendment that specifies that the FEC may not include background music or lyrics to determine whether broadcast advertisement is "express advocacy";

The Shadegg amendment to the Shays amendment that establishes expedited court review of certain alleged violations of the Federal Election Campaign Act of 1971;

The Stearns amendment to the Shays amendment that establishes criminal penalties for violating the spending limits applicable to the candidate under the Federal Election Campaign Act; and

The Gekas amendment, as modified, to the Shays amendment that requires political committees to transfer suspected illegal or improper campaign contributions of over $500 to the Federal Election Commission for evaluation and investigation.

Rejected:

The Goodlatte amendment that sought to repeal the requirement for States to provide for voter registration by mail and includes provisions to reform voter registration. The amendment was debated on July 20 (rejected by a recorded vote of 165 ayes to 260 noes, Roll No. 358);

The Wicker amendment that sought to permit States to require photo identification before receiving a ballot for voting in an election for Federal office. The amendment was debated on July 20 (rejected by a recorded vote of 192 ayes to 231 noes, Roll No. 359);

The Calvert amendment that sought to limit the amount of congressional candidates contributions from individuals not residing in the district or State involved to 50 percent. The amendment was debated on July 20 (rejected by a recorded vote of 147 ayes to 278 noes, Roll No. 360);

The Rohrabacher amendment to the Shays amendment that sought to allow a candidate whose opponent spends more that $1,000 in personal funds to accept contributions from any legal source up to the same level as the opponent spends in personal funds (rejected by a recorded vote of 155 ayes to 272 noes, Roll No. 362);

The Paul amendment to the Shays amendment that sought to establish minimum ballot petition signature requirements and restrict the imposition of the signature requirements imposed by states (rejected by a recorded vote of 62 ayes to 363 noes, Roll No. 363);

The Paul amendment to the Shays amendment that sought to require that candidates who receive campaign financing from the Presidential Election Campaign Fund agree not to participate in multi-candidate forums that exclude candidates with broad-based public support (rejected by a recorded vote of 88 ayes to 337 noes, Roll No. 364);

The DeLay amendment to the Shays amendment that sought to clarify that certain communications from citizen groups are exempt from express advocacy requirements (rejected by a recorded vote of 185 ayes to 241 noes, Roll No. 365);

The Peterson of Pennsylvania amendment to the Shays amendment that sought to establish a voter eligibility pilot confirmation program to verify citizenship (rejected by a recorded vote of 165 ayes to 260 noes, Roll No. 366);

The McIntosh amendment to the Shays amendment that specifies that a communication with a Senator or Member of the House of Representatives regarding a pending legislative matter to be construed as to establish coordination with a candidate;

The Horn amendment to the Shays amendment that allows reduced postage rates for principal campaign committees of congressional candidates;

The Shaw amendment to the Shays amendment that requires at least 50 percent of contributions accepted by House candidates to come from in-state residents;

The Kaptur amendment, as modified, to the Shays amendment that establishes a clearinghouse of information on political activities within the Federal Election Commission;

The Stearns amendment to the Shays amendment that allows permanent resident aliens serving in the armed forces to make campaign contributions;
The Stearns amendment to the Shays amendment that requires any candidate for President or Vice President to certify that the candidate will not solicit soft money;

The Whitfield amendment to the Shays amendment that increases the contribution limit to candidates from individuals from $1,000 to $3,000;

The Whitfield amendment to the Shays amendment that defines “express advocacy” as a communication that advocates the election or defeat of a candidate by containing a phrase such as “vote for”, “reelect”, or “defeat”; and

The English of Pennsylvania amendment to the Shays amendment that prohibits the bundling of contributions.

The House is considering the bill pursuant to the unanimous consent order of July 17 and H. Res. 442 and H. Res. 458, the rules providing for consideration of the bill.


Senate Messages: Messages received from the Senate appear on pages H6753 and H6827.

Referrals: S. Con. Res. 97 was referred to the Committee on International Relations.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6820-23.

Quorum Calls—Votes: One yea and nay votes and ten recorded votes developed during the proceedings of the House today and appear on pages H6780-81, H6781, H6811, H6812, H6813, H6814, H6814-15, H6815, H6816, H6816-17, and H6817. There were no quorum calls.

Adjournment: The House met at 1:00 p.m. and adjourned at 12:29 a.m. on July 31.

Committee Meetings

FARM ECONOMY
Committee on Agriculture: Held a hearing to review the state of the farm economy. Testimony was heard from Dan Glickman, Secretary of Agriculture; and public witnesses.

DISTRICT OF COLUMBIA APPROPRIATIONS; SUBDIVISION ALLOCATIONS
Committee on Appropriations: Ordered reported the District of Columbia appropriations for fiscal year 1999. The Committee also approved revised Section 302(b) Subdivision allocations.

FANNIE MAE AND FREDDIE MAC—HUD’S ROLE AS MISSION REGULATOR
Committee on Banking and Financial Services Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on a GAO Study of HUD’s Role as Mission Regulator of Fannie Mae and Freddie Mac. Testimony was heard from Nancy Kingsbury, Assistant Comptroller General, General Government Division, GAO; and the following officials of the Department of Housing and Urban Development: Ira G. Peppercorn, General Deputy Assistant Secretary, Housing; and Mark Kinsey, Acting Director, Office of Federal Housing Enterprise Oversight.

FEDERAL MINE SAFETY AND HEALTH ACT REVIEW
Committee on Education and Workforce Subcommittee on Workforce Protections held a hearing to review the Federal Mine Safety and Health Act of 1997. Testimony was heard from public witnesses.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT
Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 3921, Federal Financial Assistance Management Improvement Act of 1998. Testimony was heard from Representatives Portman and Hoyer; Robert Childree, Comptroller, State of Alabama; and a public witness.

COMMITTEE BUSINESS
Committee on House Oversight: Ordered reported H. Res. 506, providing amounts for further expenses of the Committee on Standards of Official Conduct in the second session of the One Hundred Fifth Congress.

The Committee also approved pending Committee business.

OVERSIGHT—CONTROLLED SUBSTANCES USED TO COMMIT DATE RAPE
Committee on the Judiciary, Subcommittee on Crime held an oversight hearing on the use of controlled substances used to commit date rape. Testimony was heard from John H. King, III, Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice; and public witnesses.

BUREAU OF ENFORCEMENT AND BORDER AFFAIRS; PRIVATE IMMIGRATION BILL
Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action amended H.R. 4264, to establish the Bureau of Enforcement and Border Affairs within the Department of Justice.

The Subcommittee also approved a motion requesting a report from the Immigration and Naturalization Service on a private immigration bill.
OCEANOGRAPHIC MONITORING STATUS
Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the status of oceanographic monitoring and assessment efforts on both global and local scales. Testimony was heard from D. James Baker, Under Secretary, Oceans and Atmosphere, Department of Commerce; Rita Colwell, Director, NSF; Rear Adm. Paul G. Gaffney, II, USN, Chief, Naval Research, Department of the Navy; and public witnesses.

OVERSIGHT—NATIONAL ENVIRONMENTAL POLICY ACT PARITY
Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on National Environmental Policy Act Parity. Testimony was heard from Michael Dombeck, Chief, Forest Service, USDA; Ted Ferroli, Senator, State of Oregon; L. Earl Peterson, State Forester, Division of Forestry, State of Florida; and public witnesses.

WORKFORCE IMPROVEMENT AND PROTECTION ACT
Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of general debate on H.R. 3736, Workforce Improvement and Protection Act of 1998. The rule waives all points of order against consideration of the bill in the House. The rule provides that in lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, the amendment printed in the Congressional Record numbered 1 shall be considered as adopted. The rule makes in order the further amendment printed in the Congressional Record numbered 2, which will be in order without the intervention of any point of order, and will be debatable for one hour equally divided and controlled by the proponent and an opponent. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Smith of Texas and Watt of North Carolina.

AFRICAN AVIATION INITIATIVE; AVIATION BILATERAL ACCOUNTABILITY ACT; TRANSATLANTIC ALLIANCES
Committee on Transportation and Infrastructure Subcommittee on Aviation held a hearing on the Department of Transportation’s African Aviation Initiative, H.R. 3741, Aviation Bilateral Accountability Act of 1998, and European Commission’s preliminary position on 2 transatlantic alliances. Testimony was heard from Rodney Slater, Secretary of Transportation; and public witnesses.

FATHERHOOD INITIATIVE
Committee on Ways and Means: Subcommittee on Human Resources held a hearing on the Fatherhood Initiative. Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 31, 1998
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Agriculture, Nutrition, and Forestry, to hold hearings on pending nominations, 9 a.m., SR-332.
Committee on Banking, Housing, and Urban Affairs, to hold oversight hearings on mandatory arbitration agreements in employment contracts in the securities industry, 10 a.m., SD-538.
Committee on the Judiciary, to hold hearings to examine issues with regard to physician assisted suicide, 10 a.m., SD-226.
Special Committee on the Year 2000 Technology Problem, to hold hearings to examine the Y2K status of the telecommunications industry, 9:30 a.m., SD-192.

House
Committee on Government Reform and Oversight, hearing on Solving the Cancer Crisis: Comprehensive Research, Coordination and Care, 10 a.m., 2154 Rayburn.
Next Meeting of the SENATE
10 a.m., Friday, July 31

Senate Chamber

Program for Friday: Senate may consider any cleared executive or legislative items.

Next Meeting of the HOUSE OF REPRESENTATIVES
1 p.m., Friday, July 31

House Chamber

Program for Friday: Consideration of H.R. 2183, Bipartisan Campaign Integrity Act of 1997 (vote on pending amendments).