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.

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. T HOMAS), the chairman of the Committee on House Oversight.

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

Mr. HOYER. Mr. Speaker, I yield to the gentleman from California for this action.

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

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

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

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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 of the United States Capitol Police, and asks for its immediate consideration in the House.

In addition to that, the reason the Committee on Ways and Means had jurisdiction over this measure is that those 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, waded, 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
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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 Blake will 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 the bill.

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:

District of Columbia Convention Center and Sports Arena Authorization Act Amendments


(b) Rule of Construction Regarding Revenue Bonds Required Under Home Rule Act.—Nothing in the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 may be construed to authorize the issuance of revenue bonds issued by the District on behalf of the Authority to which the Council delegates its authority to issue revenue bonds, notes, or other obligations under such section.

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's enactment to go into effect. Its passage this evening is important so that 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 every one 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 acting 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, will the gentleman yield?

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

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
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 City 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 inducement 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 heard testimony from Mayor Marion Barry, City Council Chair Linda Cropp, City Council Member Charlene Drew Jarvis, Control Board Chair Andrew Brimmer, Authority President Terry Golden, and representatives of the Accounting Office (GAO), and the General Services Administration (GSA) on the financial aspects of the project. After hearing this testimony, I am satisfied that the Authority is ready to proceed with the issuance of bonds to secure financing, allowing them to break ground possibly as early as September. Considering the many years’ delay and the millions in lost revenue to the District, ground breaking cannot come too soon.

Although the GAO testified that the cost of constructing the new convention center would be $678 million, $58 million more than the $650 million estimate, this $58 million is not attributable to the cost of the center but to certain costs that should be borne by entities other than the Authority. For example, vendors who will operate in the facility are anticipated to contribute $17.7 million in equipment costs; the District government will provide $10 million for utility relocation from expected Department of Housing and Urban Development grants; and the President has requested $25 million in his budget to expand the Mount Vernon Square Metro station.

The GSA testified that the agency had worked closely with the Authority to keep the costs of the project down. With the GSA’s assistance, the Authority secured a contract with a construction manager for a “Guaranteed Maximum Price,” whereby the private contractor is given incentives to keep costs down and assumes the risk for any cost overruns.

Mayor Marion Barry testified, among other things, regarding the promise of additional jobs to District residents. He said 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 re-echo or repeat any issues of local concern. However, since the issues of financing and bonding before the Congress implicate 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 ability of the convention center to pay property taxes on its own property that would not have been available to the city for any other purpose. The proposal was made at a time when the city’s need for revenue and jobs has been especially pressing. For many years, the District had been unable to attract large conventions to operate in the District. As a result, local hotel and restaurant industry has suffered from the absence of a large convention center. It is estimated that the inadequacy of the current facility led to the loss of $300 million in revenue from Lost conventions in 1997 alone. My legislation will enable the District to compete for its market share in the convention industry for the first time in many years.

The delay in building an adequate convention center has been very costly to the District. In a town dominated by tax exempt property, especially 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 expedited passage on this bill.

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

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. Lundregan, one of its clerks, accompanied by its resolution 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 Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Shelby, Mr. Domenici, Mr. Specter, Mr. Bond, Mr. Gorton, Mr. Bennett, Mr. Faircloth, Mr. Stevens, Mr. Lautenberg, Mr. Byrd, Ms. Mikulski, Mr. Reid, Mr. Kohl, Mrs. Murray, and Mr. Inouye, to be the conferees on the part of the Senate.

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.

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 Speaker pro tempore (Mr. LaHood). Pursuant to House Resolution 42 and rule XIX, paragraph 11(a), 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.

IN THE COMMITTEE OF THE WHOLE

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

Mr. BARR of Georgia. Mr. Chairman, I ask unanimous consent to withdraw amendment No. 22, and ask the House to consider amendment No. 23, at the Chairman’s desk.

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

There was no objection.

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 design theamendment 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:
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 their knowledge of the English language 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 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 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 argue that they are desperately needed. We have been made to believe 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 almost entirely, 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 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 contemplated in our citizenship laws, which require proficiency in the English language to become a citizen.

Bilingual ballots are just one more way that well-meaning people hinder the progress of certain groups in this country of foreign ancestry. English is the language of this Nation. Those who 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 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, where it is perhaps the most important and most important place where it is important 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.
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 Georgia (Mr. BARR) 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 to teach people how to get a driver’s license. Why can we not provide instructions, we use bilingual instructions to teach people how to get a driver’s license. Why can we not provide bilingual materials? They are just opposed to having these materials in the English language.

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

Mr. Chairman, it is interesting, of course, that the opponents of this very simple and straightforward amendment regarding the fact that voting materials provided by the government should be in English, not in other languages, it is very interesting that they refer several times to an amendment to the laws of this land that provide for a small category of persons, elderly, who speak another language who have been in this country for a certain lengthy number of years. They keep referring to that, yet I am sure that they would not agree to an amendment by which those people indeed could have bilingual materials. They are just opposed to having these materials in the English language.

Mr. Chairman, they are so opposed to it, that they call this a poison pill. A poison pill, simply saying that voting materials, voting materials shall be in the English language. That is somehow poisonous to this country, that is poisonous to this country, that is poisonous to the standards, to voting procedures in this country.

That, I think, says perhaps more than anything else, more than all of the great eloquent words on the other side that this to them is poisonous, simply standing up for the English language.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. BARR) 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 vote by which the motion was agreed to having been read.

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 fifth legislative day following 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 gentleman 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 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, “it 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 crawling with our ranking member of that committee, I am comfortable with it.

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

Mr. Campbell. Mr. Chairman, I urge an “aye” vote.

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 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 congratulate the 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 thank the gentleman from Ohio (Mr. Traficant) for yielding me this time.

Mr. Chairman, for those that may be following the floor, 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 our special 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 that.

Mr. Traficant. Mr. Chairman, I appreciate the efforts of the committee in helping to fashion this amendment. It was not in 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.

Mr. Campbell. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for one who is in opposition.

The Chairman pro tempore. Is there objection to the request of the gentleman from California (Mr. Campbell)?

There was no objection.

Mr. Campbell. Mr. Chairman, I yield back the balance of my time.
Commission speech police deemed background music relevant. I, like most reasonable people, do not think that the FEC has the authority or the right to decide what background music can or cannot be used in issue ads. Such conduct prohibits that kind of regulatory intimidation.

Now, I am not joking about this, Mr. Chairman. The FEC has a history of prosecuting on the basis of background music. For instance, in the case of Christian Action Network versus FEC, the FEC stated that background music should be a determining factor in establishing the presence of express advocacy. Thankfully, this case was dismissed and the FEC was severely castigated in court for pursuing it.

The Fourth Circuit Court of Appeals even awarded the victims of the FEC, the Christian Action Network, attorneys’ fees because the prosecution was not substantially justified.

The Shays-Meehan bill is extremely vague and the expansive definition of express advocacy gives the FEC even more rope to strangle speech by private citizens and groups. Without my amendment, the FEC could again cite background music as a basis for persecution without my amendment, who knows what would happen if Shays-Meehan became the law of the land.

The Battle Hymn of the Republic, express advocacy if I ever heard it; J ohn Philip Souza, forget it. You would have to have a legal defense fund. Francis Scott Key in the background, you bet call your lawyer.

We are not just whistling Dixie with this amendment, Mr. Chairman. The FEC has already tried using background music in an enforcement action. If not for the Fourth Circuit Court, they would have gotten away with it. Do not let them try it again. It is time for the FEC to face the music, Mr. Chairman. Stand up for freedom of speech and freedom of music. Vote for this amendment. It is in tune with the first amendment.

Mr. CAMPBELL. Mr. Chairman, 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 cohesive 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.

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

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri (Mr. BLUNT), as modified, 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 was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 26.

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

Mr. McINTOSH. Mr. Chairman, I rise as the designee of the gentleman from Texas (Mr. DELAY) to offer amendment No. 84 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 offered by Mr. McINTOSH to the amendment in the nature of a substitute No.13 offered by Mr. SHAYS:

In section 301(8) of the Federal Election Campaign Act of 1971, as amended by section 205(a)(3)(B) of the substitute, add at the end the following:

(F) For purposes of subparagraph (C), no communication with a Senator or Member of the House of Representatives (including the staff of a Senator or Member) regarding any pending legislative matter, regarding the position of any Senator or Member on such matter, may be construed to establish coordination with a candidate.

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

The Chair recognizes the gentleman from Indiana (Mr. McINTOSH).

Mr. McINTOSH. Mr. Chairman, I understand there would be agreement to limit the time on each side to 3 minutes, which I would be willing to do, and I ask unanimous consent to so limit the debate.

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

Mr. MEEHAN. Mr. Chairman, reserving the right to object, I just want to understand the amendment, and I yield to the gentleman from Indiana (Mr. McINTOSH).

Mr. McINTOSH. Mr. Chairman, I have seen it numbered 84. I have also seen it numbered 16 in some of the materials. And 26 is the number I understand that it is.

Mr. MEEHAN. Mr. Chairman, could the gentleman read the amendment so we are clear?

Mr. McINTOSH. For purposes of subparagraph (C), no communication with a Senator or Member of the House of Representatives (including the staff of a Senator or Member) regarding any pending legislative matter, regarding the position of any Senator or Member on such—

Mr. MEEHAN. Mr. Chairman, I withdraw my reservation of objection.
But under this bill, that coordination is an activity that would be defined as prohibited coordination. Any and all two-way communications, a phone call, an interview, a meeting or exchange of letters, all of these perfectly legitimate activities would be considered coordination under this bill.

I am sure that was not the intent of the authors, and we are offering this amendment as a way to correct that and construe the matter in a way that allows those communications.

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

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

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

Mr. Chairman, I rise in opposition to this amendment. Let us really look at the wording. I cannot believe that we want to suggest what this amendment does.

This amendment weakens the existing law, weakens the ability for the FEC to enforce the law. This amendment allows Members to conspire about a campaign issue.

Let us talk about 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 with citizens to help your campaign. Then that is a different matter. It is certainly not the intention 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.

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

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

Mr. LEVIN. Mr. Chairman, I want to say to the gentleman from Indiana that the present FEC law where there is that kind of a communication would result in an in-kind contribution. You really are changing, with your amendment, unintentionally perhaps, present FEC regulations. I would urge very much that you take another look, because we would have to oppose this as loosening present law. I think that is clear.

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 candidate with campaign. Then that is a different matter. It is certainly not the intention to change existing law.

Mr. LEVIN. Mr. Chairman, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).
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. 13 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. 13 offered by Mr. Shays:

Add at the end the following new title:

TITLE I. REDUCED POSTAGE RATES

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

(a) In General.—Section 3626(c)(2)(A) of title 39, United States Code, is amended by striking "and the National Republican Congressional Committee" and inserting "the National Republican Congressional Committee and the principal campaign committee of a candidate for election for the office of Representative in or Delegate or Resident Commissioner to the Congress".

(b) Limiting Reduced Rate to Two Pieces of Mail Per Registered Voter.—Section 3626(b)(1) of such title is amended by striking the period at the end 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 reply stops) in the district.

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. HORN. 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 to 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. And the cost of mailing 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 system. The Citizens Against Special Interests 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 can take a step in the right direction and still provide a level 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 cents a first-class letter, generally, a mailer to the incumbent 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. The gentleman from California (Mr. Fazio) is recognized for all that time he may consume.

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 large sum, one that I think would bring 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. That is that it is perceived as a way of giving challengers funding. And while there may be people in the country and certainly in this body who would like to help challengers, most of us want to deal with people on an equal basis and therefore provide equal benefits to people running as incumbents and as outsiders. Shays-Meehan has done a major thing to restore some balance by setting a date at 6 months prior to an election. I know the gentleman from California (Mr. Horn) voluntarily does not mail at all in the last year of the two-year cycle, but I do think that the effort made in this bill moves in the wrong direction. 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 incumbent 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 Shays-Meehan, which is what 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. I thank the gentleman for yielding. I rise, too, in reluctant opposition and I say reluctant because the author of this bill the gentleman from California (Mr. Horn) is not only one of the brightest individuals in the House, 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 focus on not going to the route of public financing, not to go the route of broadcaster financing and we have put together this coalition amazingly well of people who 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 want to speak to that. I certainly want to speak to that, but I worry that the combination of opposition that would result both because it is too much reform, public financing and because it takes on the incumbent 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 Shays-Meehan which is what 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.

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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 do not think 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 it, in general, is unfair. Initially, 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 the households in the district at the nonprofit rate. I hope the gentleman is not going further.

The CHAIRMAN pro tempore. I would hope the gentleman is not going further.

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

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

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 essentially no remedy. That is, that 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 enact 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 subsection (a)(6), except that the court involved shall issue a decision on the action 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.

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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 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.

There was no objection.

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 offered by the gentleman from Florida (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

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

The CHAIRMAN pro tempore. The amendment offered by Mr. SHAWS to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. SHAWS 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. 330. REQUIRING MAJORITY OF AMOUNT OF CONTRIBUTIONS ACCEPTED BY HOUSE CANDIDATES TO COME FROM IN-STATE RESIDENTS.

Section 335 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

(1)(B) 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. SHAWS) and a Member opposed each will control 5 minutes.

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

Mr. SHAWS. 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 tonight. I was tempted to call a point of order to bring the Members back in because I think this is really pitiful that the Members are not here to listen to what we are talking about here tonight.

But what we are talking about is campaign finance reform, and my amendment would be the most simple and, I think, productive type of campaign reform that we could possibly have, and that is just simply to say this, and it is so simplistic:

Half of the campaign money that my colleagues receive has to come from their home State. I am not talking about colleagues' home districts. Much much was to do with the question of poor districts. I understand that, and I can well understand that. My district is 91 miles long and only 3 miles wide, but I think that it is not too much to say if we want to be able to take campaign finance away from K Street and back to Main Street with our own districts that we should be able to do so.

And for incumbent incumbents and long-term incumbents such as me, we have found that it is so easy to raise money here in Washington that we are tempted to do so instead of going home and raising money 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. No one 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, will the gentleman yield?

Mr. SHAWS. 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. SHAWS. 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. SHAWS. 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. SHAWS. 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. A very small number of people are that they are representing, and bring this back closer to the people.

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

Mr. Fazio 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 headquarter for a 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 small State it becomes almost impossible.

The second point that the gentleman from California (Mr. Fazio) made 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 someplace 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 the 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 this Congress. This is a balanced and carefully crafted balanced proposal, and many people who support it do not agree with the gentleman from Florida (Mr. Shaw) 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 lame duck, 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. SHAW. 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 start abusing 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 there was not a better way, it brings 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 sent up here to represent.

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. All time has expired. The question is on the amendment offered by the gentleman from Florida (Mr. SHAW) to the amendment proposed 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. SHAW. 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. SHAW) 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 evening. 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. 38?

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. 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 I—ETHICS IN FOREIGN LOBBYING

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

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

"SEC. 332. (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, expenditure or contribution and expenditure with respect to an election for Federal office; and

(2) no foreign-controlled political committee or separate segregated fund of a trade organization, membership organization, cooperative, or corporation without capital stock may make any contribution, contribution and 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 corporation 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 of which 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 a statement (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 subsection (a), including a statement of the amounts and percentage reported by such multicandidate political committees or separate segregated funds.

"(d) DEFINITIONS. For the purposes of this section—

(1) the term 'foreign-owned corporation' means a corporation possessing 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' has the meaning given that term in section 315a(4);

(3) the term 'separate segregated fund' means a separate segregated fund referred to in section 316a(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 (b) as subsection (c), and

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

"(b) A foreign national shall not direct, dictate, control, or indirectly or directly participate in the decision-making process of any person; such as a corporation, labor organization, cooperatives or corporation without capital stock;

(2) the term 'multicandidate political committee' has the meaning given that term in section 315a(4); and

(3) the term 'separate segregated fund' means a separate segregated fund referred to in section 316a(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 regarding the political activities of foreign principals and agents of foreign principals.

(b) INFORMATION TO BE COLLECTED.—The information comprising this clearinghouse shall include only the following:

(1) 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.

(2) 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.

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

(4) 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.

(5) 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.

(6) 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.—The disclosure by the clearinghouse, or any officer or employee thereof, of any information other than that set forth in subsection (a) is prohibited, except as otherwise provided by statute.

(c) DIRECTOR OF CLEARING-HOUSE.—(1) The clearinghouse shall have a Director, who shall administer and manage the responsibilities and all activities of the clearinghouse.

(2) The Director shall be appointed by the Federal Election Commission.

(3) The Director shall serve a single term of a period of time determined by the Commission, but not to exceed 5 years.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

SEC. 04. DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF THE CLEARING-HOUSE.

(a) IN GENERAL.—It shall be the duty of the Director of the clearinghouse established under section 03—

(1) 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 the information comprising the clearinghouse available for public inspection and copying, beginning not later than 30 days after the information is first available to the public and upon payment of the cost of copying of any such registration, report, or other information by hand or by copying machine or, at the request of any person, to permit the person to take copies of any such registration, report, or other information upon payment of the cost of making and furnishing such copy, except that no information contained in such registration, report, or 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 such registrations, reports, and other information comprising the clearinghouse in a manner which facilitates the disclosure of political activities, including, but not limited to—

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

(B) political activities of individuals, organizations, foreign principals, and agents of foreign principals who shape, control, or significantly influence the political activities of foreign nationals;

(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 or, if the 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 03 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 reports, registrations, and other information comprising the clearinghouse.

(b) DEFINITIONS.—As used in this section—

(1) the terms "foreign principal" and "foreign agent" have the meanings given those terms in section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611).

(2) the term "issue before the Congress" means the total of all matters, both substantive and procedural, relating to—

(A) pending or pending 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 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 by an officer or employee of the executive branch, concerning—

(A) any pending or proposed rule, rule of practice, adjudication, regulation, determination of any 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 03(b), and any person who sells or uses information for the purpose of soliciting contributions or for any profit-making purpose in violation of section 04(a)(2), shall be imprisoned for a period of not more than one 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 "on January 31, April 30, July 31, and October 31 of each year, file with the Attorney General a supplement thereto on a form prescribed by the Attorney General, which shall set forth regarding the three-month periods ending the previous December 31, March 31, June 30, and September 30, respectively, or if a lesser period, the period since the initial filing."

(b) EXEMPTION FOR LEGAL REPRESENTATION.—Section 3(g) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612(b)), is amended by adding at the end thereof the following: "(i)(1) Any person who is determined, after notice and opportunity for an administrative hearing—

(A) to have failed to file a registration statement under section 2(a) or a supplement thereto under section 2(b),

(B) to have omitted a material fact required to be stated therein, or

(C) to have made a false statement with respect to such a material fact, shall be required to pay a civil penalty in an amount not less than $2,000 or more than $5,000 for each violation committed. In determining the amount of the penalty, the Attorney General shall give due consideration to the nature and duration of the violation.

(2) In conducting investigations and hearings under paragraph (1), administrative law judges may, if necessary, compel by subpoena the presence of witnesses and the production of evidence at any designated place or hearing.

(3) In the case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and, upon application by the Attorney General, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

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

The Chair recognizes the gentleman from Ohio (Ms. Kaptur).

Mr. Chairman, could I claim the 5 minutes in opposition?

The CHAIRMAN pro tempore. The gentleman from Connecticut has claimed the time in opposition and will be recognized later for 5 minutes.

The Chair recognizes the gentleman from Ohio (Ms. Kaptur).

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

Mr. Chairman, historically, Congress has been very clear about disallowing foreign contributions to U.S. campaigns at even if we look, however, at the foreign lobbying activities that have grown, especially in this past quarter century, and the organization of multinational corporations that have in many ways outgrown existing law, it is clear that our amendment like this is needed and, as originally proposed, my amendment sought to both clarify the definition as well as the disclosure by foreign-controlled political action contributions to U.S. election campaigns.

But I am going to offer a modified version of this after considerable consultation with the gentleman from Connecticut (Mr. Shays) and the gentleman from Ohio (Mr. Gillmor) and others on the other side of the aisle and this one.

But it is certainly true to say that U.S. law has been abundantly clear about who can contribute to U.S. campaigns: citizens of this country as individuals and citizens through political action committees expressly organized for that purpose. But corporations cannot and do not contribute to trade unions outside of a formally recognized political action committee.

But because of a loophole dating back to 1934, while foreign nationals and foreign citizens cannot directly or indirectly contribute to U.S. elections, foreign-controlled corporations and trade associations, including those based in the United States, can contribute.

The Federal Election Campaign Act, section 440(e), says, and I quote:

A foreign national shall not directly or through any other person make a contribution or expressly or implicitly promise to make a contribution in connection with an election or any examination, inquiry, or connection with any primary election, convention, or caucus held to select candidates for any political office or for any person to solicit, accept, or receive such contribution from a foreign national.

The Federal Elections Act defines a foreign principal as a government of a foreign country or a foreign political party: a person outside the United States who is not a citizen; or a partnership, association, corporation, or organization, or other combination of persons organized under the laws of or having its principal base of business in a foreign country and their activities in this country.

The loophole in all of that is that foreign-owned corporations or trade associations which are organized under U.S. law and have their principal place of business in the United States are not treated as foreign principals and, therefore, allowed to operate PACs, even though their control and ownership are foreign in nature.

The principal law governing the disclosure of lobbying by these entities, the Foreign Agents Registration Act, when the GAO studied in 1990 what had been happening, it is that, in fact, disclosure of those activities are very thin.

Currently, public information on these activities is collected by the government in scattered ways. But this information would be brought together in one place and provide the public and Congress a better idea of what is actually going on in various trade associations which are classified as foreign principals and their agents.

As modified, my amendment will not disallow contributions as I had hoped to do in a bill that I had filed earlier, because, frankly, there was opposition to doing that. But it does take the one section of our proposal that will allow us to at least collect the information that we need to understand the impact and the extent of these involvements.

As originally proposed, my amendment would establish within the Federal Election Commission a clearinghouse on that of public information regarding the political activities of foreign principals or their agents.

But because of a loophole dating back to 1934, while foreign nationals and foreign citizens cannot directly or indirectly contribute to U.S. elections, foreign-controlled corporations and trade associations, including those based in the United States, can contribute.

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The loophole in all of that is that foreign-owned corporations or trade associations which are organized under U.S. law and have their principal place of business in the United States are not treated as foreign principals and, therefore, allowed to operate PACs, even though their control and ownership are foreign in nature.

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The CHAIRMAN pro tempore. The Clerk will report the modification.
The Clerk read as follows:

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

The CHAIRMAN pro tempore. The Clerk read as follows:

45x section (and conform the table of contents and conform the table of contents 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 this section in the most effective and efficient manner.

2) APPOINTMENT. The Director shall be appointed by the Federal Election Commission.

3) TERM OF SERVICE. The Director shall serve a single term of time determined by the Commission, but not to exceed 5 years.

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

5) AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

(f) Foreign Principal: Foreign principal shall have the same meaning given the term 'foreign national' in section 407 of title 2, United States Code, as were defined 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. KAPTUR (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.

45x What is the objection to the gentleman from Ohio?

There was no objection.

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).

So what I am going to be suggesting to this Chamber is that we have a vote. I will be voting 'no' tonight. I will be suggesting that we go over in depth line by line the gentleman's amendment to see if it is an amendment that, when we have an actual rollcall vote, it will be one that we can accept or not.

Because the gentleman from Ohio (Mr. GILLMOR) is not here, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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The CHAIRMAN pro tempore.

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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 rollcall 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 on how we recommended to our colleagues when they vote on the floor.

Mr. STEARNS. No, Mr. Chairman, if they continue to yield, as I remember the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, if the gentleman will yield further, I do not remember what I said about taxpayers, as many legal residents are, who are not citizens.

Mr. STEARNS. Mr. Chairman, I offer an amendment to the amendment (in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

Mr. STEARNS. Mr. Chairman, I offer an amendment to the amendment (in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The CHAIRMAN. 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:

(1) VIOLATION OF LIMITS DESCRIBED. — If a candidate for President or Vice President receives contributions to the campaign fund under chapter 95 or 96 of the Internal Revenue Code of 1986, or the agent of such a candidate, seeks to avoid the spending limits applicable to the campaign fund under such chapter or under the Federal Election Campaign Act of 1971 by soliciting, receiving, transferring, or directing funds from any source other than such fund for the direct or indirect benefit of such candidate’s campaign, such candidate shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.

(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 CHAIRMAN recognizes the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. No, Mr. Chairman. I 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 am sort of rectifying 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 then 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 to say okay, if one is serving in the military, 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 a period of 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 are in the service for 2 or 3 years they are serving in the military, 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 taxpayers, other 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 gentlewoman’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 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 am sort of rectifying 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 then passed overwhelmingly. But there was something that was in both his amendment and mine that concerned me a bit. My amendment
point, so I am here really to recognize his point and to try to bridge the gap with the two amendments that passed, and I think that is pretty much my argument tonight.

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

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 those 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. 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 amendments, 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 has certainly offered 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, reclaiming 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 in our country? Should they not also be given the full protection of the first amendment?

I do 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 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.
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 postposed.

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 section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended accordingly:

SEC. 510. PERMITTING PERMANENT RESIDENT ALIENS SERVING IN ARMED FORCES TO MAKE CONTRIBUTIONS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any other provision of this title, an alien who is lawfully admitted for permanent residence (as defined in section 101(a)(29) of the Immigration and Nationality Act) and who is a member of the Armed Forces (including a reserve component of the Armed Forces) shall not be subject to the prohibition under this section.".

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 postposed.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to take the time reserved for anyone opposed to the amendment.

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.

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

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

Mr. Chairman, this would ban any presidential or vice presidential candidate who receives public funding from raising soft money. While we support 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, using, or spending soft money on behalf 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 success and support for legislation than this.

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 am very concerned about some of the other substitute 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 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 astorous 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 tomorrow 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 getting through 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, but if I was getting through the amendments this evening.

The CHAIRMAN pro tempore. 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 Mr. SHAYS.

Mr. STEARNS. Mr. Chairman, offer an amendment to the amendment 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. 510. ENFORCEMENT OF SPENDING LIMIT ON PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WHO RECEIVED UNDER THE FEDERAL ELECTIONキャンペーン

(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 chapter 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 purposes 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 Dick Morris was just to give an ordinary certificate that they are going to comply and that they have a full understanding so that they cannot use rigorous, specious logic to say they were not aware.

There was a lot of testimony that came out from Dick Morris which I have here, and I will, Mr. Chairman, include Dick Morris' 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 could be said and, 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, legislation 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 the candidates who do run for President and Vice President to 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.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MEEHAN) is 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' words. It makes me a little nervous as to whether not we really support the amendment.

Everything sounded great until we got to that. I get a little concerned about what 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 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 is the type of abuse that 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 requested and approved all advertising copy; reviewed and modified polling questions; and received briefings on the analyzed polling results.

A significant amount of the polling work the campaign was armed 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 combined coordination between 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, 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 to when the gentleman from Florida (Mr. STEARNS) was making his comments, because my recollection is that 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 to 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 don't use 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 worry about whose words or campaign funding there are on the book.

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 bandwidth, and we would love to have you joining with us in abolishing soft money, shame issue ads, giving 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 as we roll to a near majority vote by the Members of this body coming early next week. We would encourage the gentleman to join with us on those votes.

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 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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.

I regret ever having hired him. I think when the history books are written, the President will regret ever having hired him.

Some very good points. I have no idea why the President ever hired Dick Morris to do 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. CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

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

Mr. STEARNS. 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. STEARNS) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 50.

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 Chair will designate the amendment. The text of the amendment is as follows:

Amendment No. 50 offered by Mr. WHITFIELD to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS: Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. INCREASE IN CONTRIBUTION LIMIT FOR CONTRIBUTIONS TO CANDIDATES BY PERSONS OTHER THAN PACS.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (U.S.C. 443(a)(1)(A)) is amended by striking "$3,000" and inserting "$5,000."

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

The CHAIRMAN pro tempore. The amendment in the nature of a substitute offered by the gentleman from Tennessee (Mr. WAMP) will be postponed.

So I think what we need to do is to 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 don't use 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 worry about whose words or campaign funding there 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 as we roll to a near majority vote by the Members of this body coming early next week. We would encourage the gentleman to join with us on those votes.

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 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.
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 put into the system in 1974. Since then, the cost of living and the price of an individual’s time has gone up. 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 capital and 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, I yield myself such time as I may consume. I may be uniquely qualified to address this amendment because, as the gentleman from Kentucky knows, and 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 too many good people want 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 surprised.

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. 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 be, 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 Congress agree is that money is essentially effective to 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 negative 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 dis-service 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 will be postponed.

It is now in order to consider Amendment No. 51 offered by the gentleman from Kentucky (Mr. WHITFIELD).
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 Federal Election Commission 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.

An actual amendment 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 all that is condemned are those ads which are so explicit in using words 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 intrinsically, purposely any express advocacy ad, they are clever enough not to use the word "vote for" or "vote against?"

This kind of abuse has been documented so many times in this debate concerning the Constitution, in public interest. I refer all of my colleagues to the examples that have been raised regarding such comments as "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 this disclosure certainly did not eliminate 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.

Yet that would be struck by the proposal of our good friend, the gentleman from Kentucky.

The Supreme Court has actually opined in an area very close to this in the matter before us, in Massachusetts Committee For Life. In Massachusetts Committee For Life, the Supreme Court says that publication at issue there, quote, "cannot be regarded as a mere discussion of public issues that, by their nature, raise the names of certain politicians. Rather, it provides, in effect, an explicit directive for these named candidates. The fact that this message is marginally less direct than 'vote for Smith' does not change its essential nature." End quote.

The Supreme Court has told us it is the spirit that giveth life when the words can kill. We have heard this argument many times. At this point, it is appropriate, I think, to recognize the fundamental difference between people of goodwill.

I have the highest regard for the gentleman from Kentucky. He is sincere. He would not make the campaign finance reform the Camp Act.

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.

Think of words like “Think Joe Smith” or “Joe Smith thinks about our Nation’s future every day” or “Joe Smith, the 1st District’s Congressman, or on the crime theme” or “Joe Smith voted yes 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 offers. I think that they all have a clear purpose and intent. But under this amendment, they would be permitted.

Mr. CAMPBELL. Mr. Chairman, reserving my time, all that we ask is that they all have a clear purpose and intent. Under this amendment, they would be permitted.

Mr. CAMPBELL. Mr. Chairman, claiming my time, all that we ask is that they would be permitted.

Mr. LEVIN. Mr. CAMPBELL, Mr. Chairman, I admire the gentleman from Kentucky (Mr. WHITFIELD) for his persistence. This is the sixth, seventh time. Do we have to beat him again?

The CHAIRMAN pro tempore (Mr. ENGLISH). Mr. Whitfield, Mr. Chairman, I yield myself such time as I may consume.

Mr. WHITEFIELD (Mr. ENGLISH). 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, when the labor unions ran ads against me last time on television, no one knows who pays for these ads. They have a right to do it.

In closing, I would 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 who have reviewed it, that have taken cases to the Supreme Court, say will be declared unconstitutional. As I simply say, this really is an incumbent 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 noes appeared to have it.

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

Mr. ENGLISH of Pennsylvania. 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 offered by Mr. ENGLISH of Pennsylvania 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. 510. PROHIBITING BUNDLING OF CONTRIBUTIONS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(8)) is amended to read as follows:

“(8) No person may make a contribution through an intermediary or conduit, except that a person may facilitate a contribution by providing—

“(A) advice to another person as to how the other person may make a contribution; and

“(B) addressed mailing material or similar items to another person for use by the other person in making a contribution.”

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

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania, Mr. ENGLISH. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer an amendment that speaks to an issue fundamental to campaign finance reform, one that would address a gaping loophole in the existing campaign laws through which a torrent of special interest cash has poured in every recent election.

My amendment is a basic reform of the current system and something that the Shays-Meehan substitute unfortunately does not address.

Bundling is the process by which special interest groups solicit funds from donors around the country and then deliver the money in large bundles. It is a way of avoiding limits on donations to campaigns.

The Center for Responsive Politics identified at least 32 bundles in excess of $100,000 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 issue 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 amendment is in order.

The question is on the amendment offered by the gentleman from Pennsylvania (Ms. DELAURO) for 5 minutes.

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

It is 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.

I give you an example of women in politics. Today, thanks to coordinated grassroots efforts, over 45,000 members of $100 Women’s List, on average have contributed less than $100 per candidate, they had an opportunity to triple the number of women who serve in this body.
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 happy to see many 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 wealthier 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, 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 what this amendment would do, as my colleagues have said, is we do all the things that have been done before, which give us a stronger record than I do of promoting women in high office, and I can tell my colleagues, my old boss got elected at the age of 28 to a State Senate seat on a shoestring and without bundling.

Mr. Chairman, I would be much more respectful of this amendment if it were directed only at small donors, large donors, 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 organizational 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 know nothing about this amendment, but I would be more respectful of it.

The amendment by the gentleman from Pennsylvania (Mr. ENGLISH) has 3 minutes remaining.

Mr. English, to the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH), for the record, do we have any other amendments?

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

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH) 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 Amendment pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH) 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. 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. 12 offered by Mr. Shays.

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

SEC. 350. 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. 431, 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.

""(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may include a provision that the person making the donation or donation is transferred, the Commission has not made a determination that the contribution or donation was made in violation of section 309(a) of such Act, or that the contribution or donation is transferred, the Commission has not made a determination that the contribution or donation was made in violation of section 309(a) of such Act; or

""(ii) if the contribution or donation will be used for those purposes, that the amounts required to cover fines, penalties, or costs pursuant to such a潜动 shall not be used for those purposes, or on the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.

"(d) AMOUNTS USED TO DETERMINE AMOUNT OF PENALTY FOR VIOLATION.—Section 309(a) of such Act (2 U.S.C. 437g(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 326, the amount of the donation involved shall be treated as the amount of the donation involved.

"(c) DONATION DEFINED.—Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

""(d) DISGORGEMENT AUTHORITY.—Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

""Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may include a provision that the person making the donation, or donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 326.

"(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply to contributions or donations refunded on or after the date of the enactment of this Act, without regard to whether the Federal Election Commission or Attorney General have requested the return of any contribution or donation.

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.

The Chair recognizes the gentleman from Pennsylvania (Mr. Gekas). Mr. Gekas, Mr. Chairman, I have discussed this amendment with the gentleman from Connecticut (Mr. Shays) and with some representatives of the collaborators on the Democrat side in this venture. This is an amendment that simply says if you buy 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 to the Treasury, the FEC 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 it is the practice now. This would go a long way in bolstering our confidence that some illegal foreign source or some drug deal who contributes grand sums of money 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 launders his money back; he sort of launders his money, as it were.

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. 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 balance of time as I carry out one. We are concluding debate on all of the amendments that have come before us, and I think it is almost symbolic to have an amendment offered by the gentleman from Pennsylvania (Mr. Gekas) and I appreciate him waiting so late to offer it, an amendment that I think we can support.

It makes logical sense that if money that was donated is not donated...
Mr. CAMPBELL. Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, if Congress is truly going to correct the current injustices in our federal labor law relating to the unions’ use of their hard-earned paychecks for political and other purposes, the Shays amendment is not a codification of the Supreme Court’s 1988 Beck decision relating to the use of union dues. First, Section 501 provides absolutely no notice of rights to members of the union—it applies only to non-members. Second, Section 501 redeems the dues payments that may be objected to, by limiting such to “expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.” This definition not only infers that there may be other types of political expenditures to which workers may object—but it ignores Beck’s holding that workers may object to any dues payments for any union activities not directly related to collective bargaining activities.

Mr. Chairman, if Congress is truly going to try to deal with the issue of organized labor taking dues money from rank-and-file members laboring under a union security agreement—taking it without their permission and spending it on causes and activities with which the workers disagree—then let us really deal with it. Mr. Shays’ amendment is a fig leaf which falls woefully short of covering the problem.

The Shays amendment codifies a broken system that allows unions to raid workers’ wallets, forces workers to resign from the union, 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 their needs, 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.

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. Chairman, I do not care to offer any more debate, but we do need to do an amendment process to fulfill funding the FEC in the future so that they can do not only their job on the books, 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 their needs, 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.

The Clerk read the following:

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 No. 13. It is about what is already in the text. And we are trying to fit it in so that it will make sense.

Mr. CAMPBELL. Mr. Chairman, re-claiming my time, I appreciate the gentleman’s explanation. I was yield-ing 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. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) are willing to accept the amendment. If that is the case, I will not vote for a record vote. I accept their acceptance, and they may accept the acceptance that I accept the acceptance.

Mr. MEEHAN. Mr. Chairman, if the gentleman would yield, there is a lot of acceptance here. And we will accept the gentleman’s support on the final version of Shays-Meehan when we vote on it Monday night. We will accept the gentleman’s support.

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. Chairman, I ask unanimous consent that my amendment be modified pursuant to form B, which is at the desk, which is another amendment.

Mr. Chairman, I ask unanimous consent that my amendment be modified pursuant to form B, which is at the desk, which is another amendment.

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 “reason to believe” and replace it with the phrase “reason to investigate” in the one place where the former phrase appears in the amendment.

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

Mr. CAMPBELL. Mr. Chairman, reserving the right to object, I yield to the gentleman from Pennsylvania (Mr. GEKAS) if he wishes to explain any further.

Mr. GEKAS. Mr. Chairman, I thank the gentleman from California (Mr. CAMPBELL) for yielding to me.

Mr. Chairman, what we are trying to do is to substitute the language that would give the Federal Elections Commission authority to investigate. To actually say “reason to investigate” whether or not something has happened, rather than what is now in the text, “reason to believe."

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

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

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 I appear to accept everything, and I yield back the balance of my time.

Mr. CHAIRMAN pro tempore. The question is on the amendment, as modified, 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).

The amendment, as modified, to the amendment in the nature of a substitute No. 13 is 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-Employer 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 death 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.

COMMUNICATION FROM HONORABLE JOHN A. BOEHNER, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from Representative J ohn A. Boehner, Member of Congress:


Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: This is to notify you pursuant to L. Deschler, 3 Deschler's Precedents of the United States House of Representatives ch. 11 § 148 (1963), that I have been served with an administrative subpoena issued by the Federal Election Commission.

Sincerely,

JOHN A. BOEHNER.
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.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. 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 welcomed, 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.
Farm Savings Account that Senator money. And if we are able to pass the except next year’s transition payments provide the farmer an opportunity for a experiencing in farm country.

in regard to growing problems we are all it is, is one of the many steps that can be taken if people object 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. Having the Senator from Kansas been working on this issue. He knew we were trying to get it cleared tonight. I made a specific call to him to contact Senators on both sides of the aisle and discuss this issue. I assumed that he was doing that. I had the impression that it had been—any holds or objections had been cleared. Did it come as surprise to the Senator? Does the Senator think it came as a surprise? 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 this is going down the road. 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 having dealt with this way. I wish 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, important issue. There are a lot of political ramifications, and we can play the political game. The fact is that there are a lot of people out there who want some help. This is going to be a little help. I wish we could pass the indemnity payments, but I don’t see why. The fact is that we would pass it unanimously, and that would be $500 million in new money. I wish we could do that just as easily as we are going to agree to pass this bill that isn’t going to mean that much. But we will pass it.

But I must say, we shouldn’t be doing it this way. I have been here all night. I haven’t left the floor. Somebody could have come to me today, look, we want to do this. Instead, what has happened is that this was sprung on me. Now, you don’t have to apologize. Nobody has to apologize. It just isn’t the way we ought to do business.

So, Mr. President, we don’t object. Mr. LOTT. Mr. President, I appreciate the fact the Senator did not object.

Mr. HARKIN. Reserving the right to object—I will reserve the right to object. Is this unanimous consent on advancing AMTA payments? Is what is before the body right now?

Mr. LOTT. Mr. President, I appreciate the fact the Senator did not object.

Mr. DASCHLE. Mr. President, reserving the right to object, I would ask the majority leader then, is this the unanimous consent
that would reopen the 1996 farm bill? Because the farm bill stipulates that a farmer could get half of the payment if he wanted to in December or January and could get the other half the next September.

Then in the farm bill. As I understand it, this then changes what the farm bill provides. Is that correct?

Mr. LOTT. It says, as I understand it, that they would get the same amount they would get either way. They would just get a little bit of it later in the year so they could begin to deal with the problems that they have had to face as a result of disasters.

Mr. HARKIN. Further reserving the right to object then, this then would undo some of the provisions that were in the 1996 farm bill, because it changes the dates and circumstances under which the farmer could get the ATRA payment, as it is called.

I understand that some people want to do that and they want to reopen the farm bill. That is fine. But I would remind my colleagues that a couple of weeks ago we offered an amendment to take the caps off the commodity loan rates. For a typical Iowa farmer with 500 acres of corn that amendment would have given about $30,000 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 pass the $500 million for indemnity payments tonight. Why don't we pass that measure by unanimous consent now to get that $500 million in indemnity payments out to farmers immediately? Why can't we do that?

I ask the majority leader, why can't we pass that?

Mr. LOTT. Mr. President, this is a bill that has been offered. It provides help now. I know no Senator would want to delay that help that they were going to get anyway. We just get it earlier. This is a bill that is going to pass the House next Monday, probably unanimously, which would provide some more immediate help to these farmers.

There is no effort to play games here. This is an effort to provide some help to the farmers who need it as soon as they can possibly get it. That is all there is to it. The idea we are playing games here is I will be glad to yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, I had the privilege of working with Senator CONRAD on crafting the indemnity pay-

ment. We cooperated with Senator COCHRAN in getting it in the agriculture 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 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. That bill 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 apps to make that a viable approach as we originally thought it ought to be.

Mr. LOTT. Let me ask Senator CRAIG, if he would respond, do you think this bill, which is very limited, with no budget impact, would, at any rate, still provide some help quicker to the farmers who had been affected by these disasters?

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 a direct help granting up Freedom to Farm. This is advancing a payment that is already built within that structure. That is why there is the budget impact about 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.

Mr. LOTT. Mr. President, I renew my unanimous consent request.

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, reserving 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 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, perhaps 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 decided 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 we have already decided upon and see if we can't move that to the hands of family farmers, many of whom are desperately strapped for cash.

As 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 decided 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 agriculture indemnity payments, that 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 will help us deal 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, removing 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 third time and passed, 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, 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 to the evening with that which does not require new funds and it is simply a logical 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, as follows:

S. 2344

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 "Emergency Farm Financial Relief Act".

SEC. 2. SPECIAL RULE FOR FISCAL YEAR 1999 PAYMENT UNDER PRODUCTION FLEXIBILITY CONTRACTS.

Section 112(d) of the Agricultural Market Transition Act (7 U.S.C. 7212(d)) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR FISCAL YEAR 1999.—Notwithstanding the requirements for making an annual contract payment specified in paragraphs (1) and (2), at the option of the owner or producer, the Secretary shall pay the full amount (or such portion as the owner or producer may specify) of the contract payment required to be paid for fiscal year 1999, at such time or times during that fiscal year as the owner or producer may specify."

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate receives the House bill relative to H.R. 4103, 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.
appoints the following conferees.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees:

Mr. STEVENS, Mr. COCHRAN, Mr. SPECKER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELB, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. BUTTERNBERG, Mr. HARKIN, and Mr. DORGAN, conferees on the part of the Senate.

The PRESIDING OFFICER. Under the order, S. 2132 is indefinitely postponed.

UNANIMOUS CONSENT REQUEST—S. 2344

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.

The PRESIDING OFFICER. The objection is heard.

Mr. WELLSTONE. 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. WELLSTONE. 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 immediacy. 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 increase across our country and across our pockets.

Mr. WELLSTONE. 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 money? People are thinking about a lifetime of 2 months or 3 months.

I hear this discussion that we need to take a broader view, it needs to go over to the conference, and we have 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 could 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 spoke about 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—where did we pass that? I ask my colleagues.

Mr. DORGAN. Almost a month ago.

Mr. WELLSTONE. A month ago.

Mr. DORGAN. Almost a month ago.

Mr. WELLSTONE. 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 Minnes...they want, they want to go 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 tonight to get $500 million passed, over to the House, and out to farmers all across the country, especially in those areas that have been hit the 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 had the face to face work in conference committee.

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 there is a $500 million going to have. 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 AMA payments as they are known, 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 gets 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 may move 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 money put together to put in his crop. Then things would be good 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, he told me. I hadn't heard from him for 2 years. 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 financial crisis, and they didn't cause the world trade 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 country is whether we are going to have any family farmers left. And, does anybody care about that?

This Senate did something that I thought was the right thing to do. We passed an indemnity program of $500 million. Frankly, that is going to have to increase substantially. Since that time, in the last several weeks, we have learned that the Texas cotton crop is gone, with over $2 billion in damage. In Louisiana and Oklahoma, the agricultural economies are devastated. So the $500 million is going to have to be increased. The point is, while I think advancing the Freedom to Farm payments is fine, I think we can continue to make the case that to say $500 million we have already agreed upon and advance that and move that out.

The earliest farmers are going to get these indemnity payments would be perhaps November or December. Tonight, we could have taken that $500 million and made it available. We could have sent it to the House, and let them pass it. Next week, or the week after, the Department of Agriculture could have begun to try to deal with this deepening farm crisis. This isn't an ordinary crisis. I have mentioned before that we have so many auction sales of family farms in North Dakota that they were calling auctioneers out of retirement to handle the sales. You can go to those sales and see those little tykes wearing their britches and cowboy hats with hair in their eyes, wondering why mom and dad have to sell the farm, and why their life is going to change. I don't think anyone has any yard lights. They fly from California to Maine and you will see family farms because agricultural activity. They plow as far as you can plow for 10 hours, and they plow back. There will be nobody living out in the country. That seed bed of family values that existed and that nurtures us from small town to big town to the way we do business has always refreshed this country will be gone. 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 fundamental to our national life. It is not just dollars and cents. It is a lot more than some economic calculation made by those who give us a bunch of constipated theories about agriculture. This is everyday living by family farms 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 and have a real debate about real policies that will give family farmers in this country a real opportunity to make a decent living. They are the economic all stars in this country. Make a mistake about this. This country will make a serious mistake if it turns its back to the economic opportunity that ought to be offered to the family farmers in this country.

I yield the floor to Mr. Conrad.

Mr. Conrad addressed the Chair. The PRESIDING OFFICER (Mr. DeWine). The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, perhaps it is healthier that we had a discussion on the farm crisis started again tonight. It is unfortunate the way it came up because, typically, those of us who represent farm country have tried to work together. That did not happen tonight. That is unfortunate. There is no great harm done. In fact, we passed something that will be modestly helpful, although it represents no new money.

Mr. President, the reason there is such a high level of feeling about what is happening in farm country is because 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 loosing 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 adjustments to response to this international trade war. Don't they know that Europe spends 10 times more supporting their producers than we do supporting ours? Don't they know Europe is spending 10 times more than we are supporting exports? Don't they understand the result is not only the lowest prices in 50 years, but in addition to that, disasters that are not being addressed?

The disaster in North Dakota is the outbreak of a disease called scab, a fungus that is loose in the fields, which cost us a third of the crop last year. That combination of the lowest prices in 50 years and losing a third of the crop to this horrible disease, scab, has created the devastation that this country's farm policy. If a State like North Dakota, which is one of the breadbasket States of our country, is in such deep depression, then there is something radically wrong with the farm policy.

Mr. President, I just want to conclude 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 in that is happening in farm country is being addressed?
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 clerks will 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-member committee of the Senate, working with the House, that it is time to reform America's outdated encryption regime. Last week, an important step was taken when a multi-member committee of the Senate, working with the House, that it is time to reform America's outdated encryption regime.

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 private regulatory system 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 have this industry takes 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 an encryption policy that strikes a balance on encryption. Legislation that would help keep private and corporate communications away from...
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 in 1990 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 type activities. He received the 1999 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, Les-lie, 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, work, and pursue 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 harness 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, Ms. Corey Rowley, chairperson 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 funding.

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 us do 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 my entire office. It is with much appreciation that I recognize Arsalan’s contribution 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 done 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. Through these block grants, federal money is given to 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, obtain and maintain adequate housing, and ultimately achieve self-sufficiency.

These block grants free states and local communities of federal red tape and give them the flexibility they desire to initiate 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 reauthorize 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 and 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 and faith-based 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, substance 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. I 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 those in the Senate 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, more than ever, 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 magic 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.”
Senator SPECTER and I have also called for ratification now, both in floor statements and by drafting a resolution calling for expeditious Senate consideration of the Test-Ban Treaty.

Why is the Test-Ban so crucial? Because it is related to a global bargain that is the heart of the global nonproliferation regime. Other countries will give up their ambition to acquire nuclear weapons, but only if the declared nuclear powers honestly seek to end their nuclear advantage. We have a window of opportunity, but it will not be available for long— and that means ratifying and adhering to the comprehensive test ban— or the non-nuclear weapons states will not feel bound to theirs.

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 commitment 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 reassurances to the non-nuclear nations of the world. They are why those countries agreed to forswear all nuclear tests and to adhere to the Comprehensive Test-Ban Treaty.

Will the Test-Ban Treaty also gradually reduce a country's confidence in the reliability of its nuclear weapons over 30 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 bargain. The so-called "threshold states" of India, Pakistan and Israel all viewed nuclear weapons as essential to their national security.

They are why those countries agreed to the Comprehensive 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 will we maintain the adherence of the 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 hope that they 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 the consequences of their tests.

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 have all condemned 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 Test-Ban Treaty. Until we ratify this Treaty, the nuclear hardliners in India and Pakistan will be able to cite U.S. hypocrisy as one more reason to reject the nuclear non-proliferation regime. And until we ratify the Treaty, the rest of the world will find it easier to reject U.S. calls for diplomatic and economic measures to pressure India and Pakistan.

We must keep faith with the non-proliferation bargain, if we are to maintain U.S. leadership on non-proliferation, keep the rest of the world on board, and influence India and Pakistan. 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 weapon 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 the rest of the world that is holding us back 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 safety 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.

Why is that, Mr. President? I know that my good friends the chairman and the majority leader have raised arguments against the Treaty, but they seem curiously unwilling to make any arguments in the context of a proper committee or floor debate on a resolution of ratification.

Could they be afraid of losing? Could they be afraid that, once the pros and cons are laid out with a resolution of ratification before both ends of this body will support ratification? Perhaps; I know that I think the Treaty can readily get that support.

For the arguments in favor of ratification are, in my view, pretty strong, and conditions that the President has asked us to attach to a resolution of ratification will assure that we maintain our weapons and the ability to test them, and
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 continued U.S. participation in 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 86 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 engaging in nuclear testing, and that the Comprehensive Test-Ban Treaty is critical 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 of our national security. I will make sure that the American people know who stands with them in that vital quest.

My colleague, the senior Senator from Pennsylvania, and I have drafted a resolution calling for expeditious consideration of this Treaty. So far, we have been joined by 34 of our colleagues as co-sponsors of that resolution.

We know that many others support us quietly. Mr. President, but the Senate must take a stand to part company with their leaders. We are confident, however, that as more of them reflect on what is at stake, and on the need for continued U.S. leadership in nuclear non-proliferation, they will realize that they will do their leaders a favor by helping the Senate to do what is so clearly in the national interest.

The Senate will give its advice and consent to ratification of the Comprehensive Nuclear Test-Ban Treaty. The only question is when. The world is a dangerous place, Mr. President, and we must do nothing to undermine the country's face. But the spirit of America lies in our ability to rise to those challenges and overcome them. The immediate challenge of non-proliferation is to bring forth a resolution of ratification on a useful treaty, Mr. President. We should show more of that American spirit in our approach to that task.

THE IMPORTANCE OF IMF FUNDING

Mr. BIDEN. 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 back their loans, and American investments there lose money instead of sending profits back home?

Unfortunately, we don't know if this is happening now, and instead of acting quickly to limit the threat of these developments, the majority in the House of Representatives has chosen to play a dangerous game of chicken with 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 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 on the Foreign Operations Appropriations bill. Unfortunately, we will not have a chance 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 risks to spread. Indeed, with 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 up Parma'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 should we fall into the brink. 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 gamblers are 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 is 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 the Federal Building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building"; to the Committee on Environmental 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. 328. 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 Evaluation and Records Management, Department of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules to Adopt Regulations for Auto- mileage 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 "Rules to Adopt Regulations for Auto- mileage Monitoring Systems" (Docket 93-61) received on July 29, 1998, to the Committee on Commerce, Science, and Transportation.

EC-6289. 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 "Rules to Adopt Regulations for Auto- mileage Monitoring Systems" (Docket 93-61) received on July 29, 1998, to the Committee on Commerce, Science, and Transportation.

EC-6290. A communication from the Acting Secretary for Export Administration, Department of Commerce, 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 "Additions to the Entity List: Russian Entities" (RIN 0904-AB60) 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" (RIN 0904-AB60) received on July 29, 1998, to the Committee on Banking, Housing, and Urban Affairs.

EC-6293. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Additions to the Entity List: Russian Entities" (RIN 0904-AB60) received on July 29, 1998, to the Committee on Banking, Housing, and Urban Affairs.

EC-6294. 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:


EC-6282. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Additions to the Entity List: Russian Entities" (RIN 0904-AB60) received on July 29, 1998, to the Committee on Banking, Housing, and Urban Affairs.


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EC-6294. A communication from the Assistant Secretary for Export Administration, Department of Commerce, 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.
S. 2375: An original bill to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

S. 2376. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for sales for conservation purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. GRASSLEY, Mr. HAGEL, Mr. ROBERTS, Mr. BURNS, Mr. CRAIG, Mr. SHELBY, Mr. SESSIONS, Mr. THOMAS, Mr. COVERDILL, and Mr. COCHRAAN):

S. 2377. A bill to amend the Consumer Product Safety Act to provide for a program of cooperative efforts by the Federal Trade Commission and the Consumer Product Safety Commission to improve the safety of consumer products; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. KERRY, and Ms. MUSELEY-BRAUN):

S. 2380. A bill to authorize and direct the Secretary of Commerce to initiate an investigation under section 702 of the Tariff Act of 1930 (19 U.S.C. 1673) to determine whether imports of methyl tert-butyl ether are dumped by, or subsidized by, the People's Republic of China, and if so, in what amount; 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.

S. 2393. A bill to protect the sovereign right of the State of Alaska and the Secretaries of Agriculture and 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 Revenue Code of 1986 to reduce individual capital gains tax rates and to provide tax incentives for farmers; 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. ROBERTS (for himself, Mr. MURKOWSKI, Mr. LEVIN, Mr. MOYNIHAN, Mr. BYRD, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mrs. BOXER, Ms. LAND, Mr. KOBAYASHI, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. DEWINE, Mr. FAIRCLOTH, Mr. SPEETER, Mr. BINGAMAN, and Mr. COCHRAN):
S. Res. 260. A resolution expressing the sense of the Senate that October 11, 1998, should be designated as "National Children's Day"; to the Committee on the Judiciary.

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. 263. 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. 265. A resolution to authorize the payment of expenses 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. TAUBER, Mr. SHELBY, Mr. SESIONS, 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.

By Mr. GRASSLEY, Mr. ROBERTS, Mr. BURNS, Mr. TAUBER, Mr. SHELBY, Mr. SESIONS, and Mr. THOMAS:
S. 2378. A bill to authorize the printing of copies of the publication entitled "The United States Capital" as a Senate document; considered and agreed to.
July 30, 1998

Mr. THOMAS. Mr. President, I rise for just 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 to 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 we have seen the folly 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. We certainly 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. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President.

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, Senator LOTT, myself, Senator HAGEL, Senator ROBERTS, 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 reduced demand 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 profit 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 being presented 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 the investments in 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 must. 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 anxious to crank up 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 Act for areas 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.

I yield the floor.

The PRESIDING OFFICER. The distinguished former chairman of the House Agriculture Committee, the Senator from Wyoming,

Mr. ROBERTS. I thank the Presiding Officer 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 serious we are about providing tax relief and improvements for farmers and ranchers before the 105th Congress adjourns.

America's producers are currently experiencing a troubled 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 call for 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 permanent feature 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 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 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 rich tax bill in the FIRST Act today and I look forward to working with the Majority Leader to continue to reduce 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 a farmer or rancher, if he were 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.

There being no 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.

TITLES I—REDUCTION IN INDIVIDUAL CAPITAL GAINS TAX RATES

Sec. 101. Reduction in individual capital gains tax rates.

TITLES II—TAX INCENTIVES FOR FARMERS

Sec. 201. Farm and ranch risk management accounts.

Sec. 202. Permanent extension of income averaging for farmers.

TITLES III—REDUCTION IN INDIVIDUAL CAPITAL GAINS TAX RATES

SEC. 101. 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—"  

"(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—"  

"(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—"
"(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 subparagraphs (A) and (B).

"(2) Net capital gain taken into account as investment income.—For purposes of this subsection, 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 subparagraph (B).

"(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 in effect before the date on which this section takes effect (without regard to this paragraph) reduced (but not below zero) by the net capital gain,

"(B) 7.5 percent of so much of the net capital gain (less, noncapital excesses) as does not exceed the amount on which a tax is determined under section 1(h)(1)(B), and

"(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) Forming amendments.—

"(1) Paragraph (3) of section 1345(e) of such Code is amended by striking "20 percent" and inserting "15 percent".

"(2) The second sentence of section 7518(b)(6)(B) of such Code, and the second sentence of section 6071(h)(6)(A) of the Merchant Marine Act, 1936, are each 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 striking "1 year".

"(5) Paragraphs (11) and (12) of section 1223, and section 1235(a), of such Code (as amended by the Internal Revenue Service Restructuring and Reform Act of 1998) is amended by striking "15 percent" and inserting "10 percent".

"(6) The amendment made by subsection (d) shall apply to taxable years beginning on or after January 1, 1998.

"(7) Withholding.—The amendment made by subsection (c)(1) shall apply only to amounts paid after the date of the enactment of this Act.

"(8) Certain forming amendments.—The amendments made by subsection (c)(5) shall take effect on June 24, 1998.

TITLE II—TAX INCENTIVES FOR FARMERS

SEC. 201. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) In General.—Section (b) if requirements similar to the requirements of section 408(n) or another person who dem- onstrates to the satisfaction of the Secretary that the manner in which such person will account for the portion of the taxable year for which contributions are made is consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have been paid to the trust (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 substantial owner.

"(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 FARM 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 1 of subpart E of chapter 1 of this subchapter (relating to grants and other treated as sub- stantial owners).

"(e) Inclusion of amounts distributed.—

"(1) In general.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

"(A) any amount distributed from a FARM Account to the taxpayer during such taxable year, and

"(B) any deemed distribution under—

"(i) subsection (b)(1) (relating to payments made by a tax-exempt organization),

"(ii) subsection (b)(2) (relating to payments to a private foundation open to the public),

"(iii) a program (A) or (B) of section 4947 (relating to political expenditures and pledging account as security).

"(2) Exceptions.—Paragraph (1)(A) shall not apply to—

"(a) any distribution to the extent attributable to income of the Account, and

"(b) any contribution paid during a taxable year to a FARM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

"(b) Exclusion from self-employment tax.—Amounts included in gross income from the section shall not be included in determining net earnings from self-employment under section 1402.

"(f) Special Rules.—

"(1) Tax on deposits in account which are not distributed within 5 years.—

"(A) In General.—If, at the close of any taxable year, there is a nonqualified balance in any FARM Account—

"(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

"(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

"(B) Nonqualified balance.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account
on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

(2) CESSATION IN ELIGIBLE FARMING BUSINESS.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business, there shall be deemed distributed from the FARRM Account (if any) of the taxpayer an amount equal to the balance in such Account at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business.

(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of paragraph (1) and (2):

(A) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

(B) Section 408(e)(3) (relating to effect of prohibited transaction).

(C) Section 408(g) (relating to community property laws).

(D) Section 408(h) (relating to custodial accounts).

(4) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made within 3½ months after the due date of the return of such taxable year.

(5) INDIVIDUAL.—For purposes of this section, the term 'individual' shall not include an estate or trust.

(g) REPORTS.—The trustee of a FARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by those regulations.

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 66 of such Code (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

(18) CONTRIBUTIONS TO FARM AND RANCH RISK MANAGEMENT ACCOUNTS.—The deduction allowed by section 468C(a).

(c) TAX ON EXCESS CONTRIBUTIONS.—

(1) Subsection (a) of section 4975 of such Code (relating to tax on certain excess contributions) is amended by striking "or" at the end of paragraph (3), by redesignating paragraph (4) as paragraph (3), and by inserting after paragraph (3) the following new paragraph:

(d) A FARRM Account (within the meaning of section 468C(d)) is deemed to have been deposited into such Account for purposes of this section in the amount contributed to the Account before the 4th preceding taxable year, if such deposit is made prior to the deadline prescribed under section 468C(d) for such deposit.

(2) Paragraph (c) of section 4975 of such Code is amended by inserting after the word "and" the following new sentence:

"(g) Excess Contributions to FARRM Accounts.—For purposes of this section, in the case of a FARRM Account (within the meaning of section 468C(d)), the term 'excess contributions' applies to the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FARRM Account in a distribution (other than a required distribution under section 468C(d)(2)) applies shall be treated as an amount not contributed."

(3) The section heading for section 4973 of such Code is amended by adding the following new paragraph:

"(g) Excess Contributions to Certain Accounts, Annuities, etc.—The term 'excess contributions' to a FARRM Account includes contributions to a FARRM Account in excess of the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FARRM Account in a distribution (other than a required distribution under section 468C(d)(2)) applies shall be treated as an amount not contributed."

(4) The table of sections for chapter 43 of such Code is amended by striking the item relating to section 4973 and inserting the following new item:

"Sec. 4973. Excess contributions to certain accounts, annuities, etc."

(d) TAX ON PROHIBITED TRANSACTIONS.—

(1) Subsection (c) of section 4973 of such Code (relating to prohibited transactions) is amended by adding at the end the following new paragraph:

"(g) Special Rule for FARRM Accounts.—A person for whose benefit a FARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such Account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FARRM Account (by reason of the application of section 468C(f)(3)(A) to such Account)."

(2) Paragraph (a) of section 4975(e)(1) of such Code is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) a FARRM Account described in section 468C(d);"

(g) AMENDMENTS.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 202. PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

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-income years and withdraw 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 allowed to open these accounts. Only 725,000 of these accounts 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 reduce their tax burden, reducing their overall 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 few farmers can 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. A family farm is 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 even small rodents 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 impacted by market forces and in the farming business, those market forces can be very unpredictable.

I have letters in support of this bill and urge you also to support future bills and urge you also to support future

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.

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 Technical Problem Committee, is the sponsor of this bill. As the sponsor of this bill, he has been active in getting the word out to industries and to agencies of the federal government of the 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 their business processes are affected by the Y2K problem.

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 effects 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 nonbanks, including most SBA lenders, that make extended 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 cannot 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, or 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 or 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. and Spares. Coventry Spares, as 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, including a 286 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 65 percent of his business and, without it, he said he would go out of business.

Unlike many small business owners, however, Mr. Healy is aware of the Y2K problem and tested his equipment to see if it would 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, including 200,000 SBA business concerns, have even begun to inventory their automated systems that may be affected by this computer glitch. That means that 85 percent of small businesses have not 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 businesses that will have on our nation’s economy, 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 which 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 limited 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 FASTRAK 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 loan 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 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 the second health 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:

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 Y2K 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:

(27) YEAR 2000 COMPUTER PROBLEM PILOT PROGRAM.—
(A) DEFINITIONS.—In this paragraph—
(i) the term `eligible lender' means any lender designated by the Administration as eligible to participate in—
(ii) the Preferred Lenders Program authorized by the proviso in section 5(b)(7); or
(iii) the Certified Lenders Program authorized in paragraph (19); and
(B) ESTABLISHMENT OF PROGRAM.—The Administration shall—
(i) establish a pilot loan guarantee program, under which the Administration shall guarantee loans made by eligible lenders to small businesses in accordance with this section; and
(ii) notify each eligible lender of the establishment of the program under this paragraph.

(C) USE OF FUNDS.—A small business concern that receives a loan guaranteed under this paragraph shall use the proceeds of the loan solely to address the Year 2000 computer problem concern of such small business concern, including the repair or acquisition of information technology systems and other automated systems.

(D) MAXIMUM AMOUNT.—The total amount of a loan made to a small business concern and guaranteed under this paragraph shall not exceed $50,000.

(E) GUARANTEE LIMIT.—The guarantee percentage of a loan guaranteed under this paragraph shall not exceed 50 percent of the
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 the Senate a report on the results of the program under this paragraph, which shall include information relating to—

"(i) a description of the proposed change and the number of lenders participating in the program;

"(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.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue final regulations to carry out the program under section 7(a)(27) of the Small Business Act, as added by this section.

(2) REQUIREMENTS.—Except to the extent inconsistent this section or section 7(a)(27) of the Small Business Act, as added by this section, the regulations issued under this subsection shall be substantially similar to the requirements governing the FASTRAK pilot program of the Small Business Administration, or any successor pilot program to that pilot program.

(c) REPEAL.—Effective on October 1, 2001, this section and the amendment made by this section are repealed.

SEC. 4. PILOT PROGRAM REQUIREMENTS.

Section 7(a)(25) of the Small Business Act (15 U.S.C. 636(a)(25)) is amended by adding at the end the following:

"(D) NOTIFICATION 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) REPORT ON PILOT PROGRAMS.—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.

ADMINISTRATIVE DISPUTE RESOLUTION ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce the Alternative Dispute Resolution Act of 1998. My Judiciary Subcommittee on Administrative Oversight and the Courts has jurisdiction over this matter, and I am very pleased that the ranking member of the subcommittee, Senator DURBIN, has joined me in sponsoring this bill. It will require every Federal district court in the country to conduct an alternative dispute resolution, or ADR, program. The bill will provide parties and district court judges with options other than the traditional, costly and adversarial process of litigation.

ADR programs are gaining in popularity and respect for years now. For example, many contracts drafted today—between private parties, corporations, and even nations—include arbitration clauses. Most State and Federal bar associations, including the ABA, have established committees to focus on ADR. Also, comprehensive ADR programs are flourishing in many of the States. ADR is also being used at the Federal level. In 1990, for example, President Bush introduced the Administrative Dispute Resolution Act. The law promoted the increased use of ADR in Federal agency proceedings. In 1996, because ADR was working so well, we permanently reauthorized the law. And earlier this year, the executive branch recommissioned themselves to using ADR as much as possible.

Since the late 1970s, our Federal districts courts have also been successfully introducing ADR programs. In 1996, we authorized 20 district courts to begin implementing ADR programs. The results were very encouraging, so last year we made these programs permanent. It’s time to take another step and make ADR available in all district courts.

Mr. President, ADR allows innovations and flexibility in the administration of justice. The complex legal problems that people have demand creative and flexible solutions on the part of the courts. ADR programs benefit the public by providing people with alternatives to traditional litigation. For example, a recent Northwestern University study of ADR programs in State courts indicated that mediation significantly reduced the duration of lawsuits and produced significant cost savings for litigants. That means fewer cases on the docket and decreased costs. The Federal courts should be taking every opportunity to reap the benefits that the State courts have already enjoyed.

Mr. President, the fact of the matter is that ADR works. The future of justice in this country includes ADR. Perhaps one of the signs of this is that many of the best law, business, and graduate schools in the country are beginning to ADR into their training in negotiation, mediation, and other kinds of dispute resolution.

Quite simply, this bill will increase the availability of ADR in our Federal district courts. The district court establish some form of professional ADR program. It provides the district, however, with the flexibility to decide what kind of ADR works best locally. The bill also allows a district with a current ADR program that’s working well to continue the program.

This bill is the Senate companion to H.R. 3528, which was reported out of the Judiciary Committee today with the support of the American Bar Association. It ticks the original House bill, except for some findings and a few technical changes to improve the legislation. These changes were included in the bill reported out of committee. The House bill received overwhelming, bipartisan support, passing 405-2.

The Department of Justice, along with the administration, the Administrative Office of the Courts, and the American Bar Association, including its business section, all support the legislation with these improvements. The consensus is clear: ADR has an important role to play in our Federal court system.

Mr. President, this bill is a step in the right direction for the administration of justice. Increased availability of ADR will benefit all of us. It should be an option to people in every judicial district of the country. This bill assures that it will be.

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.

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 1966 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 Memorials 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 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 stars larger than bill the 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
Mr. President, 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:

S. 2374

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

(1) ADDITIONAL FUNDING—

(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 for the 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 to conservancies, 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 of 1998 proposes 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 piece of 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 buyer however, insisted that 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 higher 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.

Mr. President, 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 governments currently spend for 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 organizations, its provisions will strengthen private, voluntary work to save places important to the quality of life in communities across the country. Private fundraising efforts for land conservation will be enhanced by this bill, as couples will be able to conserve more of the land they own and farm his land, yet 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).

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 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 goals. 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 capital gain of $240,000. They would realize a gain of $13,000 more than they would have had after a sale to an outsider 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 remain on the property 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 preserved. It is estimated that for every dollar foregone by the Federal treasury, $.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 would 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.

By Mr. MOYNIHAN (for himself, Mr. LEVIN, Mr. JEFFORDS, Mr. LEAHY, Mr. CLELAND, Mr. DURBIN, Mr. D’AMATO, and Mrs. BOXER).

S. 2377 would 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. President, I believe our task is critical. Pollution-based costs also have socio-economic consequences. U.S. citizens will not be able to enjoy the health and environmental benefits if we do not take action. The current sulfur emissions standard of 150 ppm is a health risk. The current sulfur emissions standard of 150 ppm will result in considerable health and environmental benefits. It will maximize the effectiveness of currently available vehicle emissions...
Mr. President, I join my colleagues and me in supporting this important legislation. I would urge my colleagues to join my cosponsors and me in supporting this important legislation.

Mr. JEFFORDS. Mr. President, I join Senator MOYNIHAN in offering legislation that would reduce the sulfur content of gasoline. Current levels of sulfur in gasoline lead to high nitrogen oxides, carbon monoxide, and hydrocarbon emissions by weakening catalytic 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 significant health impacts, including asthma attacks, breathing and respiratory problems, loss of lung function, and lowered immunity to disease. The EPA has compared breathing ozone to getting sunburns on the lungs. Children, including Vermont’s approximately 10,000 asthmatic children, are at special risk for adverse health effects from ozone pollution. Children playing outside in the summer time, the season when concentrations of ground-level ozone are the greatest, may suffer from coughing, decreased lung function, and have trouble catching their breath. Exposure to particulate matter pollution is similarly dangerous causing premature death, increased respiratory symptoms and disease, decreased lung function, and alterations in lung tissue. These pollutants also result in adverse environmental effects such as acid rain and visible smog.

Mr. President, this bill will reduce these pollutants in our communities, and more importantly it will reduce these pollutants cost-effectively. To reduce the sulfur content of gasoline, refineries can use currently available technology. These measures will not break the bank. California has already adopted the measures in this bill on a statewide basis. So have Japan and the members of the European Union.

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Companion measure to the bill introduced in the House by my colleague and friend, Representative Neil Abercrombie.

Last year, I was contacted by pathologists who alerted me to the cost-payers differential for Pap smear testing in Hawaii. According to the American Pathology Foundation, Hawaii is one of 23 states where the cost of performing the test significantly exceeds the Medicare payment. In Hawaii, the cost of performing the test ranges between $13.04 and $15.80. The Medicare reimbursement rate is only $7.15.

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>State</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>10.73</td>
</tr>
<tr>
<td>Hawaii</td>
<td>13.04</td>
</tr>
<tr>
<td>Florida</td>
<td>14.00</td>
</tr>
<tr>
<td>Georgia</td>
<td>14.04</td>
</tr>
<tr>
<td>Illinois</td>
<td>15.40</td>
</tr>
<tr>
<td>Iowa</td>
<td>15.42</td>
</tr>
<tr>
<td>Kansas</td>
<td>16.00</td>
</tr>
<tr>
<td>Kentucky</td>
<td>16.01</td>
</tr>
<tr>
<td>Maryland</td>
<td>16.05</td>
</tr>
<tr>
<td>Michigan</td>
<td>16.12</td>
</tr>
<tr>
<td>Nebraska</td>
<td>16.15</td>
</tr>
<tr>
<td>New Mexico</td>
<td>20.65</td>
</tr>
<tr>
<td>Ohio</td>
<td>18.46</td>
</tr>
<tr>
<td>South Carolina</td>
<td>16.69</td>
</tr>
<tr>
<td>South Dakota</td>
<td>13.00</td>
</tr>
<tr>
<td>Tennessee</td>
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</tr>
<tr>
<td>Texas</td>
<td>13.50</td>
</tr>
<tr>
<td>Vermont</td>
<td>16.92</td>
</tr>
<tr>
<td>Washington</td>
<td>11.64</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>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 electricity system improvements, energy efficiency and weatherization efforts, water and sanitation improvements or work to solve leaking fuel storage tanks.

The bill also amends the Rural Electrification Act to authorize Rural and Remote Electrification Grants of an additional $20 million a year to the same communities. The grants can be used to increase energy efficiency, lower electricity rates or provide for the modernization of electric facilities.

This nation has well-established programs for community development grants. The majority of these programs were established to help resolve the very real problems found in this Nation's urban areas. However, our most rural and remote communities experience different, but equally real, problems that are not addressed by existing law. Not only are these communities generally ineligible for the existing federal programs, while sometimes similar to those experienced by urban areas, require a different focus and approach.

The biggest single economic problem facing small communities is the expense of establishing a modern infrastructure. These costs, which are always substantial, are exacerbated in remote and rural areas. The existence of this infrastructure, including efficient housing, electricity, bulk fuel storage, waste water and water service, is a necessity for the health and welfare of our children, the development of a prosperous economy and minimizing environmental problems.

Contruction 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 lessened 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 Igiugig, Kokhanok, Akiachak Native Community, and Middle Kuskokwim, the cost of performing the test...

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.

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As a result, these communities are forced to bear an oppressive economic and environmental burden that can be lessened 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 Igiugig, Kokhanok, Akiachak Native 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 watering 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 rural electrification and providing 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 a minor, or the referral of such minor to such a provider, 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 guiding role of parents in the vital decisions of their children's lives.

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. With parental consent law, 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 what defines our private lives and public citizenship."

The Putting Parents First Act contains two distinct provisions to protect the rights 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 also explicitly modifies the parental involvement requirement where a court has issued a waiver certifying that the process of obtaining the consent of a parent or guardian is not in the best interests of the minor or that the minor is emancipated.

For too long, the issue of abortion has polarized the American people. To some extent, this is the inevitable result of vastly distinct views of what an abortion is. Many, including myself, view abortion as the unconscionable taking of innocent human life. Others, including a majority of Supreme Court justices, view abortion as a constitutionally-protected alternative for pregnant women.

There are, however, a few areas of common ground where people on both sides of the abortion issue can agree. One such area of agreement is that, whenever possible, parents should be involved in helping their young daughters and sons make the critically important decision of whether or not to have an abortion. A recent CNN/USA Today survey conducted by the Gallup Organization found that 74 percent of Americans support parental consent before an abortion is performed on a girl under age 18. Even those who do not view an abortion as a taking of human life recognize it as a momentous and life-changing decision that a minor should not make on his or her own.

Nearly 40 states have passed laws requiring 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 the vital decisions of young women.

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 promoting 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 legislation'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 be involved in their minor children'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 defended 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 innocent human life. This Act mandates the enforcement 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 obtained nationally. 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 or obtaining parental consent. 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 unspoken, the federal government’s policy that allowed him to shield his crime for so long. This 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 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 that 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, Mr. KERRY, to introduce legislation which would help provide health care coverage for thousands of uninsured children, in addition to 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 check ups.

Last year, when we were searching for ways to reduce the number of uninsured children, I kept hearing about children who were uninsured, yet, could qualify for health care insurance through the Medicaid program. I was unable to find specific information about who these children are, where they reside, and why they are not enrolled in the Medicaid program. Subsequently, I requested that the General Accounting Office conduct a deep 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 uninsured 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 expands 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. By requiring more entities to participate in outreach would increase the opportunities for screening children and educating their families about the Medicaid services available to them. By increasing the "net" for states, we would be helping them "capture" more children who are going 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 contractor 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:

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) Children with working parents are more likely to be uninsured.
(3) More than 35 percent of the 3,400,000 uninsured Medicaid-eligible children are Hispanic.
(4) Almost three-fourths of the uninsured Medicaid-eligible children live in the Western and Southern States.
(5) 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.
(6) Studies have shown that a lack of health insurance prevents parents from trying to obtain preventive health care for their children.
(7) These 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 PRESCRIPTION ELIGIBILITY FOR LOW-INCOME CHILDREN.

Section 1920b(1)(6)(A)(i) of the Social Security Act (42 U.S.C. 1396r-9a(b)(3)(A)(i)) is amended—

(1) by striking "or (ii)" and inserting ", (ii);" and
(2) by inserting "eligibility of a child for medical assistance under the State plan for determining eligibility of a child for child health assistance under the program funded under title XXI, or (iii) is an elementary or secondary school operated or supported by the Indian church and school bureau of Indian Affairs, or (iv) is an Indian child support enforcement agency, or (v) a State agency or program, or (vi) is a program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) before the semicolon.

Mr. KERRY. Mr. President, I want to thank my friend and colleague Senator McCain for his work on this important issue. We are introducing this legislation with him this legislation, entitled the Children's Health Assurance Through the Medicaid Program (CHAMP), which would increase health coverage for eligible children and increase state flexibility.

Mr. President, the Balanced Budget Act of 1997 gave States the option to bring more eligible but uninsured children into Medicaid by allowing states to grant "presumptive eligibility." This means that a child would temporarily be covered by Medicaid if preliminary information suggests that they qualify. Providing health insurance for children is important because studies show that children without health insurance are more likely to be in worse health, less likely to see a doctor, and less likely to receive preventive care such as immunizations.

Mr. President, I am introducing legislation that Senator McCain and I are introducing today that will strengthen the existing option and give states more flexibility. First, it will allow states to rely on a broader range of agencies to assist with Medicaid enrollment. By expanding the list of community-based providers and state and local agencies to include schools, child support agencies, and some child care facilities, states will be able to make significant gains in the number of children identified and enrolled in Medicaid. States would not be required to rely on these additional providers but would have the flexibility to choose among qualified providers and shape their own outreach and enrollment strategies.

The cost of these changes to the presumptive eligibility option for Medicaid under last year's Balanced Budget Act are modest. Our understanding is that our proposal would cost approximately $250 million over five years. This is a positive step in the right direction, helping ensure that the growing population of American children gain access to the prescription drugs that they need so that they can lead healthy lives and stay in school. In addition, this important proposal included in the bill will expand the Medicaid program and its enrollment process.

SEC. 3. ADDITIONAL ENTITIES QUALIFIED TO DETERMINE MEDICAID PRESCRIPTION ELIGIBILITY FOR LOW-INCOME CHILDREN.

Section 1920b(1)(6)(A)(i) of the Social Security Act (42 U.S.C. 1396r-9a(b)(3)(A)(i)) is amended—
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 female works at work sacks in an air conditioned office building, but can pick strawberries in a field in the middle of summer. That same report noted that over 155,000 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 and National Public Radio took part in a series on child labor in the United States documenting 4 year-olids picking chili peppers in New Mexico and 10 year-olds harvesting cucumbers in Ohio. In one tragic example reported by the AP, a 14 year-old girl died from a fall 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 45 percent of farm worker youth will never complete high school. Second, I am concerned that there are no regulations 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 groups across the country, such as the Child Labor Coalition and the National Pediatric Medical Research Foundation, will help 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 in hazardous conditions, 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 $3,000.

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 workplace. There is no excuse for the number of children being maimed or killed in work related accidents when labor saving technologies have been developed in recent years. So, on today's farms, it makes even less sense than ever; the need to engage in dangerous situations operating hazardous machinery.

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. 2. AGRICULTURAL EMPLOYMENT.
Section 13(c) (29 U.S.C. 213(c)) is amended—
(1) by striking paragraph (1) and inserting the following:
(1) "(1) The provisions of section 12 relating to child labor shall not apply to any employee engaged in agriculture outside of school hours for the work period where such employee is working while he or she is employed, if such employee is employed by his or her parent or legal guardian, on a farm owned or operated by such parent or legal guardian."; and—
(2) by striking paragraphs (2) and (4).

SEC. 3. YOUTH PEDDLING.
(a) FAIR LABOR STANDARDS ACT COVERAGE—
(1) FINDING.—The last sentence of section 2(a) (29 U.S.C. 202(a)) is amended by inserting after "houskeeping," and the employment of employees under the age of 16 years in youth peddling ";"
(2) DEFINITION.—Section 3 (29 U.S.C. 203) is amended by adding at the end the following:—
"(y) 'Youth peddling' means selling goods or services to customers at their residences, places of business, or public places such as street corners or public transportation stations. 'Youth peddling' does not include the activities of persons who, as volunteers, sell goods or services on behalf of non-profit organizations.";
(b) DEFINITION OF OPPRESSIVE CHILD LABOR.—Section 3(l) (29 U.S.C. 203(l)) is amended by adding at the end the following:—
"(l) "Occupations other than" the following:—
"'Youth peddling' ."
(c) PROHIBITION OF YOUTH PEDDLING.—Section 12(a) (29 U.S.C. 214) is amended by inserting after "oppressive child labor in commerce or in the production of goods for commerce" the following:—
"; or in youth peddling.

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 provisions 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, and with the death of a minor employee, or a violation which is concurrent with a criminal violation 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:—
"It shall be unlawful for a minor employee, or a violator which is concurrent with a criminal violation of any other provision of this Act or of any other Federal or State law.".

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 non-profit organizations and with State and local government agencies having 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(i). The Secretary may reimburse such 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 90 days after the date of enactment of this Act, enter into a memorandum or 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.

Hon. Tom Harkin, U.S. Senate, Washington, DC.
Dear Senator Harkin: The Child Labor Coalition thanks you for your leadership over the last six years to end child labor exploitation overseas. Your influence has spurred much of the progress that has been made in the international community.
As you are certainly aware, the United States is not immune to child labor problems. Two of our most significant problems are the escalating injuries to young workers and the inadequate protection of children working in agriculture. The legislation you are introducing is a positive step toward addressing these problems.
Every year, more than 200,000 minors are injured and more than 100 die in the workplace. Research has shown that injuries often occur when youth are engaged in prohibited duties or occupations. Your legislation to increase penalties for child labor violations will send a clear message to employers to ensure the safety of their young workers through increased diligence in following the child labor laws.
EP does not adequately protect children working as hired farmworkers. Children may work at younger ages, for more hours, and in hazardous employment at lower age than allowed in any workplace or occupation. This has to change and your legislation to equalize
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,

DAISY S. ADKINS, Coordinator.

TESTIMONY OF SERGIO REYES BEFORE THE
SNEHATE 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 I am 9 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 farmworkers. 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 very hard for kids. We work because we're picking. It's hard work for adults and even more so for children. We work for as many as 10 hours a day, cutting paprika, topping garlic and pulling onions. The work is very hard and it gets very hot. It's touch working 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 top 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, it's very hard to become a lawyer and Oscar will never be a fireman.

My dad is trying to get out of farmwork. He is working in a construction program, a farmworker job training program to learn another skill. He is trying to get another job so that he can earn more money and have 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's all for letting us come. We appreciate all the you do that will help our dad, other farmworker kids and my brother Oscar and me.

By Mr. ASHCROFT (for himself and Mr. FAIRCLOTH):

S. 2384. A bill entitled “Year 2000 Enhance Cooperation Solution”; to the Committee on the judiciary.

REAL SOLUTION TO THE S. 2384 PROBLEM

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 essential for 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 106th 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 do not have the expertise to solve their own problems and have some assurances that their business partners and suppliers have fixed their problems. A great deal of effort has been undertaken to bring attention to this problem, including a recent hearing by this Sub-Senate. However, it is now time to move beyond simply highlighting the problem. We need to roll up our sleeves and get to work on a solution.

I begin today to lay out my plan for assisting individuals and businesses to walk safely through the minefield assisting individuals and businesses to walk safely through the minefield called the Y2K problem. The first part of this overall plan is the Year 2000 Enhanced Cooperation Solution. This legislation provides a very narrow exemption to the antitrust laws if and when a company is engaged in cooperative conduct to alleviate the impact of a year 2000 date failure in hardware or software. The exemption has a clear sunset and expressly ensures that the law continues to prohibit anti-competitive conduct such as boycotts or agreements to allocate markets or fix prices.

This simple, straightforward proposal is critical to allowing for true cooperation in an effort to rectify the problem. No company can solve the Y2K problem alone. Even if one company devises a workable solution to their own problems they still face potential disaster from components provided by outside suppliers. Whether or not companies find workable solutions we certainly want to provide them with every incentive to disseminate those solutions as widely as possible. Cooperation is essential. But without a clear legislative directive, potential antitrust liability will stand in the way of cooperation. We must provide our industries with the appropriate incentives and tools to fix this problem without the threat of antitrust lawsuits based on the very cooperation we ought to be encouraging.

I do want to be very clear on one 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 Y2K problem should be furthered. Based on my initial review, that proposal appears to show us in 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 in other words, 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 Enhanced Information 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 individuals. 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 Y2K problem does not consume the lion’s share of the next Congress. While it is not possible for Congress to guarantee that private individuals and companies will be able to solve the Y2K problem, Congress can eliminate legal obstacles that stand in the way of private solutions. Information regarding existing software and known problems must be shared as completely and openly as possible. The current fear of litigation and liability that imposes a distinct chilling effect on information sharing must be alleviated.

Resources to address the Y2K problem, particularly time, are finite. They must be focused as fully as possible on remediation, rather than on unproductive litigation. Moreover, we, the availability of adequate development and programming talent may hinge upon a working environment that protects good faith remediation efforts from the threat of liability for their work. Congress must prevent a fiasco where only lawyers win.

I look forward to working with those that are interested as this process moves forward. I believe that this Congress cannot wait to address this problem. This issue is not time sensitive, and we have precious little left in this Congress and before the Y2K problem is upon us. I hope we can work together to free up talented individuals to address this serious problem.

By Mr. BENNETT (for himself and Mr. HATCH):
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 House. 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 dialogue and to 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 at HATCH in Emery County, Utah, 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 the San Rafael Swell.

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 legislation to the House. The legislation provides an opportunity for 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 grassroots level, can be a synthesis for future land management decisions in the West.

Mr. BENNETT. Mr. President, the San Rafael Swell is an area of immense natural 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 livestock. But too often in the past we failed 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.

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 areas, increased the size of the wilderness 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 San Rafael 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 the Swell. We have also included new language that ensures the Secretary 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 captivating history and heritage. This legislation reflects the ability of this unique area, opting to encourage visitors not development.

Mr. President, the San Rafael Swell is an area of immense natural 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 livestock. But too often in the past we failed to look beyond the trees and see the forest 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.

My colleagues will carefully review this legislation and support this bill.
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.

USE OF FORCE ACT

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 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 tenure in Congress. Presidents who questioned its constitutionality, and ignored by a Congress too timid to exercise its constitutional duty.

This was, 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, but to cede tremendous authority to the executive.

This thesis emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941. It first emerged in the debate that reinvented the war powers in 1941.
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, even if deemed on the face of it unconstitutional action: "The Constitution vests the power of declaring war with Congress; therefore no offensive expedition of importance can be undertaken until after they have deliberated upon the subject, and authorized such a measure."

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 by 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 question of limited war 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 decision to commit American troops, and the President is deprived of the consensus to help carry this policy through.

I believe that only by establishing an effective war powers mechanism can we ensure that by meaning the goals are met. The question then is this: How to revise the war powers resolution in a manner that gains bipartisan support— and support of the executive?

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 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.

That effort provided the foundation for 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 asked that 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.

The procedure set forth 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 requiring 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 was 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 presidential powers 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;
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 authority;
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 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 line-item 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 requirement 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—with 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 court 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 of 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: “confers and confirms presidential authority.” The Use of Force Act is designed to bridge the long-standing—and, for all practical purposes, irresolvable—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 the President’s power to use force, the UFA sets forth a range of authorities that are practical for the modern age and sufficiently broad to subordinate 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” (an act of force that may result in the use of excessive force). Section 6 (the section that establishes the expedited procedures established by Title II of this Act); and the term “hostilities.”

As defined in the Use of Force Act, a “use of force abroad” includes the following:
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” on the President. 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 the President is granted his authorities to undertake a use of force—so-called “going in” authorities—and that the “staying in” conditions set forth in section 103, thus, in most cases, fall 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.

The framework of regular consultations between specified Executive branch officials and relevant congressional committees is mandated in addition to 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. 323, 100th Congress, 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 as each crisis arises. In contrast, the Use of Force Act would 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 to the Congress concerning any use of force, not later than 48 hours after commencing a use of force abroad.

Section 104. Conditions for Extended Use of Force. Section 104 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 authority;
2. The President has requested authority for an extended use of force but Congress has failed to act on that request (after understanding the expedited proceedings established by Title II of this Act);
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 seeks the use of force abroad. Through these conditions, the Use of Force Act avoids two principal criticisms of the War Powers Resolution: (1) that Congress could require a force 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 hamstringing by a Congress too timid or inapt to face the problem, the UFA uses two means: first, it establishes elaborate expedited procedures designed to ensure that a vote will occur; second, it explicitly defeats 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 President 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, and any other interpretation, 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 UFA, unless Congress acts. In section 101 and, in the event he is prepared to certify an extended national emergency, to exercise authority available under the UFA through the final section of section 104.

Section 105. Measures Eligible for Congressional Priority Procedures. This section establishes criteria by which joint and concurrent resolutions become eligible for the expedited procedures created by Title II of the UFA. A joint resolution that declares war or provides specific statutory authority—or one that terminates, limits, or prohibits a use of force—becomes eligible if it is introduced: (1) pursuant to a written request by the President to one of the legislative chambers in section 101 and, if cosponsored by a majority of the members of the Congressional Leadership Group in the house where introduced; or (2) if cosponsored by 20 percent of the members of the majority of either house. Thus, there is almost no conceivable instance in which a President can be denied a prompt vote: he need only ask one member of Congress to introduce a resolution on his behalf.

A concurrent resolution becomes eligible if it meets either of the cosponsorship criteria cited above and contains a finding that a use of force abroad began on a certain date, or has exceeded the 60 day limitation, or has been undertaken outside the authority provided by section 101, or is being conducted in a manner inconsistent with the governing principles set forth in section 101.

While having no direct legal effect, the passage of a concurrent resolution under the UFA could have considerable significance: politically, it would represent a clear, prompt, and formal congressional repudiation of a presidential action; within Congress, it would trigger parliamentary rules blocking further consideration of measures providing for the use of force in question (as provided by section 106 of the UFA); and, juridically, it would become a consideration in any action brought by a member of Congress to invoke the Court's jurisdiction for injunctive relief (as envisaged by section 107 of the UFA).

Section 106. Funding Limitations. This section prohibits the expenditure of funds for any use of force inconsistent with the UFA. Further, this section exercises the power of the purse by providing that a point of order will lie against any measure containing funds to perpetuate a use of force that Congress, by concurrent resolution, has found to be illegitimate.

Section 107. Judicial Review. This section permits judicial review of any action brought by a Congress on the grounds that the UFA has been violated. It does so by—

(1) granting standing to any Member of Congress who has a legal interest in the case; (2) providing that the District Court of the District of Columbia has exclusive jurisdiction over any such action; (3) providing that the Court's power to make a determination on the merits based on certain judicial doctrines, such as political question or ripeness (doctrines invoked previously courts to avoid deciding cases regarding the war power); (4) prescribing the judicial remedies available to the District Court; and (5) creating the right of appeal to the Supreme Court and encouraging expeditious consideration of such appeal. It bears emphasis that the remedy prescribed is modest, and does not risk unwarranted interference of the judicial branch in a decision better reposed in the political branches. The Court must be heard by a three-judge panel; one of these judges must be a circuit judge. Additionally, the power of the Court is extremely limited: it may only consider an appeal in the 60-day period set forth in section 104 has begun. In 1997, the Supreme Court held, in Raines v. Byrd, 521 U.S. n.3 (1997) (slip op., at 8, n.3) Second, a more recent decision of the Court suggests that a Member of Congress could attain "constitutional standing" (that is, meet the "case or controversy" requirements of Article III) in just the sort of case envisaged in Raines. A congressional member of the Federal Election Commission v. Akins, a case decided on June 1, 1998, the Court permitted standing in a case where the plaintiff Members of Congress, who sought to enjoin the Federal Election Commission (FEC) to treat an organization as a "political committee," which then would have triggered public disclosure of certain information about that organization. The Court held that standing would be permitted where the plaintiff "fails to obtain information which must be publicly disclosed pursuant to statute." A case under the Use of Force Act would be analogous—in that the plaintiff Members of Congress would seek information in a "Use of Force Resolution" submitted to Congress by Section 103a. Such information, quite obviously, would be essential to Members of Congress in the exercise of their constitutional powers under the war clause of the Constitution (Article I, Section 8, Clause 11), a power they alone possess.

Section 108. Implementation. This section clarifies several points of interpretation, including: that if a Court determines that authority to use force is not derived from other statutes or from treaties, it may not grant the UFA. Further, Congress may not be construed as indicating congressional authorization or approval. It bears emphasis that the remedy prescribed is modest, and does not risk unwarranted interference of the judicial branch in a decision better reposed in the political branches. The Court must be heard by a three-judge panel; one of these judges must be a circuit judge. Additionally, the power of the Court is extremely limited: it may only consider an appeal in the 60-day period set forth in section 104 has begun. In 1997, the Supreme Court held, in Raines v. Byrd, 521 U.S. n.3 (1997) (slip op., at 8, n.3) Second, a more recent decision of the Court suggests that a Member of Congress could attain "constitutional standing" (that is, meet the "case or controversy" requirements of Article III) in just the sort of case envisaged in Raines. A congressional member of the Federal Election Commission v. Akins, a case decided on June 1, 1998, the Court permitted standing in a case where the plaintiff Members of Congress, who sought to enjoin the Federal Election Commission (FEC) to treat an organization as a "political committee," which then would have triggered public disclosure of certain information about that organization. The Court held that standing would be permitted where the plaintiff "fails to obtain information which must be publicly disclosed pursuant to statute." A case under the Use of Force Act would be analogous—in that the plaintiff Members of Congress would seek information in a "Use of Force Resolution" submitted to Congress by Section 103a. Such information, quite obviously, would be essential to Members of Congress in the exercise of their constitutional powers under the war clause of the Constitution (Article I, Section 8, Clause 11), a power they alone possess.

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By Mr. DORGAN.
S. 2388. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion on the gain on the sale of a principal residence; to the Committee on Finance.

Legislation to Provide Exclusion for Gain from sale of farmland

Mr. DORGAN. Mr. President, a new and disastrous farm crisis is roaring through the Upper Midwest. Family farmers are under severe assault and many of them are simply not making it. It’s not their fault. It’s just that the combination of bad weather, crop disease, low yield, low prices and bad federal farm policy is too much to handle.

Under the current federal farm law there is no price safety net. Farmers are—as they were in the 1930’s—at the mercy of forces much bigger than they are.

The exodus occurring from family farms in the Upper Midwest is heart-breaking and demands the immediate attention of this Congress. We need to address this problem both within the farm program and in other policy areas as well.

For example, Mr. President, there’s a fundamental flaw in the tax code that we need to fix. It adds insult to injury for many of these farmers. You see, too often, these family farmers are not able to take full advantage of the $500,000 capital gains tax break that city folks get when they sell their homes. Once family farmers have been beaten down and forced to sell the farm they’ve farmed for generations, they get a rude awakening. Many of them, as they leave, find out that Uncle Sam is waiting for them at the end of the lane with a big tax bill.

One of the most popular provisions included in last year’s major tax bill permits families to exclude from federal income tax up to $500,000 of gain from the sale of their principal residences. That’s a good deal, especially for most urban and suburban dwellers who have spent many years paying for their houses, and who regard their homes as both a home and a retirement account. For many middle income families, their home is their major financial asset, an asset the family can draw on in retirement. House
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 farmland 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 any profits they make into the whole farm rather than to individual homes. And they 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 much less benefit from this $500,000 exclusions than 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 the crops of our family farmers in the Great Plains. Federal tax policy helps people sell their homes and pay the capital gain. Again, my legislation would expand the $500,000 capital gains exclusion for sales of family residences to cover the entire farm.

I believe that Congress should move quickly to pass this legislation and other meaningful measures to help get working capital back to hands of our family farmers in the Great Plains. Let’s stop penalizing farmers who are forced out of agriculture. Let’s allow farmers to benefit from the same kind of tax exclusion that most homeowners already receive. This is the right thing to do. And it’s the fair thing to do.

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.

FAIR LABOR ORGANIZING ACT

Mr. WELLSTONE. Mr. President, I rise to introduce a bill, the Fair Labor Organizing Act, to strengthen the basic rights of workers freely to associate, organize and to join a union. The bill would address significant shortcomings in the National Labor Relations Act. These shortcomings amount to impediments to fundamental American values that working people can seek 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.

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 be represented by a union through which they can collectively bargain with their employers. Much of this organizing is taking place among sectors of the workforce and among portions of our working population, that have not previously been organized. I think these new efforts are part of what really is a new civil rights and human rights struggle in our country. It is an attempt to address historical development. There is probably no clearer indication that the impact of this development is being felt, and that many of these efforts are succeeding, than some of the attacks in the current Congress on unions representing the country’s working people.

Why have we seen so many bills with Orwellian titles such as the TEAM Act, which essentially grants employers the right to control employee teamwork and a lot more to do with company-dominated labor organizations? Such as the “Family Friendly Workplace Act,” which really isn’t family friendly, but would reduce working families’ pay and undercut the abilities of workers to organize. The so-called SAFE Act, which doesn’t promote safety but actually would roll back well-established and necessary OSHA protections.

Why does the majority in Congress seem so desperate to single out unions to suppress their political activities at the same time they maneuver to kill genuine political campaign finance reform?

It is because unions are succeeding. That is a good thing because in my view, when organized labor fights for jobs for security, for dignity, justice and for a fair share of America’s prosperity, it is not a struggle merely for their own benefit. The gains of unionized workers are spread to bread and butter issues that are key to the economic security of all working families.

How can it be that as many as 10,000 Americans lose their jobs each year for reasons having nothing to do with the National Labor Relations Act already supposedly prohibits the firing of an employee to deny his or her right to freely organize or join a union? If more than four in 10 workers who are not 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? Since we know that union workers are more likely to become members of strong unions, that the new labor movement is correctly focused on organizing?

The answer to these basic questions is this: we need labor law reform. We need to improve the National Labor Relations Act (NLRA).

The Fair Labor Organizing Act would achieve three basic goals. First, it would help employees make fully informed, free decisions about union representation. Second, it would expand the remedies available to wrongfully discharged employees. Third, it would require mediation and arbitration when employers and employees fail to reach a collective bargaining agreement on their own.

It is late in the current Congress. My bill may not receive full consideration or be enacted into law this year. But I believe it is important to set a standard and place a marker. Workers across America are fighting for their rights, and they are finding that the playing field is tilted against them. The NLRA does not fully allow them fair opportunity to speak freely, to associate, organize and join a union, even though...
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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 work and I 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 employees should be free to make informed and free decisions about union representation. Yet, union organizers have limited access to employees while employers have unfettered 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.

If you are unable 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 require 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 request 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 fair play 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; MTBE is an oxygenated fuel additive derived from methanol.

Through the wintertime oxygenated fuels program to reduce carbon monoxide pollution and through the reformulated gasoline program to reduce emissions of toxics and ozone-causing chemicals, we have created considerable demand in this nation for oxygenated fuels, such as MTBE, ETBE and ethanol. It has been my hope that this trend toward fuels that are domestically-produced oxygenates, thereby reducing our dependence on foreign imports and expanding economic opportunities at home. Unfortunately, this goal has not been achieved, in large part because of a substantial expansion of subsidized MTBE imports from Saudi Arabia.

Mr. President, I am a supporter of free trade when it is also fair trade. However, there has been a marked surge in MTBE imports from Saudi Arabia in recent years that does not reflect the natural outcome of market-based competition.

These imports appear to be driven by a pattern of government subsidies. Not only is this increasing our dependence on foreign suppliers, but it is unfairly harming domestic oxygenate producers and those who provide the raw materials for these oxygenates, such as America’s farmers.

The Saudi government has made no secret of its desire to expand domestic industrial capacity of methyl tertiary butyl ether (MTBE). In particular, several years ago, there were public reports that the Saudi government promised investors a 30% discount relative to world prices on the feedstock raw materials used in the production of MTBE. The feedstock is the major cost component of MTBE production, and the Saudi government decree has apparently translated into a nearly 30% artificial cost advantage to Saudi-based producers and investors.

Moreover, it appears that this blatant subsidy is in large measure responsible for the increase in Saudi MTBE exports to the United States in recent years. These exports have not only reduced the U.S. market share of American producers of MTBE, ETBE, and ethanol, but also has discouraged new capital investment, thereby depressing American workers and investors of a significant share of the economic activity that Congress contemplated when it drafted the oxygenated fuel requirements of the Clean Air Act Amendments of 1990.

Mr. President, I believe it is high time for the United States government to respond to the Saudi government’s subsidies. Saudi Arabia is a valued ally; however, our bond of friendship should not be a justification for turning a blind eye to an unfair element of our otherwise mutually beneficial trading relationship.

Because it is not a member of the World Trade Organization nor a party to its Agreement on Subsidies and Countervailing Measures, the Saudi government may remain immune by the international trade rules by which we legally are required to abide. This does not mean, however, that we must stand idly by while foreign subsidies undermine an important sector of our economy.

For this reason, my bill would require the Secretary of Commerce to self-initiate an investigation under Section 702 of the Tariff Act of 1930 to determine whether a countervailable 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 like MTBE, ETBE and MTBE. That means, at an average of $20 spent 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 reduced-based production 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 MTBE 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 reformulated 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 to 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. 2392

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 Congress that any subsidy to that extent should be made for 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 (MTBE) and is not subject to the importation of a duty under section 701 of such Act with respect to the importation into the United States of MTBE from Saudi Arabia.

(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 stifling 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 address that problem at a time when many of our industries and organizations, including the Government, are taking a 30 percent discount relative to world prices on feedstock.

The expansion of Saudi Arabian production capacity has been accompanied by a major increase in Saudi Arabian MTBE export to the United States.

The subsidized Saudi Arabian MTBE exporters have reduced the market share of American producers of MTBE, ETBE, and ethanol, as well as discouraged capital investment by American producers.

Saudi Arabia is not a member of the World Trade Organization and is not subject to the terms and conditions of the Agreement on Subsidies 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) Administrative Authority.—For purposes of this section, the term “administering authority” has the meaning given such term by section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1671(1)).
form of the Year 2000 computer problem. There is little doubt that the millenni- 
mium 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 other companies 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-

lenium 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-compli-

ant 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 liabilities are real and mean-

ingful, there is little question that dealing 

with any liability issues is always a con-

troversial 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 with full recognition of the legis-

lation with these larger and conten-

rious issues regarding liability.

President Clinton has given us an 

excellent 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. *

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. BREAX) was added as a cosponsor of S. 

1795, a bill to grant a Federal charter to the American GI 

Forum of the United States.

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. 159

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. 190

At the request of Mr. WARNER, the 

name of the Senator from Mississippi 

(Mr. LOTT), the Senator from Dela-

ware (Mr. ROTH), and the Senator from 

North Carolina (Mr. HELMS) were added 

as cosponsors of S. 2060, a bill to allow 

the National Park Service to acquire 
certain land for addition to the Wilder-

dness 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 XIX 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 finan-

cial report program administered by 

the Secretary of Commerce.

S. 2066

At the request of Mr. WARNER, the 

names of the Senator from Florida (Mr. 

GRAHAM), the Senator from Missis-

sippi (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. 2066, a bill to revise the 

boundaries of the George Washington 

Birthplace National Monument.

S. 2803

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. 2232

At the request of Mr. FRAIST, 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 Edu-

cation Flexibility Partnership Demon-

stration Act.

S. 2217

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. 2238

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 Mas-

sachusetts (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. 2308

At the request of Mr. Graham, the name of the Senator from Nevada (Mr. Bryan) was added as a cosponsor of S. 2308, 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. 2318

At the request of Mr. Campbell, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. 2318, 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, of 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. Bond) was added as a cosponsor of S. 2344, supra.

S. 2352

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 authority 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.

S. CON. RES. 114—Providing for a conditional adjournment of both houses

Mr. Lott submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 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:

The Russian, Chinese, and Japanese; and

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. Daschle), the Senator from South Carolina (Mr. Hollings), and the Senator from California (Mrs. Boxer) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

S. CON. RES. 116

At the request of Mr. Torricelli, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of Senate Resolution 116, a resolution designating the last week of April of each calendar year as “National Youth Fitness Week.”

AMENDMENT NO. 3324

At the request of Mr. Harkin, the names of the Senator from Minnesota (Mr. Wellstone), 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. 2312, an original bill making appropriations for the Department of Defense for fiscal year ending September 30, 1999, and for other purposes.

AMENDMENT NO. 3338

At the request of Mr. Johnson his name was added as a cosponsor of Amendment No. 3338 proposed to H.R. 1151, a bill to amend the Federal Credit Union Act to clarify existing law and ratify the bylaws 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. 3399

At the request of Mr. Kerrey the names of the Senator from New York (Mr. Moynihan) and the Senator from Louisiana (Mr. Breaux) were added as cosponsors of amendment No. 3399 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.

The concurrent resolutions to the adjournments or adjourned, 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 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.

Section 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.

The concurrent resolutions to the adjournments or adjourned, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

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) 886,000 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 Guide Service 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 do not exceed total printing and production costs of $100,000, with distribution to be allocated in the same proportion as in paragraph (1); and

(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
(2) 100,000 copies of the pamphlet in Spanish; to be distributed to the Capitol Guide Service.

SENATE RESOLUTION 260–DESIGNATING NATIONAL CHILDREN'S DAY

Mr. GRAHAM (for himself, Mrs. MURRAY, Mr. DORGAN, Mr. SARBAES, Mr. LEVIN, Mr. MOYNIHAN, Mr. BYRD, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mrs. BOXER, Ms. LANDRIEU, Mr. KONI, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. DEWINE, Mr. FAIRCLOTH, Mr. SOND, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 260

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 the United States faces 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 gather and participate in family activities;

Whereas 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 improvidence and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the United States will emphasize 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 family life, education, and spiritual qualities; and

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 upon 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 to our national unity.

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.

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:

S. RES. 261

Resolved, That (a) the Sergeant at Arms and Sergeant at Arms 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. ROTH (for himself and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 262

Whereas, the advances in science and technology will continue to underlie the prosperity and security of the United States and the international community into the next century; Whereas, the United States and Japan are global leaders in science and technology; Whereas, the rapid pace of innovation creates growing linkages between science and technology and bilateral relations in security and trade;

Whereas, the Government of Japan, through its 1996 Basic Plan for Science and Technology, made science and technology a higher priority area of investment for the Government of Japan; Whereas, the Supplemental Budget of the Government of Japan for 1998 will result in more than a 21 percent increase in the Government of Japan's support for science and technology this year; Whereas, Japanese science and technology are increasingly at the global frontier; 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 the horizons of the human spirit, 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 Cooperation in Science 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 scientific 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 market access and trade problems; Whereas, Japan's treatment of scientific and technological advances continues to handicaps 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 engaging and cooperating with Japan in advancing science and technology for the benefit of both nations as well as the rest of the world;

(2) Japan should embrace and 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 have 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. Among 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 U.S. 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 applied research—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 U.S. 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 former foreign service officer, 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 in Japan, we must keep in mind that Japan's potential is essential 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, the resolution calls for 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 can be derived 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 reservations, 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 is easily available to other scientists and engineers in this country. In addition, 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 advanced projects need to be clarified 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 that have existed far too long and should be resolved. 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 not 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; and 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 interest depends on our ability to lead in many technologies. Without development and cooperation. 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 attentive 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 laboratories around 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 arrangement 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 an appropriation 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:

(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 INOUYE) AMENDMENT NO. 3391

Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, in between lines 17 and 18, insert the following:

Sec. 8104a. On page 34, line 24, strike out 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 “General, Marine Corps”, $45,000,000; for “Supply and Maintenance, Marine Corps”, $44,000,000; for “Personnel, Air Force”, $9,000,000; for “Operations and Maintenance, Air Force”, $6,000,000; and for “Personnel, Army”, $2,000,000.

(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”, $44,000,000.
(e) Notwithstanding any other provision in this Act, the total amount appropriated under the heading “National Guard Personnel, Army”, $9,392,000; and “National Guard Personnel, Air Force”, $1,000,000.

SANTORUM AMENDMENT NO. 3392

Mr. SANTORUM proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

Sec. 8104. For an additional amount for “Overseas Contingency Operations Transfer Fund,” $1,859,600,000. 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 252(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. 8104. (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 Minority 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 756; 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 Prime Plus 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 three or more subscribers 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 amounts paid for covered services 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 subcription choices made by potential subscribers to the TRICARE program of the benefit of 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 military treatment facilities including— (A) an estimate of the number of such individuals discouraged from obtaining health care services from such 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. KOW, and Mr. BRYAN) submitted an amendment to be proposed by him to the bill, S. 2132, supra; as follows:

On page 13, line 9, increase the amount by $219,700,000.

On page 25, line 25, reduce the amount by $219,700,000.

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. 8014. (a) None of the funds approximated 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 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 administer the technology security program of the Department of Defense;

(ii) to review, under that program, international transfers of defense-related technology, goods, services, and munitions, including transfers of technology, goods, services, and munitions that are within the duties of the Director of the Defense Security Technology Policy, the Secretary shall submit to the Committees on Armed Services and on Appropriations of the House of Representatives a report on the establishment of the position. The report shall include the following:

(i) A description of any organizational changes that have been made or are to be made within the Department of Defense to satisfy the conditions set forth in subsection (a) and otherwise to implement this section.

(ii) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense; together with a discussion of how that role compares to the Chairman’s role in those activities before the establishment of the position.

(iii) Unless specifically authorized and appropriated for such purpose, funds may not be obligated to relocate any office or personnel of the Defense Technology Security Administration to any location that is more than five miles from the Pentagon Reservation (as defined in section 259(f) of title 10, United States Code).

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 13, line 9, increase the amount by $219,700,000.

On page 25, line 25, reduce the amount by $219,700,000.

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 18, line 22, insert before the period at the end the following: “Provided further, That of the amounts available under this heading, $150,000 shall be made available to the Bear Paw Development Council, Montana, for the management and conversion of the Havre Air Force Base and Training Site, Montana, for public benefit purposes, including the homeless, and economic development.”

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 before the period at the end the following: “Sec. 8014(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 of the Technology Security Policy, the Secretary may report to the Committees on Armed Services and on Appropriations of the House of Representatives a report on the establishment of the position. The report shall include the following:

(1) A description of any organizational changes that have been made or are to be made within the Department of Defense to satisfy the conditions set forth in subsection (a) and otherwise to implement this section.

(2) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense; together with a discussion of how that role compares to the Chairman’s role in those activities before the establishment of the position.

(3) Unless specifically authorized and appropriated for such purpose, funds may not be obligated to relocate any office or personnel of the Defense Technology Security Administration to any location that is more than five miles from the Pentagon Reservation (as defined in section 259(f) of title 10, United States Code).
search and development similar to that authorized under this Act; 

(bb) providing no barriers, to companies described in subparagraph (A) with respect to any proposal (including any proposal 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 ACTIVITIES;

(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 providing space transportation services for the operation, servicing, and 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.

(4) SPACE-RELATED ACTIVITIES.—The term "space-related activities" includes research and development, manufacturing, processing, service, and other associated and support activities. 

(5) 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. 

(6) 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. 

(7) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States. 

(8) UNITED STATES COMMERCIAL PROVIDER.—

The term "United States commercial provider" means a commercial provider, organized and operated in the United States or of a State, that is—

(A) more than 50 percent owned by United States nationals; or 

(B) 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—

(ii) 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 

(iii) each country in which that foreign company or organization operates; and 

(ii) if appropriate, in which that foreign company principally conducts its business, affords reciprocal treatment to companies described in paragraph (A) comparable to that afforded to that foreign company's subsidiary in the United States, as evidenced by—

(a) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored programs; and 

(b) providing comparable opportunities for the intellectual property rights of companies described in subparagraph (A) to participate in Government sponsored programs.

(b) the opportunities for commercial providers to play a role in International Space Station activities, including operation, use, servicing, and augmentation; 

(2) in section 70102—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3); 

(B) by inserting "reentry," after "launching," in each place it appears in subsection (a)(4); 

(C) by inserting "reentry vehicles," after "launch vehicles" in subsection (a)(5); 

(D) by inserting "reentry services" after "launch services" in subsection (a)(6); 

(E) by inserting "reentry sites," 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 "reentry services" after "launch services" in subsection (a)(8); 

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9); 

(I) by inserting "reentry site" after "launch site" in subsection (a)(9); 

(J) by inserting "reentry vehicles," after "launch vehicles" in subsection (b)(2); 

(K) by striking "launching" in subsection (b)(2)(A); 

(L) by inserting "and reentry" after "conduct of commercial launch" in subsection (b)(2)(A); and 

(M) by striking "launching" after "and transfer commercial" in subsection (b)(3); and 

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4); 

(3) in section 70102—

(A) by inserting "any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth;" 

(b) by striking the period at the end of paragraph (A) and inserting a comma; and 

(c) 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."
(B) by inserting "or reentry vehicle" after "launch vehicle" in subsection (b)(1); (C) by redesigning paragraphs (10), (11), and (12) as paragraphs (14), (15), and (16), respectively; (D) by deleting after paragraph (10) the following new paragraphs: "(10) `reenter' and `reentry' mean to return or attempt to return a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth, substantially intact: namedtuple commercial space launch or reentry approvals of launch vehicles, reentry vehicles, or operation of a launch site, or operation of a launch or reentry site, or the protection of a launch vehicle or reentry vehicle, or the payload of either, for launch or reentry; and (E) by inserting after "manufacturer of the launch vehicle" in subsection (d)." (12) Section 7012Ñ(A) in subsection (a)(1), by inserting "launch or reentry" after "(1) When a; (B) by inserting "or reentry" after "one launch" in subsection (c); (C) by inserting "or reentry services" after "launch services" in subsection (a)(4); (D) in subsection (b)(1), by inserting "or reentry" after "launch" or reentry vehicle" after "launch" and heading to read as follows:

§70104. Restrictions on launches, operations, and reentries. (B) by inserting "launch or reentry site, or to reenter a launch 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 (d)Ñ(i) by striking "launch license" and inserting in lieu thereof "license; (ii) by inserting "or reentry" after "may launch"; and (iii) by inserting "or reentry" after "related to launching"; and (E) in subsection (c)Ñ(i) by amending the subsection 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 "decludes the launch"; (B) 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 reentry vehicle" after "launch" and heading to read as follows:

§70105. Preemption of scheduled launches or reentries. (B) in subsection (a)Ñ(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 reentry;" (C) in subsection (c), by inserting "or reentry" after "prompt launching;" (10) in section 70109Ñ (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 or reentry site;" (11) in section 7011Ñ (A) by inserting "or reentry or launch" in subsection (a)(1)(A); (B) by inserting "or reentry services" after "launch services" in subsection (a)(1)(B); (C) by inserting "or reentry services" after "launch services" in subsection (b)(1)(A); (D) by striking "source." in subsection (a)(2) and inserting "source, whether such source is located on or off a Federal range."; (E) by inserting "or reentry" after "commercially operated" and heading to read as follows:

§7012. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries; and (B) by inserting "or reentry" after "launch" in subsection (a)(3)(B); (C) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1); (D) by inserting "or reentry site" each place it appears in subsection (b); (E) by inserting "or reentry" after "individual authorized to obtain a license," after "waive a requirement;"; (F) by inserting "or reentry site" each place it appears in subsection (c); (G) by striking "source." in subsection (d) and inserting in lieu thereof "source, whether such source is located on or off a Federal range."; (H) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1); and (I) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1). (C) by redesignating paragraphs (10), (11), and (12) as paragraphs (14), (15), and (16), respectively; (D) by deleting after paragraph (10) the following new paragraphs: "(10) `reenter' and `reentry' mean to return or attempt to return a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth, substantially intact: namedtuple commercial space launch or reentry approvals of launch vehicles, reentry vehicles, or operation of a launch site, or operation of a launch or reentry site, or the protection of a launch vehicle or reentry vehicle, or the payload of either, for launch or reentry; and (E) by inserting after "manufacturer of the launch vehicle" in subsection (d)."

§7012. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries; and (B) by inserting "or reentry" after "launch" in subsection (a)(3)(B); (C) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1); (D) by inserting "or reentry site" each place it appears in subsection (b); (E) by inserting "or reentry" after "individual authorized to obtain a license," after "waive a requirement;"; (F) by inserting "or reentry site" each place it appears in subsection (c); (G) by striking "source." in subsection (d) and inserting in lieu thereof "source, whether such source is located on or off a Federal range."; (H) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1); and (I) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1). (C) by redesignating paragraphs (10), (11), and (12) as paragraphs (14), (15), and (16), respectively; (D) by deleting after paragraph (10) the following new paragraphs: "(10) `reenter' and `reentry' mean to return or attempt to return a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth, substantially intact: namedtuple commercial space launch or reentry approvals of launch vehicles, reentry vehicles, or operation of a launch site, or operation of a launch or reentry site, or the protection of a launch vehicle or reentry vehicle, or the payload of either, for launch or reentry; and (E) by inserting after "manufacturer of the launch vehicle" in subsection (d)."

§7012. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries; and (B) by inserting "or reentry" after "launch" in subsection (a)(3)(B); (C) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1); (D) by inserting "or reentry site" each place it appears in subsection (b); (E) by inserting "or reentry" after "individual authorized to obtain a license," after "waive a requirement;"; (F) by inserting "or reentry site" each place it appears in subsection (c); (G) by striking "source." in subsection (d) and inserting in lieu thereof "source, whether such source is located on or off a Federal range."; (H) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1); and (I) by inserting "or reentry services" after "launch services," in paragraph (1) and inserting in lieu thereof "launch services," in paragraph (1).
"4) procedures for requesting and obtaining launch site operator licenses; and "5) procedures for the application of government indemnification. "(b) As soon as practicable, the Secretary of 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. "§ 70121. Report to Congress "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— "(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 that may 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. 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) $6,275,000 for the fiscal year ending September 30, 1999; 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) of title 49, United States Code, as added by subsection (a)(6)(H). SEC. 905. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS. (a) FINDING.—Congress finds that the Global Positioning System, including satellites, signal generation and reception equipment, software, links, and associated command and control facilities, has become an essential element in civil, scientific, and military space development and research because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services. (b) INTERNATIONAL COOPERATION.—In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national security, public safety, economic, and scientific interests of the United States, 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 to— "(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 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. 906. ACQUISITION OF SPACE SCIENCE DATA. (a) ACQUISITION FROM COMMERCIAL PROVIDERS.—In order to satisfy the scientific and educational requirements for the National Aeronautics and Space Administration, and where practicable of other Federal agencies and scientific researchers, the Administrator shall enter into arrangements with commercial entities to 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 subchapter shall be construed to preclude the Administrator from acquiring sufficient quantities of data for 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 and 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 secure its national interests the United States must nurture a commercial remote sensing industry that leads the world; "(3) the Federal Government must provide policies and a business environment for that industry to succeed and fulfill the national interest; "(4) it is the responsibility of the Federal Government to promote a stable business environment for that industry to succeed and fulfill the national interest; "(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 federal remote sensing system; "(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— (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 (16) as paragraphs (6) through (15), respectively; (2) in section 3 (15 U.S.C. 5601)— (A) in subsection (c)— (i) by inserting "and" at the end of paragraph (1); (ii) by striking paragraph (7); and (iii) by redesignating paragraph (8) as paragraph (7); and (B) in subsection (e)— (i) by inserting "and" at the end of sub-paragraph (A); (ii) by striking "", and at the end of sub-paragraph (B) and inserting in lieu thereof a period; and (iii) by striking subparagraph (C); (3) in section 201 (15 U.S.C. 5620)— (A) by inserting (1) after "NATIONAL SECURITY"; in subsection (b); (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", 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 policies" after "international obligations"; (C) by adding at the end of subsection (b) the following new paragraph: "(2) The Secretary, not later than 6 months after the date of enactment 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 an incomplete 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. Unless the Secretary determines that the applicant has failed to do so, the application shall be considered complete when the application is deemed complete by the applicant; and (D) by striking paragraph (2) and redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;
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 sec-
dond sentence, as follows: "the Secretary has not granted the license
within such 120-day period, the Secretary
shall inform the applicant, within such pe-
riod, of any pending issues and actions re-
quired to be carried out by the applicant or
the Secretary in order to result in the grant-
ing of a license"; (4) in section 202 (15 U.S. C. 5622),
by striking "section 506" in subsection (b)(1) and inserting in lieu thereof "section 507";

(b) R LESSIBILITY OF THE SECRETARY OF
DEFENSE.—The Secretary shall consult with
the Secretary of the Army on all matters
under title II affecting national security.
The Secretary of Defense shall be responsible for
determining those conditions, consistent with the
national security concerns of the United States, and for
notifying the Secretary promptly of such conditions.
The Secretary of Defense shall notify the Secretary of
State that the Secretaries of Defense and of State have
determined that a license is necessary to meet the
security concerns of the United States and that the
Secretary of Defense shall be responsible for deter-
mining those conditions, consistent with this Act,
that the Secretary of Defense determines necessary to meet the
national security concerns of the Secretary of
State. The Secretary shall provide written notifica-
tion to Congress of that action and the rea-
son for that action. (D) by withdrawing the
other judicial determination pursuant to
section (a) shall be carried out in accordance with
the requirements of such laws and regulations.
A license or permit issued under subsection (a) shall be construed to prohibit the
Federal Government from requiring compli-
ance with applicable standards for space
transportation services.

(b) TREATMENT AS COMMERCIAL ITEM UNDER
ACQUISITION LAWS.—Acquisitions by the Ad-
ministrator of the data, services, distribution,
and applications referred to in subsection
(a) shall be carried out in accordance with
applicable acquisition laws and regula-
tions (including chapters 137 and 140 of title
10, United States Code), except that those
data, services, and applications shall be consid-
ered to be a commercial item for purposes of such laws and regulations.
Nothing in this subsection shall be construed
to require 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.

SEC. 904. SAFETY STANDARDS AND LICENSING.-This section shall be construed to prohibit the
Federal Government from requiring compli-
ance with applicable standards for space
transportation services solely for historical display purposes.
SEC. 912. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (42 U.S.C. 2465b et seq.) is amended—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;

(3) whether payloads other than National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle program.

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 such a missile to place a payload in orbit or

(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 Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Competency of the House of Representatives a report that—

(A) The Administration shall prepare for an orderly transition from the Federal operation of the Space Shuttle, how missions will be conducted on or off a Federal launch site, and whether any classes of payloads should be considered to be a commercial item for purposes of the laws and regulations.

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Secretary of Defense, from requiring compliance with applicable safety standards.

SEC. 912. SHUTTLE PRIVATIZATION.

(a) IN GENERAL.—The Administrator shall prepare for an orderly transition from the Federal operation of the Space Shuttle, how missions will be conducted on or off a Federal launch site, and whether any classes of payloads should be made ineligible for launch consideration;

(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 MISSION MODEL.—The term "total potential national mission model" means a model that—

(A) is approved by the Secretary of Defense; and

(B) includes all United States launches (including launches conducted on or off a Federal range).

(2) 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 satellite and launch industry and the governments of States and political subdivisions thereof—

(A) prepare a report that meets the requirements of this section; and

(B) submit that report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Competency of the House of Representatives.

(2) REQUIREMENTS FOR REPORT.—The report prepared under this section shall—

(A) identify the total potential national mission model for the period beginning on the date of the report and ending on December 31, 2007;

(B) identify the resources that are necessary to carry out the total potential national mission model described in subparagraph (A), including providing for—

(i) launch property and services of the Department of Defense; and

(ii) the ability to support a launch within 6 hours after the appropriate official of the Federal Government receives notification by telephone at Government facilities located at—

(I) Cape Canaveral in Florida; or

(II) Vandenberg Air Force Base in California;

(C) identifying each deficiency in the resources referred to in subparagraph (B), in respect to each entity identified under subparagraph (C), including estimating the level of funding necessary to address those deficiencies for the period described in subparagraph (A);

(D) identifying opportunities for investment by non-Federal entities (including States and political subdivisions thereof and private entities) for the Federal Government in providing launch capabilities for the commercial space industry in the United States;

(E) identifying 1 or more methods by which, if sufficient resources referred to in subparagraph (D) are not available to the Department of Defense, the control of the launch property and launch services of the Department of Defense may be transferred to the Department of Defense to—

(i) 1 or more other Federal agencies;

(ii) 1 or more States (or subdivisions thereof); or

(iii) 1 or more private sector entities; or

(F) identifying the technical, structural, and legal impediments associated with making launch sites in the United States cost-competitive on an international level.

HARKIN AMENDMENTS NOS. 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:

**A M E N D M E N T N O. 3402**

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 replacement and dependents for counseling and nicotine replacement: Provided, further, That the total amount appropriated under title IV is hereby reduced by $50,000,000, to be derived from amounts appropriated under title IV is hereby increased by $50,000,000, which shall be available for making smoking cessation therapy available for members of the Armed Forces for retention and 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 persons likely to benefit from effective smoking cessation therapy, including providing subsidies for defraying costs incurred by the members, former members, and dependents for counseling and nicotine replacement: Provided, further, That the total amount appropriated under title IV is hereby reduced by $50,000,000, to be derived from amounts appropriated under title IV.

**A M E N D M E N T N O. 3403**

On page 36, line 16, increase the amount by $50,000,000, which shall be available for research, development, test and evaluation, and force structure, and funding required to meet anticipated threats to the national security of the United States through 2010 and beyond.

**A M E N D M E N T N O. 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 war 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.

**F R I S T A M E N D M E N T N O. 3405**

(Ordered to lie on the table.)

Mr. F R I S T 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.

**L E A H Y A M E N D M E N T N O. 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:

The Senate makes the following findings:

(1) The collapse of the Soviet Union in 1991 and the unprecedented exploitation of technological advances that could fundamentally redefine military threats and military capabilities in the future have generated a need to assess the defense strategy, policy, 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 steps in redefining 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 this environment by developing and publishing in May 1996 a vision statement, known as "Joint Vision 2010," 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 a 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 policy and programs derived from the Base-Force Review and the Bottom-Up Review, concluded 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 Panel report placed greater emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology and transforming the force to overcome those anticipated threats successfully.


(9) The Quadrennial Defense Review and the National Security Council report to the Congress of the United States identified a need for a new, comprehensive assessment of the future force.

(10) A joint forces command should be established to the national security of the United States through 2010 and beyond.

(11) A joint forces command should be established to the national security of the United States through 2010 and beyond.

(12) As a result of Congress's determination, the President issued Executive Order 13186 on June 23, 1999, setting forth the operational concepts of dominant maneuver, precision engagement, full-dimensional protection, and focused logistics to achieve the objective of full spectrum dominance.

(13) The Quadrennial Defense Panel recommended the establishment of a Joint Forces Command with the responsibility to be the joint force integrator and provider of the joint operational concepts in simulating training and evaluation, Defense-wide, for the United States military capabilities. The vision statement, known as "Joint Vision 2010," was an important step in redefining the defense strategy of the United States and the force structure of the Armed Forces necessary to execute that strategy.

(14) 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.


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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 the organization, training and education, materiel, leadership, and personnel.

(12) The Department of Defense is committed to the conduct of joint experimentation and to the development of concepts and capabilities for joint warfighting. Joint experimentation leverages the effectiveness of each of the Armed Forces and the Defense Agencies.

S E C. — S E N S E O F S E N A T E.
(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 joint military command to have the mission for joint warfighting experimentation, consistent with the understanding of the Senate that the Department of Defense's joint experimenters shall not assume the missions of the Joint Chiefs of Staff. The Department of Defense shall 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—shall—
(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 shall—
(1) develop and implement a process of joint experimentation to formulate and validate new joint warfighting concepts and capabilities for meeting future challenges to the national security; and
(2) conduct joint warfighting experimentation, including the authority to conduct and recommend to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Congress research and development 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 and conduct joint warfighting experimentation; and
(2) the commander of United States Special Operations Command is expected to continue to develop and conduct joint warfighting experimentation associated with special operations forces.

(e) Congressional Review.—It is further the sense of Senate that—
(1) The Secretary of Defense shall submit to the Senate an initial report and annual reports on joint warfighting experimentation, including the authority to conduct research and development programs on the basis of joint warfighting experimentation.

(a) Initial Report.—(1) On such schedule as the Secretary of Defense shall determine, and within 180 days after the date of the sign of this Act, the Secretary of Defense shall submit to the Senate an initial report on the implementation of joint warfighting experimentation. Not later than April 1, 1999, the Secretary shall submit the report, together with any comments that the Secretary considers appropriate and any information that the Secretary considers appropriate, to the Senate.

(2) 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 future joint warfighting experimentation; and the authority and process for development and acquisition by the commander directly.
(B) The authority of the commander and of 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 experimenters.
(E) The resources necessary for joint warfighting experimentation, including the personnel and funding for the initial implementation of joint warfighting experimentation, the process for conducting joint warfighting experimentation, and the authority and process for development and acquisition by the commander directly.
(F) The authority of the commander to design, plan, and conduct joint warfighting experimentation, including the scenarios and measures of effectiveness used, for assessing operational concepts for meeting future challenges to the national security.
(H) The role assigned the commander for—
(i) integrating and testing in joint warfighting experimentation the systems that emerge from 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 commander of the Joint Chiefs of Staff in prioritizing acquisition programs in relation to future joint warfighting capabilities.

(2) Any other comments that the commander considers appropriate.

(b) Annual Report.—(1) On such schedule as the Secretary of Defense shall determine, and within 180 days after the date of the sign of this Act, the Secretary of Defense shall submit to the Senate an annual report on the conduct of joint warfighting experimentation activities for the fiscal year ending in the year of the report. Not later
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 a report for each fiscal year covered by the report, 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, or the command structure of the other combatant commands, the Armed Forces, or the Defense Agencies or activities; and
   (iii) the organization of the commander's command and staff for joint warfighting experimentation;

(b) Any forces designated or made available as joint experimentation forces;

(c) The process established for tasking forces to participate in joint experimentation activities or the commander's specific authorities for joint experimentation;

(d) The procedures for providing funding for the commander, the categories of funding, or the commander's authority for budget execution;

(e) 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;

(f) The commander's authority to design, prepare, and conduct joint experiments (including the scenarios and measures of effectiveness used) for assessing operational concepts for meeting future challenges to the national security; or

(g) any role described in subsection (a)(2)(H).

(3) 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.

(4) An assessment of the results of warfighting experimentation within the Department of Defense;

(5) The effect of warfighting experimentation on the process of transforming the Armed Forces to meet future challenges to the national security;

(6) Any recommendation that the commander considers appropriate regarding—
   (i) the development or acquisition of advanced technologies; or
   (ii) changes in organizational structure, operational concepts, or joint doctrine.

(7) An assessment of the adequacy of resources, and any recommended changes for the purpose of providing resources, for joint warfighting experimentation.

(8) Any recommended changes in the authority or responsibilities of the commander.

(9) 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:

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 medically underserved populations including migratory and seasonal agricultural workers, the homeless, and residents of public housing.

(8) In 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 enlisted military specialties. Many positions in squads and crews are left unfilled or minimally filled because personnel are diverted to work in key positions elsewhere.

(9) The Army has reduced its ranks by more than 70 percent, forcing unit commanders to borrow troops from other units just to participate in training exercises.

(10) The Air Force fell short of its reenlistment rate for mid-career enlisted personnel by an average of six percent, with key warfighting career fields experiencing even larger drops in reenlistments.

(11) In 1997, U.S. Marines in the operating forces have deployed on more than 200 exercises, rotational deployments, or actual contingencies.

(12) U.S. Marine Corps maintenance forces are unable to maintain 92 percent ground equipment and 77 percent aviation equipment readiness rates due to excessive deployments and equipment; and


(14) The Air Force fell short of its reenlistment rate for mid-career enlisted personnel by an average of six percent, with key warfighting career fields experiencing even larger drops in reenlistments.

(15) In 1997, U.S. Marne's in the operating forces have deployed on more than 200 exercises, rotational deployments, or actual contingencies.

(16) U.S. Marine Corps maintenance forces are unable to maintain 92 percent ground equipment and 77 percent aviation equipment readiness rates due to excessive deployments and equipment; and


(18) To execute the National Security Strategy of the United States, the U.S. Air Force's five later-deploying divisions, which constitute almost half of the Army's active combat forces, are critical to the success of specific war plans.

(19) According to commanders in these divisions, the practice of deploying squadrons 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.

(20) 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 Armored Division was staffed at 94 percent in the aggregate; however, its combat support services were not filled because personnel are diverted to work in one of the Brigade's two armor battalions, 1st Armored Division was staffed at 94 percent; and captains and majors were filled at 73 percent.

(21) At the 10th Infantry Division, only 138 of 242 infantry squadrons were filled, or minimally filled, and 36 of the filled squads were unqualified. At the 1st Brigade of the 1st Infantry Division, only 56 percent of the authorized infantry soldiers for its Bradley Fighting Vehicles were assigned, and in the 2nd Brigade, 21 of 48 infantry squads had no personnel assigned. At the 3rd Brigade of the 1st Infantry Division, only 51 percent of the M1A1 tanks had full crews and were qualified, and in one of the Brigade's two armor battalions, 18 of 58 tanks had no crew members assigned because the personnel were deployed to Bosnia.

(22) 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.

(23) Rotation of units to Bosnia is having a direct and negative impact on the ability of later-deploying divisions to maintain the training and readiness levels needed to execute their mission in a major regional conflict. Indications of this include:

(24) The Secretary of Defense has reassigned the Commander of the 3rd Brigade Combat Team of 63 soldiers within the brigade to serve in infantry
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 lst Armored Cavalry Regiment to perform routine maintenance.

25. National Guard budget shortfalls compromise the Guard’s readiness levels, capabilities, and effectiveness, 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 expenses;
(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;
(D) the force structure and defense appropriation increases that are necessary to execute the National Security Strategy of the United States shall specifically include in the report the following:
(1) It is the sense of Congress that—
(a) R EVIEW REQUIRED.ÐThe Secretary of Defense shall take such actions as are necessary to ensure the elimination of the backlog of incomplete actions on requests of former members of Congress for the presentation of medals and replacements for other decorations that such personnel have earned in the military service of the United States.
(b) Allocation of resources that the Secretary considers necessary to carry out subsection (a) shall include, except as provided in paragraph (2), allocations of additional resources to improve relevant staffing levels at the Army Reserve Personnel Command, the Bureau of Naval Personnel, and the Air Force Personnel Center, allocations of Department of Defense resources to the National Archives and Records Administration, and any additional allocations of resources that the Secretary considers necessary to carry out subsection (a).
(2) An allocation of resources may be made under paragraph (1) 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.

27. It is the sense of Congress that—
(A) R EVIEW REQUIRED.ÐThe Secretary of Defense shall take such actions as are necessary to ensure the elimination of the backlog of incomplete actions on requests of former members of Congress for the presentation of medals and replacements for other decorations that such personnel have earned in the military service of the United States.
(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;
(D) the force structure and defense appropriation increases that are necessary to execute the National Security Strategy of the United States shall specifically include in the report the following:
(1) It is the sense of Congress that—
(a) R EVIEW REQUIRED.ÐThe Secretary of Defense shall take such actions as are necessary to ensure the elimination of the backlog of incomplete actions on requests of former members of Congress for the presentation of medals and replacements for other decorations that such personnel have earned in the military service of the United States.
(b) Allocation of resources that the Secretary considers necessary to carry out subsection (a) shall include, except as provided in paragraph (2), allocations of additional resources to improve relevant staffing levels at the Army Reserve Personnel Command, the Bureau of Naval Personnel, and the Air Force Personnel Center, allocations of Department of Defense resources to the National Archives and Records Administration, and any additional allocations of resources that the Secretary considers necessary to carry out subsection (a).
(2) An allocation of resources may be made under paragraph (1) 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.

28. COATS (AND LIEBERMAN) AMENDMENT NO. 3412

29. Mr. COATS (for himself, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

(A) 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.—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 in a unified Command Plan as a result of the defense strategy in the event of conflict anticipated conflicts.

(B) Any or matters the Secretary shall complete the following:

$111. National Defense Panel

(1) 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.

2. Membership.—The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the chairman and ranking member of the Armed Services Committee in the House of Representatives and the Senate, the chairman of the National Security Affairs Committee of the Senate, and the chairman of the Committee on National Security of the House of Representatives, from among
individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

(c) Duties.—The Panel shall—

(1) recommend 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 assessment of the implementation 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 recommending a defense strategy of the United States and a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years;

(2) identify issues that the Panel recommends for assessment during the next QDR.

(d) Report.—(1) The Panel, (c), shall 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 the findings and recommendations of the Panel, including any recommendations for legislation that 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 subsection (a) 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 considers necessary to support 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 for each day (including travel time) during which the member is engaged in the performance of services for the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem allowances of members and employees of the Panel shall be allowed travel expenses and allowances of members and 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.

(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 staffing 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.

A MENDMENTS.—(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:

"317. Quadrennial defense review."

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding 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. 1. 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 Force.

(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) To the extent necessary to support the limited number of United States military personnel sufficient only to protect United States diplomatic facilities in existence on the date of the enactment of this Act, and to the extent necessary to support non-c.
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) LIMITATION ON SUPPORT FOR LAW ENFORCEMENT ACTIVITIES IN BOSNIA.—None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year under section 127(b) of title 10, United States Code, or any other provision of law, shall be used for training of law enforcement personnel or field testing of new control technologies, and may include other programs.

MURKOWSKI AMENDMENT NO. 3416
(Ordered to lie on the table.)
Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

SEC. 8104. Of the funds available under title VI for the Defense Health Program, $3,000,000 shall be available for Department of Defense programs relating to Lyme disease and other tick-borne diseases, which shall include programs involving risk assessments at military installations, training for medical personnel in the detection, diagnosis and treatment of such diseases, improvement of educational and awareness programs for Armed Forces personnel, development of diagnostic tests for such diseases, testing of repellents, and field testing of new control technologies, and may include other programs.

LOTT AMENDMENT NO. 3417
(Ordered to lie on the table.)
Mr. LOTT submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

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 Major Shared Resource Centers and Distributed Centers of the Department, including the high performance networks associated with such centers.

ROBB AMENDMENT NO. 3418
(Ordered to lie on the table.)
Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 2132, supra; as follows:

SEC. 8104. Of the amounts appropriated or otherwise made available by title II of this Act under the heading "OPERATION AND MAINTENANCE, NAVY" $45,000,000 shall be available for emergency and extraordinary expenses associated with the accident involving a United States Marine Corps A-6 aircraft on February 3, 1998, near Cavalese, Italy; Provided, That the amount available under this title shall be available until expended: Provided further, That the amount available under this section shall 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 individual, corporation or other entities described in this section: Provided further, That notwithstanding any other provision of law, the amount available under this section may be used to rebuild or repair theicular system in Cavalese, Italy, destroyed on Februrary 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(b) 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.

HUTCHINSON (AND OTHERS) AMENDMENT NO. 3419
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:

Strike after the word "TITLE" and insert the following:

IX HUMAN RIGHTS IN CHINA

Subtitle A—Forced Abortions in China

Sec. 9001. This title may be cited as the "Forced Abortion Condemnation Act."

Sec. 9002. Congress makes the following findings:

(1) Forcible 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 in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated purpose of the poliburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and impunity for local population control officials who engage in coercion. Officials acknowledge that there have been forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpaid fines and loss of employment, or often to physical violence. The People's Republic of China. In Fujian, for example, the average fine is estimated to be
twice a family’s gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) The President should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds.

(E) The President may waive the prohibition in subsection (a) or (b) if the President determines that it is in the national interest of the United States to do so; and

(F) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available to the Department of Justice for fiscal year 1999 to admit to the United States any noncitizen covered by subsection (a).

SEC. 9012. (a) Notwithstanding any other provision of law, the Secretary of State should raise in every relevant bilateral and multilateral forum the issue of different convictions on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Chinese Government has subjected 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’.

AKAKA (AND OTHERS)

AMENDMENT NO. 3420

Mr. STEVENS (for Mr. AKAKA for himself, Mr. EFFORDS, Mr. LEAHY, Mr. COATS, Mrs. BOXER, and Mr. INOUYE) proposed an amendment to the bill S. 2132, supra; as follows:

On page 33, line 25, insert before the period at the end 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 at the end the following: “; Provided, That of the funds appropriated under this heading, $2,500,000 shall be available for the Defense Systems Evaluation program on support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas”.

COCHRAN AMENDMENT NO. 3422

Mr. STEVENS (for 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. 8105. (a) The Comptroller General shall consult with experts on the food assistance program for food stamps.

(b) The term “food stamps” means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(c) Each potential alternative action included in the report under paragraph (3) or (4) of subsection (b) shall meet the following requirements:

(i) Apply only to persons referred to in paragraph (1) of such subsection.

(ii) Be limited in cost to the lowest amount feasible to achieve the objectives.

(d) (1) The term “fiscal year 2000 budget” means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term “food stamps” means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 8105. (a) The Comptroller General shall carry out a study of issues relating to family life, morale, and retention of members of the Armed Forces and their families when Government funding provided in that budget for the Department of Defense is not utilized or otherwise available to the Department for fiscal year 1999 to provide food stamps to families of members of the Armed Forces.

(b) The study shall include the following:


(2) Be limited in cost to the lowest amount feasible to achieve the objectives.

(circle)

(3) Apply only to persons referred to in paragraph (1) of such subsection.

(ii) Be limited in cost to the lowest amount feasible to achieve the objectives.

(d) (1) The term “fiscal year 2000 budget” means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term “food stamps” means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 8105. (a) The Comptroller General shall carry out a study of issues relating to family life, morale, and retention of members of the Armed Forces and their families when Government funding provided in that budget for the Department of Defense is not utilized or otherwise available to the Department for fiscal year 1999 to provide food stamps to families of members of the Armed Forces.

(b) The study shall include the following:


(2) Be limited in cost to the lowest amount feasible to achieve the objectives.

(d) (1) The term “fiscal year 2000 budget” means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term “food stamps” means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 8105. (a) The Comptroller General shall carry out a study of issues relating to family life, morale, and retention of members of the Armed Forces and their families when Government funding provided in that budget for the Department of Defense is not utilized or otherwise available to the Department for fiscal year 1999 to provide food stamps to families of members of the Armed Forces.

(b) The study shall include the following:


(2) Be limited in cost to the lowest amount feasible to achieve the objectives.

(d) (1) The term “fiscal year 2000 budget” means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term “food stamps” means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 8105. (a) The Comptroller General shall carry out a study of issues relating to family life, morale, and retention of members of the Armed Forces and their families when Government funding provided in that budget for the Department of Defense is not utilized or otherwise available to the Department for fiscal year 1999 to provide food stamps to families of members of the Armed Forces.

(b) The study shall include the following:


(2) Be limited in cost to the lowest amount feasible to achieve the objectives.

(d) (1) The term “fiscal year 2000 budget” means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term “food stamps” means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).
(B) How the information on those conditions and needs compares with any corresponding information that is available on the conditions of the family lives of civilians in the Armed Forces and the needs of such civilians regarding their family lives.

(C) How the conditions of the family lives of members of each of the Armed Forces and the members' needs regarding their family lives compare with those of the members of each of the other Armed Forces.

(D) How the conditions and needs of the members compare or vary among members in relation to the pay grades of the members.

(E) How the conditions and needs of the members compare or vary among members in relation to the occupational specialties of the members.

(F) What, if any, effects high operating temps of the Armed Forces have on the family lives of members, including effects on the incidence of substance abuse, physical or emotional abuse of family members, and divorce.

(G) The extent to which family lives of members of the Armed Forces prevent members from being deployed.

(2) Rates of separation of members of the Armed Forces, including the following:

(A) The rates based on the latest information available when the report is prepared.

(B) Projected rates for future periods for which reasonably reliable projections can be made.

(C) An analysis of the rates under subparagraph (A) by category, for each of the Armed Forces, each pay grade, and each major occupational specialty.

(3) The relationships among the quality of the family lives of members of the Armed Forces, high operating temps of the Armed Forces, and retention of the members in the Armed Forces, analyzed for each of the Armed Forces, each pay grade, and each major occupational specialty, including, to the extent ascertainable and relevant to the analysis of the relationships, the reasons expressed by members of the Armed Forces for separating from the Armed Forces and the reasons expressed by the members of the Armed Forces for remaining in the Armed Forces.

(4) The programs and policies of the Department of Defense (including programs and policies specifically directed at quality of life) that have tended to improve, and those policies specifically directed at quality of life compare with those of the other Armed Forces.

(5) Each pay grade, and each occupational specialty, including, to the extent ascertainable and relevant to the analysis of the relationships, the reasons expressed by members of the Armed Forces for separating from the Armed Forces and the reasons expressed by the members of the Armed Forces for remaining in the Armed Forces.

(6) The programs and policies of the Department of Defense (including programs and policies specifically directed at quality of life) that have tended to tend to improve, and those policies specifically directed at quality of life that have tended to degrade, the morale of the Armed Forces, and the perceptions of members of the Armed Forces and members of their families regarding the quality of their lives.

(7) In this section, the term ‘major occupational specialty’ means the aircraft pilot specialty that the Comptroller General considers appropriate to protect the interest of the United States.

THE SEELEY GREGG AMENDMENT NO. 3425

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. Of the amounts appropriated or otherwise made available by this Act, up to $10,000,000 may be available for the Department of Defense by this Act, up to $1,000,000 may be available for the Department 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.

SEC. 8104. Of the amounts appropriated or otherwise made available by this Act, up to $10,000,000 may be available for the Department of Defense by this Act, up to $1,000,000 may be available for the Department 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.

AMENDMENT NO. 3424

HOLLINGS AMENDMENT NO. 3426

Mr. STEVENS (for Mr. Hollings) 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 amounts appropriated or otherwise made available by this Act, up to $10,000,000 may be available for the Department of Defense by this Act, up to $1,000,000 may be available for the Department 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.

AMENDMENT NO. 3424

INOUYE AMENDMENTS NO. 3427-3429

Mr. STEVENS (for Mr. Inouye) proposed three amendments to the bill, S. 2132, supra; as follows:

On page 99, between lines 17 and 18, insert the following:

AMENDMENT NO. 3427

On page 99, insert 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, Defense-Wide’, for Materials and Electronics Technology Development, Test and Evaluation, the amount available for the Strategic Materials Manufacturing Facility project.

AMENDMENT NO. 3428

On page 99, between lines 17 and 18, insert the following:

AMENDMENT NO. 3430

Mr. STEVENS (for Mr. Kennedy) 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, Defense-Wide’, for Materials and Electronics Technology Development, Test and Evaluation, the amount available for the Strategic Materials Manufacturing Facility project.

The amendment shall include proposed legislation for carrying out the measures recommended therein.
Mr. STEVENS (for Mr. SARBANES for himself and Mr. CAMPBELL) proposed an amendment to the bill, S. 2132, supra; as follows:

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:

"(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."

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 73, line 4 of the bill, revise the text "rescinded from" to read "rescinded as of the date of enactment of this act from".

COUNTY OF LAS VEGAS 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:

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:

SHELBY AMENDMENT NO. 3437

Mr. STEVENS (for Mr. SHELBY) 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. Of the funds provided under Title III of this Act under the heading "Other Procurement, Army", for Training Devices, $2,000,000 shall be made available only for procurement of Multiple Integrated Laser Engagement System (MILES) equipment to support Department of Defense Cope Thunder exercises.

STEVEN'S AMENDMENT NO. 3440

Mr. STEVENS proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert in the appropriate place the following new general provision:

Mr. STEVENS (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:

Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert in the appropriate place the following new general provision:

Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert in the appropriate place the following new general provision:

Mr. STEVENS proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert in the appropriate place the following new general provision:

Mr. STEVENS (for Mr. WARNER) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 99, insert in the appropriate place the following new general provision:
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. (a) Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out "and leasing of equipment" and inserting in lieu thereof "and equipment, and the leasing of equipment".

(b) Subsection (b)(2) of such section is amended to read as follows:

(1)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

(2) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid, if available for paying those costs shall be available for making the reimbursements.

(c) Subsection (b)(2) of such section is amended to read as follows:

(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if--

(A) the State drug interdiction and counter-drug activities plan specifically recogizes the organization as being eligible to receive the services or assistance;

(B) in the case of services, the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

(C) the services or assistance is authorized under subsection (b) or (c) of such section of the State drug interdiction and counter-drug activities plan.

Grassley Amendment No. 3449
Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 2132, supra; as follows:

At the end of title VIII, add the following:

DODD AMENDMENT NO. 3445
Mr. STEVENS (for Mr. Dodd) proposed an amendment to the bill, S. 2132, supra; as follows:

On page 36, line 22, insert before the period at the end the following: "Provided, That, of the funds available under this heading, $3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases."

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 amounts appropriated by title IV of this Act under the heading "SEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", $3,000,000 shall be available for advanced research relating to solid state dye lasers.

STEVENS AMENDMENT NO. 3451
Mr. STEVENS 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 for research, development, test and development, Defense-wide, for basic research, $29,646,000 is available for research and development relating to Persian Gulf illnesses.

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. (a) Of the total amount appropriated under title IV of this Act for research, development, test and evaluation, Navy, the amount available for Hard and Deeply Buried Target Defeat System is hereby decreased by $8,000,000 and the amount available for Consolidated Training Systems Development is hereby increased by $9,827,000.

SOULBY AMENDMENT NO. 3453
Mr. STEVENS (for Mr. Soulby) proposed an amendment to the bill, S. 2132, supra; as follows:

Effective on June 30, 1999, section 3106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 103(b) of Public Law 104-208; 110 Stat. 3092-111, 10 U.S.C. 113 note), is amended--

(1) by striking out "not later than July 30, 1999," and inserting in lieu thereof "not later than July 30, 1999," and

(2) by striking out "$1,000,000," and inserting in lieu thereof "$500,000."
On page 99, between lines 17 and 18, insert the following:

"Sec. . That of the amounts available under this heading, $150,000 shall be made available for the operation of the Program for Operation Development of Chemical Weapons Assessment, for maintenance of the Assembled Chemical Weapons Assessment Center, for the management and control of the Havre Air Force Base and Training Site, Montana, for public benefit purposes, including public schools, housing for the homeless, and economic development."
children, identified the immediate demobilization of all child soldiers as an urgent priority, and recommended the establishment through an optional protocol to the Convention on the Rights of the Child of 18 as the minimum age for recruitment and participation in armed forces; and
the International Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commissioner on Refugees, and the United Nations High Commissioner on Human Rights, as well as many nongovernmental organizations, also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict:

1. (a) Guarantees of Residence.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 590 et seq.) is amended by adding at the end the following: 
SEC. 2. (a) The Secretary of the Senate shall—

1. (a) support efforts to end the abduction of children by the LRA, secure their release, and facilitate their rehabilitation and reintegration into society; and
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; and
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 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:

At the appropriate place, insert the following:

SEC. 1. VOTING RIGHTS OF MILITARY PERSONNEL.—

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 590 et seq.) is amended by adding at the end the following:

SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in complicity with a State shall not, solely by reason of that absence—

1. (D) be deemed to have lost a residence or domicile in that State;
2. (a) be deemed to have acquired a residence or domicile in any other State; or
3. (b) be deemed to have become resident in or a resident of any other State.

(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973f-1) is amended—

(a) by inserting '(a) ELECTIONS FOR FEDERAL OFFICES.—' before 'Each State shall—'; and

(b) by adding at the end the following:

(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

1. (a) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and
2. (b) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.

(2) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

MOSELEY-BRAUN AMENDMENT NO. 3464
Mr. INOUYE (for Ms. MOSELEY-BRAUN) 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) Not later than March 15, 1999, the Secretary of Defense shall—

1. permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and
2. accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

D'AMATO AMENDMENT NO. 3466
Mr. STEVENS (for Mr. D'AMATO) 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 comply with the Defense Appropriations Act, 1999, and ending on October 15, 1999, provide support at the Francis S. Gabreski Airport, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.

(b) The support provided under subsection (a) shall include access to and use of appropriate facilities at Francis S. Gabreski Airport, including runways, hangars, the operations center, and aircraft berthing and maintenance spaces.

(c) (1) The Adjutant General of the National Guard of the State of New York and the Commandant of the Coast Guard shall enter into a memorandum of understanding regarding the support to be provided under subsection (a).

(2) Not later than December 1, 1998, the adjutant general and the Commandant shall transmit a copy of the memorandum of understanding into entered into under paragraph (1).

BINGAMAN AMENDMENT NO. 3467
Mr. STEVENS (for Mr. BINGAMAN) 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, in coordination with the Secretary of Health and Human Services, may 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 Sol- diers' and Sailors' Civil Relief Act (42 U.S.C. 1396d(1)(2)(B))).

(b) Not later than March 15, 1999, the Secretary of Defense shall submit to Congress a report on the progress including the actions taken under the program.

BINGAMAN AMENDMENT NO. 3468
Mr. STEVENS (for Mr. BINGAMAN) 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) Not later than March 15, 1999, the Secretary of Defense shall submit to the Committees on Appropriations and Armed Services of the Senate and the Committees on Appropriations and on National Security of the House of Representatives a report on the program and practices of the uniformed services pertaining to the furnishing of dental care to dependents of members of the uniformed services on active duty who are 18 years of age and younger.

(b) The report shall include (1) the rates of usage of various types of dental services under the health care system of the uniformed services by the dependents set forth in categories defined by the age and the gender of the dependents and by the rank of the members of the uniformed services who are the sponsors for those dependents, (2) an assessment of the feasibility of providing the dependents with dental benefits (including initial dental visits for children) that conform to the guidelines of the American Academy of Pediatric Dentistry regarding infant oral health care, and (3) an evaluation of
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 amount appropriated by title II of this Act under the heading "Defenses, other than Nuclear, for the Army National Guard under title I, $1,700,000 may be available for taking the actions required under this section to eliminate the backlog of unpaid retired pay and to submit a report.

(b) The action taken by the Secretary of the Army may take such actions as are necessary to ensure, by the elimination of the backlog of incomplete actions on requests of former members of the Armed Forces for replacement medals and replacements for other decorations that such person has earned in the military service of the United States.

(c) Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the elimination of the backlog of unpaid retired pay. The report shall include the following:

(i) The actions taken under subsection (b).

(ii) The extent of the remaining backlog.

(iii) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

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) Of the amounts appropriated by title II of this Act under the heading "Operational and Maintenance, Marine Corps", $5,000,000 may be available for procurement of lightweight maintenance enclosures (LME).

(b) Of the amounts appropriated by title III of this Act under the heading "Operational and Maintenance, Army", $2,000,000 may be available for procurement of lightweight maintenance 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. (a) Of the funds available for Drug Interdiction, $5,000,000 may be made available to support restoration of enhanced counter-narcotics operations around the island of Hispaniola, for operation and maintenance 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 helicopters for Colombia.

WELLSTONE 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:

(i) a dependent of a member of the Armed Forces who—

(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(B) has engaged in such misconduct; and

(ii) 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 procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in clause (ii) that are consistent with the regulations prescribed under subsection (d).

(b)(2) The regulations shall provide the following:

(A) Complete confidentiality of the records of the communications of dependents of members of the Armed Forces.

(b) Characterization of the records under family advocacy programs of the Department of Defense as primary medical records for purposes of the protections from disclosures that are associated with primary medical records.

(C) Facilitated transfer of records under family advocacy programs in conjunction with changes of duty stations to whom the records relate in order to provide for continuity in the furnishing of professional services.

(D) Adoption of standards of confidentiality and ethical standards that are consistent with standards issued by relevant professional associations.

In prescribing the regulations, the Secretary shall consider the following:

(A) Any risk that the goals of advocacy and counseling programs for helping victims recover from adverse effects of misconduct will not be attained if there is no assurance that the records of the communications (including records of counseling sessions) will be kept confidential.

(B) The extent, if any, to which a victim’s safety and privacy should be factors in determinations regarding—

(i) Disclosure of the victim’s identity to the public or the chain of command of a member of the Armed Forces alleged to have engaged in the misconduct toward the victim;

(ii) Any other action that facilitates such a disclosure without the consent of the victim.

(C) The eligibility for care and treatment in medical facilities of the uniformed services for any person having a uniformed services identification card (including a card indicating the status of a person as a dependent of a member of the uniformed services) that is valid for that person.

(D) The appropriateness of requiring that so-called Privacy Act statements be prescribed as a condition for proceeding with the furnishing of treatment or other services by professionals referred to in subsection (a).

(E) The appropriateness of adopting the same standards of confidentiality and ethical standards that have been issued by such professional associations as the American Psychiatric Association and the National Association of Social Workers.

(F) The regulations may not prohibit the disclosure of information to a Federal or State agency for a law enforcement or other governmental purpose.

(D) The Secretary of Defense shall consult with the Attorney General in carrying out this section.

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:

(i) a dependent of a member of the Armed Forces who—

(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(B) has engaged in such misconduct; and

(ii) 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 procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in clause (ii) that are consistent with the regulations prescribed under subsection (d).

(b)(2) The regulations shall provide the following:

(A) Complete confidentiality of the records of the communications of dependents of members of the Armed Forces.

(R) Characterization of the records under family advocacy programs of the Department of Defense as primary medical records for purposes of the protections from disclosures that are associated with primary medical records.

(C) Facilitated transfer of records under family advocacy programs in conjunction with changes of duty stations to whom the records relate in order to provide for continuity in the furnishing of professional services.

(D) Adoption of standards of confidentiality and ethical standards that are consistent with standards issued by relevant professional associations.

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(i) Disclosure of the victim’s identity to the public or the chain of command of a member of the Armed Forces alleged to have engaged in the misconduct toward the victim;

(ii) Any other action that facilitates such a disclosure without the consent of the victim.

(C) The eligibility for care and treatment in medical facilities of the uniformed services for any person having a uniformed services identification card (including a card indicating the status of a person as a dependent of a member of the uniformed services) that is valid for that person.

(D) The appropriateness of requiring that so-called Privacy Act statements be prescribed as a condition for proceeding with the furnishing of treatment or other services by professionals referred to in subsection (a).

(E) The appropriateness of adopting the same standards of confidentiality and ethical standards that have been issued by such professional associations as the American Psychiatric Association and the National Association of Social Workers.

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(i) Disclosure of the victim’s identity to the public or the chain of command of a member of the Armed Forces alleged to have engaged in the misconduct toward the victim;

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(C) The eligibility for care and treatment in medical facilities of the uniformed services for any person having a uniformed services identification card (including a card indicating the status of a person as a dependent of a member of the uniformed services) that is valid for that person.

(D) The appropriateness of requiring that so-called Privacy Act statements be prescribed as a condition for proceeding with the furnishing of treatment or other services by professionals referred to in subsection (a).

(E) The appropriateness of adopting the same standards of confidentiality and ethical standards that have been issued by such professional associations as the American Psychiatric Association and the National Association of Social Workers.

(F) The regulations may not prohibit the disclosure of information to a Federal or State agency for a law enforcement or other governmental purpose.

(D) The Secretary of Defense shall consult with the Attorney General in carrying out this section.

On page 99, between lines 17 and 18, insert the following:

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(i) a dependent of a member of the Armed Forces who—

(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(B) has engaged in such misconduct; and

(ii) 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 procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in clause (ii) that are consistent with the regulations prescribed under subsection (d).

(b)(2) The regulations shall provide 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 clearly 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 in damages to people in Cavalese for their property damage and business losses.

Without our prompt action, these families continue to suffer financial agonies, our credibility in the community continues 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, which is expected to be 12-18 months, and, if the Ministry’s offer in settlement is not acceptable, which is not likely, the claim must be submitted for resort to the Italian court system, where civil cases for wrongful death are reported to take up to ten years to resolve;

While 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 continues to 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, insert:

**SEC. 3. APPLICATION OF THE ANTI-TRUST LAWS TO MAJOR LEAGUE BASEBALL.**

The Clayton Act (15 U.S.C. §21 et seq.) is amended by adding at the end the following:

``(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, 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 majority league baseball players to play baseball at the majority 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 directly relating to or affecting employment of majority league baseball players to play baseball at the major league level or any reserve clause as applied to minor league baseball players will have the same effect as a reserve clause as applied to any professional athletes, does not change the application of the antitrust laws to any other matter relating to organized professional major league baseball teams and the teams of the National Association of Professional Baseball Leagues, commonly known as the “Major League 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 teams or franchise owners, the marketing or sales of the entertainment product of organized professional baseball and the licensing of intellectual property rights owned by organized professional baseball teams individually or collectively;

(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 teams or franchise owners, the marketing or sales of the entertainment product of organized professional baseball and the licensing of intellectual property rights owned by organized professional baseball teams individually or collectively;

(3) any conduct, acts, practices or agreements of persons engaging in, conducting or participating 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 minor league level, any organized professional baseball team or any franchise, or any reserve clause as applied to minor league baseball amateur or first-year player draft, or any reserve clause as applied to minor league players;

(4) 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 teams or franchise owners, the marketing or sales of the entertainment product of organized professional baseball and the licensing of intellectual property rights owned by organized professional baseball teams individually or collectively;

(5) any conduct, acts, practices or agreements of persons engaging in, conducting or participating 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 minor league level, any organized professional baseball team or any franchise, or any reserve clause as applied to minor league baseball amateur or first-year player draft, or any reserve clause as applied to minor league players;
(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 shall not be governed by any interpretation of 29 U.S.C. § 151 et seq. (as amended).

(4) Nothing in this section shall be construed to establish the application of the antitrust laws to organized professional baseball of the nonstatutory labor exemption from the antitrust laws.

(5) The scope of the conduct, acts, practices or agreements covered by subsection (b) shall not be strictly or narrowly construed.
Section 1028 of title 18, United States Code, is amended by adding at the end the following:

"(h) RULE OF CONSTRUCTION.—For purposes of subsection (a), 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.";

"(i) CONFORMING AMENDMENTS.—Chapter 47 of title 18, United States Code, is amended by inserting at the end the following:

"(A) in clause (ii), by striking ``or'' at the end and inserting ``and''; and

(b) DETERMINATION.—Section 1028(a)(2) of title 18, United States Code, and

(c) in the analysis for the chapter, in the item relating to section 1028, by adding "and information" at the end.

SEC. 3. RESTITUTION.

(a) TECHNICAL CORRECTION RELATING TO CRIMINAL FORFEITURE PROCEDURES.—Section 982(b)(1) of title 18, United States Code, is amended by inserting at the end the following:

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall establish procedures to—

(1) log and acknowledge the receipt of complaints described in paragraph (1) from 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. 4. AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES UNDER SUBCHAPTER B OF TITLE 18.

(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 1028(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 inadequate measure for establishing penalties under the Federal sentencing guidelines;

(2) the number of means of identification, identification documents, or false identification documents (as those terms are defined in section 1028(b)(a) of title 18, United States Code, as amended by this Act) involved in the offense, in determining the appropriate 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 duration of conduct covered by the offense;

(5) the extent to which sentencing enhancements within the Federal sentencing guidelines are necessary to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct constituting the offense;

(6) the extent to which Federal sentencing guidelines sentences for the offense have been constrained by statutory maximum penalties;

(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 Federal Trade Commission shall establish procedures to—

(1) enable the Attorney General to identify, through on-line searching procedures, any admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General; and

(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. 6. TECHNICAL AMENDMENTS TO TITLE 18.

(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) In general.—The forfeitures described in 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 of title 18, United States Code, as amended by this Act; and

(b) ECONOMIC ESPIONAGE AND THEFT OF TRADE SECRETS AS PREDICATE OFFENSES FOR WIRE INTERCEPTION.—Section 2516(b)(a) of title 18, United States Code, is amended by inserting "chapter 90 (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 in section 2—

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Improvement and Immigration Act of 1998."
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 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 which the Secretary of Homeland Security certifies to Congress that the entry-exit control system required by section 101(a)(15)(B) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 2 of this Act, is fully operational, the Secretary shall submit to the Committee 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 and

(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met.

(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 Committee on the Judiciary of the Senate and the House of Representatives and the 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 101(a)(15)(B) of the Immigration and Nationality Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality; and

(2) the number of departure records of aliens that were successfully matched to records of such aliens’ prior arrival in the United States, including an accounting of such numbers by country of nationality and by classification as immigrant or non-immigrant; 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 the approximate date of arrival in the United States.

(c) INCORPORATION INTO OTHER DATABASES.—Information regarding aliens who have been denied entry into the United States and 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 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 any 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 15 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 identification card and nonimmigrant visa issued under section 101(a)(15)(B) of the Immigration and Nationality Act has been waived under paragraph (1) for a child under 15 years of age, the visa shall be issued to expire on the earlier of—

(i) the date that is 10 years after the date of issuance; 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 visa is issued to expire as of the same date the visa is usually provided for visas issued under that section.

(c) INCORPORATION INTO OTHER DATA-BASES.—

The Attorney General may incorporate into any other provision of law, fees authorized pursuant to section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (9 U.S.C. 1351 note) may be waived if the Attorney General determines that the waiver of such fees will ensure receipt of the full cost to the Department of Homeland Security of providing machine readable nonimmigrant visas and machine readable combined border crossing identification cards that are used to obtain and nonimmigrant visas, including the cost of such combined cards and visas for which the fee is waived pursuant to this subsection.

(d) USE OF FUNDS FOR NEW TECHNOLOGIES.—

Of the amounts authorized to be appropriated under section 406(d) for fiscal years 1999 and 2000 for the Immigration and Naturalization Service, $3,090,000 shall be made available for the purchase or rental of equipment other than the equipment specified in subsection (b) if such other equipment is needed for the development of the entry-exit control system required by 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, Naco Laredo, Ciudad Acuna, Piedras Negras, Agua Prieta, and Reynosa.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR 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 the investigative and enforcement efforts and efforts against drug smuggling and money-laundering organizations, reduce commercial and passenger traffic waiting times, and open all border patrol checkpoints and in secondary inspection areas of land border ports-of-entry, $11,100,000 for 5 mobile truck 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; and

(b) USE OF CERTAIN FISCAL YEAR 1999 FUNDS.—Of the amounts authorized to be appropriated under section 406(d) for fiscal year 1999 for the Immigration and Naturalization Service, $3,090,000 shall be made available until expended for acquisition and other equipment and other related expenses associated with the modernization and full deployment of narcotics enforcement and other technology along the land borders of the United States, including—

(1) $1,100,000 for 5 mobile truck 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) $180,000 for 36 AM radio “Welcome to the United States” stations located at permanent border patrol checkpoints and at secondary inspection areas of land border ports-of-entry;

(6) $875,000 for 36 spotter camera systems located at permanent border patrol checkpoint 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 years 2000 and 2001, each fiscal year thereafter, $4,773,000 shall be available until expended for 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.

SEC. 8. USE OF FUNDS FOR NEW TECHNOLOGIES.—

(a) IN GENERAL.—The Attorney General may use the amounts authorized to be appropriated for equipment under this section for equipment other than the equipment specified in subsection (b) if such other equipment—
Congressional Record - Senate

July 30, 1998

S9479

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;

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR CONTROL AND INVESTIGATIVE ACTIVITIES OF THE UNITED STATES CUSTOMS SERVICE.

(a) Authorization.—In order to enhance border security, the amounts authorized to be appropriated under subsection (a)(1) for fiscal year 1999 shall be used to:

(1) $161,248,584 for fiscal year 1999;

(2) $185,751,328 for fiscal year 2000; and

(3) $200,069,654 in fiscal year 2001.

(b) Use of Certain Fiscal Year 1999 Funds.—Of the amounts authorized to be appropriated under subsection (a)(1) for fiscal year 1999 for the United States Customs Service for purposes of carrying out section 165 of the Anti-Drug Abuse Acts of 1986, $180,000,000 shall be available for a period of 90 days beginning on April 1, 1999, and $90,000,000 shall be available for a period of 90 days beginning on October 1, 1999, for such assistance.

(c) Amounts Authorized to Be Appropriated.—The amounts authorized to be appropriated under subsection (a)(1) are as follows:

(1) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS);

(2) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging;

(3) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 0.5 million electron volts to 1,000,000 electron volts (1-MeV);

(4) $7,200,000 for 8 1-MeV pallet x-rays;

(5) $1,000,000 for 200 portable contraband detection systems to be distributed among ports where the current allocations are inadequate;

(6) $600,000 for 50 contraband detection kits to be transported among border ports based on traffic volume and need as identified by the Customs Service;

(7) $500,000 for automatic identification technologies to be distributed among ports receiving liquid-filled cargo and ports with a hazardous material inspection facility, based on need as identified by the Customs Service;

(8) $2,450,000 for 7 automated targeting systems;

(9) $360,000 for 30 радар трафика deflector systems to be distributed to those ports where port runners are a threat;

(10) $480,000 for 20 Portable Treasury Enforcement Communications System (TECS) terminals to be moved among ports as needed;

(11) $1,000,000 for 20 remote watch surveillance camera systems at ports where there is a high density of loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured, based on need as identified by the Customs Service;

(12) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports on the Southwest border with the greatest volume of outbound cargo;

(13) $180,000 for 36 AM radio “Welcome to the United States” stations, with one station to be located at each border crossing point on the Southwest border;

(14) $1,040,000 for 200 in-bound vehicle counters to be installed at each inbound vehicle lane on the Southwest border;

(15) $950,000 for 38 spotter camera systems to counter the surveillance of Customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring;

(16) $390,000 for 60 in-bound commercial truck transponders to be distributed to all point of entry on the Southwest border;

(17) $1,600,000 for 200 truck x-rays and particle detectors to be distributed to each border crossing on the Southwest border;

(18) $300,000 for 20 handheld metal detector auto-tuning of target software to be installed at each port on the Southwest border to target inbound vehicles.

(c) 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 United States Customs Service for fiscal year 2000 and each fiscal year thereafter, $4,840,400 shall be for the maintenance and support of the equipment and training personnel to maintain and support the equipment as described in subsection (b), based on an estimate of 10 percent of the cost of such equipment.

(d) Use of Certain Funds in New Technologies.—

(1) In general.—The Commissioner of Customs may use the amounts authorized to be appropriated for equipment under this section, if the equipment specified in subsection (b) is technologically superior to the equipment specified in subsection (b).

(ii) will achieve at least the same results at a cost that is the same or less than the equipment specified in subsection (b); or

(iii) can be obtained at a lower cost than the equipment authorized in paragraphs (1) through (18) of subsection (b).

(e) Peak Hours and Investigative Resources Enhancement Act of 1998.—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, $132,844,584 in fiscal year 1999 and $180,910,928 for fiscal year 2000 shall be—

(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 256 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 360 special agents, 40 intelligence analysts, and additional resources to be distributed among offices 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 personnel 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;

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 “launch capability” and insert “launch-on-demand on short notice” at national launch sites or test ranges;

On page 91, line 18, insert “and” after the semi-colon.

On page 91, line 23, strike “(A);” and insert “(A).”

On page 91, between lines 23 and 24, insert the following:

(iii) the ability to support commercial launch-on-demand on short notice at national launch sites or test ranges;

On page 91, line 18, insert “and” after the semi-colon.

On page 91, line 23, strike “(A);” and insert “(A).”

On page 91, between lines 23 and 24, insert the following:

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of the amount specified in paragraphs (1) through (18) of subsection (b) for any other equipment specified in such paragraphs.

(e) Peak Hours and Investigative Resources Enhancement Act of 1998.—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, $132,844,584 in fiscal year 1999 and $180,910,928 for fiscal year 2000 shall be—

(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 256 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 360 special agents, 40 intelligence analysts, and additional resources to be distributed among offices 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 personnel hired pursuant to this section.
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 "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 "(A)".

On page 92, line 17, strike "(iv)" and insert "(B)".

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 "(F)".

On page 92, beginning in line 21, strike "launched in the United States on a competitive basis at the 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 SR–328A. 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 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 GOVERNMENT AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Committee on Governmental Affairs to meet on Thursday, July 30, 1998, at 10:00 a.m. for a hearing on Observations on the Census Dress Rehearsal and Implications for Census 2000.

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 in executive session during the session of the Senate on Thursday, July 30, 1998 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building.

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

COMMITTEE ON LABOR, health, and human Resources

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor, Health and Human Resources be authorized to meet in executive session during the session of the Senate on Thursday, July 30, 1998, at 2:15 p.m.

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 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 it has had on people who live in often under served communities in the Chicago area.

The article follows:

[From the Chicago Sun-Times, July 30, 1998]

HARNESSING AMERICAN IDEALS

[By Michael Gillis]

In Uptown, they teach Asian immigrants 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 costs, 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 week 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 Novak, 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 during his 1992 presidential campaign. Lawmakers passed Clinton’s pet program in 1993, and Clinton signed the bill using the pen Franklin D. Roosevelt and John F. Kennedy used to create the Civilian Conservation Corps and the Peace Corps.

Under the program, which is run by a public-private partnership called the Corporation for Public Service, $4.725 billion is applied toward college tuition or student loans by completing a year of community service.
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 rebuilt 700 homes, placed 2,000 homeless people in permanent housing and recruited more than 300,000 volunteers.

Many Republicans, including House Speaker Newt Gingrich (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 they try to fund programs that get the most bang for the buck. The program uses strict standards to ensure funded programs produce results that can be measured—say, the number of children tutored or the number of homes rehabilitated.

And they argue that the program represents a way for Washington to help communities in their areas—an argument for interest groups organized around the needs of members appointed by the governors, she said. Those commissions decide which agencies get the money, and the agencies recruit and deploy the workers, she said.

Agencies that were awarded grants this week to hire Americorps workers don't question whether the program is worth the expense.

"It's definitely worth it," said Pat Clay, the director of the program at the Aunt Martha's Early Learning Center in Park Forest, Ill., where 10 Americorps workers teach low-income parents how to instruct their preschool children.

"To see the smile on a child's face, to hear a parent say, 'My child tested very well in a preschool screening test'—that makes it worthwhile. You are investing in a child's future for life."

Aunt Martha's hires its Americorps workers from the communities the program serves. This case, Ford Heights and Chicago Heights.

The Uptown-based Asian Human Services agency, which will hire about 34 workers to aid Asian refugees and immigrants this year, does it different.

Ralph Hardy, the director of programs at Asian Human Services, said he believes the program is important for Americorps workers to a career in public service.

"The outcome of the program will be best seen down the road, say 10 or 15 years from now, because that generation has gone through it," he said. "We've seen it here—we have workers who will go into some sort of community-based career."

That's what Trina Poole, 25, plans to do. Poole, one of six Americorps workers at Family Rescue, a community service agency in South Shore for victims of domestic violence, answers the agency's crisis line and helps arrange services for callers.

A victim of domestic violence herself, Poole said she had been hired for a permanent position to continue providing to women and children the services she never received.

"It's a healing process for me to help as many women as possible," she said. "I'm not doing this for the money. I'm doing it to help the community."

Becky Nieves, 21, of Hanover Park, 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 goodbyes, and the kids tell you what they think, 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 Print, p. 105-245, 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.


Hon. ALFONSE M. D'AMATO, Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

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.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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 Jene Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Elizabeth Eckford, and the Reverend Harry P. Price, Karmarma, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and J efferson Thomas, re-

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT OF 1998

- Mr. JOHNSON. Mr. President, I rise today to express my support as a co-sponsor of S. 1005, the Cheyenne River Sioux Tribe Equitable Compensation Act of 1998. This important issue is the highest priority for the Cheyenne River Sioux tribe and will have a positive and lasting impact on the Cheyenne River reservation community and the entire State of South Dakota. I have worked closely with the Indian Affairs Committee to ensure that this legislation protects the future interests of tribal members, and I am pleased that the bill reported by the Committee reflects these concerns. I am committed to working closely to ensure that the bill receives strong Senate support, and look forward to working with my colleagues to ensure that the bill moves forward for approval by the full Senate.
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 to 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 though recent passage of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act 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 Fort Berthold 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. Four of the Pick-Sloan dams are located within South Dakota and the fifth, the Big Bend site, is located in North Dakota. In 1980, the South Dakota portion of the project was the subject of a federal court lawsuit by the Cheyenne River Sioux Tribe as compensation for lands lost to the project. This lawsuit was eventually settled by the passage of the Cheyenne River Tribe Equitable Compensation Act of 1998.

The Cheyenne River Sioux Tribe Equitable Compensation Act of 1998 will enable the Cheyenne River Tribe to address and improve their infrastructure within the Cheyenne River reservation community. However, the damage caused by the Pick-Sloan projects touches all of South Dakota, on and off reservation. The economic development goal targeted in this approach is a pressing issue for surrounding communities off reservation as well, because every effort toward healthy local economies in rural South Dakota resonates throughout the State.

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 as 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 its 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 lease-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 and Related Agencies is scheduled 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 facts are 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 ABOUT US PATENT AND TRADEMARK OFFICE PROCUREMENT

No taxpayer funds are being spent on the project. PTO is fully lease funded.

PTO's largest user groups support the project. The American Intellectual Property Law Association, the Intellectual Property Owners' 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 is for the PTO's current leased, unconsolidated locations, the PTO will spend approximately $1.3 billion in lease costs over the next 20 years to house the agency. Delaying consolidation will prevent PTO from passing this $72 million in savings onto its fee-paying customers.

Senate Bill already caps build-out costs. The Appropriations Bill (S. 2260), as passed, would cap interior office build-out at $36.69 per square foot, 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 for 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 intentional estimates used for the purpose of calculating the cost savings that would result from consolidation. Standardization, mass buys and competitive purchases will generate 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.

DOE's IG concluded that the project should proceed. The IG's key conclusion was that PTO will benefit from the project and will reduce operating costs by over $20 million annually. DOE's IG and an independent consultant to the DOE, 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. 2260, as passed, would place the ceiling on building funds that I recommend.

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 the third union.

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
Hon. JOHN W. WARNER,
U.S. Senator, Washington, D.C.

DEAR SENATOR WARNER: In light of recent reports on the U.S. Patent and Trademark Office’s (PTO) going procurement process to competitively acquire new, consolidated space for the PTO, I want to assure you that this procurement is based on sound principles.

These reports are focused on estimates of furniture costs mentioned in our Deva and Associates business case study. This study was used to compare our present, un-consolidated space with a worst-case scenario of moving to a new, consolidated facility under the OSA prospectus. Many of the amounts cited in the Deva report are being touted as what the PTO is spending for furniture at a new facility. Nothing is farther from the truth. I personally assure you, we have never contemplated nor will we spend $250 for a shower curtain, $750 for a crib, or $1,000 for a coat rack. I agree that some of these furniture estimates are too high even for a worst-case scenario. However, it must be kept in mind that even with these extremely high estimates, this procurement project still shows savings of at least $72 million. No one is disputing this fact.

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, though events of the last week show 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 with a demand: No harm must come to the Nobel Peace Prize winner.” I think it is clear that we in the Senate share this sentiment.

The junta has failed miserably. Burma is a country rich in resources which has been run into the ground by the inept and corrupt leaders. Many of these leaders have been censored, jailed, and worse. The junta has no legitimacy and should step aside and let the rightful election of Burma—the one elected in 1990—be conducted by August 21. Perhaps this will be an opportunity for the junta to step aside.

The junta continues to be limited, as is the freedom of Aung San Suu Kyi. Period. We hold the leaders of the military junta in Burma responsible for the safety of Aung San Suu Kyi. Period. 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 convened by August 21. Perhaps this will be an opportunity for the junta to step aside.

The 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 Lands Commissioner, 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 heard 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, they prefer the I-90 exchange to the lands package identified in a draft Environmental Impact Statement released earlier this spring. Environmental groups are concerned about legislation circumventing appeals and litigation.

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, would oppose 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.

Mr. President, I recognize and support the idea of getting it right. We have been at this exchange too long not to do just that. When I introduced S. 2136 I indicated it was simply a place holder. The final Environmental Impact Statement will be completed later this summer. It has been my intention to amend the legislation to incorporate necessary changes based on that statement.

After hearing the testimony of all parties, I have urged them to work together to identify a lands package that
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 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 very land exchange. This is 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 eminent.

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 and all who cherish 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” Barrow. 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 discharge their time and service to 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 Foster and Mary 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 his life with 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 of selflessness 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 MAST (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 father figure to others. He was as involved with his church and neighborhood. Without a doubt, Clyde Barrow was the embodiment of the neighbor we all want living within our 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 at this time. I want to offer my deepest sympathy to the family of loss from your shoulders. We must take comfort in the fact that Clyde lived his life with tremendous courage, dignity, and kindness. Clyde Barrow’s life is an example of righteousness for us all to follow.

Mr. President, this barbarous act flies in the face of the Universal Declaration to which Iran is party. Mr. Rowhani had a fundamental right to practice his religion. Iran denied him that right. Mr. Rowhani had a fundamental right to a public trial. Iran denied him that right. Mr. Rowhani had a fundamental right to counsel. Iran denied him that right. Mr. Rowhani had a fundamental right to NOT be hung at the end of a rope for holding minority religious beliefs.

My deepest concern now rests with the fifteen other Baha’is now being held by the government of Iran for expressing their religion. The same charges that resulted in Mr. Rowhani’s execution. As I speak now, at least three Baha’i men in the city of Mashad presently sit on death row, facing imminent execution...
because they dared to quietly celebrate their faith. I speak as much for them today as I do in protest to the brutal killing of their fellow-believer.

This hour, I call on the Government of Iran to ensure the safety of these individuals. I call for the release of these individuals whose only crime was the sincere expression of their faith, which happens to be a minority religion. Most importantly, I call upon the government of Iran to provide freedom of religion to its people, and to free the Iranian Christian, Maryam Iransheh, who has been unjustly imprisoned for her faith.

Religious persecution demands a tireless counter response; it demands a vigilantly persistent watch. If we hold the principle of religious freedom to be a precious and fundamental right, something worth protecting, then we must always defend those who are wrongfully and brutally crushed for their faith by hostile national governments.

We cannot bring Mr. Rowhani back or right the wrong that was done to him and his family, but we can advocate against this happening again. Iran must abide by global human rights principles. Accusingly, Iran must release the fifteen Bahai who have been incarcerated for their faith. Iran must preserve the lives of those facing execution for their faith. Iran must honor its commitment to the religious freedom principles of the Universal Declaration of Human Rights and set these prisoners free.

NURSING SCHOOL ADMINISTERED PRIMARY CARE CLINICS

Mr. INOUYE. Mr. President, I rise today to speak on an 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 time to discuss the challenge for supporting nursing school administered primary care centers.

Nursing centers are university or nonprofit entity primary care centers developed (primarily) in collaboration with colleges 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, who 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.

Nursing centers provide care in health care models established in the early part of the 20th century. Lillian Wald in the Henry Street Settlement and Margaret Sanger, who opened the first birth control clinic, provided the earliest models of care.

Since the late 1970's, in conjunction with the development of educational programs for nurse practitioners, college 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 Regional Nursing Centers 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 the United States.

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 nurse practitioners.

Another prime example of services provided by nurse practitioners is the Utah Wendover Clinic. This clinic, in existence since 1994, provides interdisciplinary, rural primary health services to more than 10,000 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 to direct access to care in 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, a figure far lower than that of expectant mothers who enrolled 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 for those facing "servicing" to underserved people in desperate need of health care services. Interestingly, nurse practitioners have consistently provided Medicare sponsored primary care 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 for 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, despite calls for nurse-run centers, as opposed to individual practitioners, 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 Services (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 the Defense Medical Program. 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 in treatment facilities. The Graduate School of Nursing at the Uniformed University of the Health Sciences (USUHS), which has a very successful nurse practitioner program, was recently recognized as the most aggregated site of clinical practice in the United States. The Commanding General at Tripler Army Medical Center, a two star position, is a nurse. This
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 session of Congress, I proposed legislation to amend the Title XIX of the Social Security Act to expressly provide for coverage of services by nursing school administered centers under state Medicaid programs, similar to payments provided to rural health clinics. Today, as we debate a number of health care issues, I urge my colleagues to consider this avenue 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 limited 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, who 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 patient care services are, Mr. President, at the crux of our current debates over health care reform. We owe it to each and every American to provide the very best options for quality health care available.

Mr. President, I thank you for the opportunity to address my colleagues on this most important topic. I ask that an article on this subject be printed in the Record.

The article follows:

[From the U.S. News & World Report, July 27, 1998]

FOR NURSES, A BARRIER BROKEN—IT'S A TEST INSURERS ARE BACKING: CAN PRIMARY CARE WORK WITHOUT DOCTORS?

(By) James Lardner

Several weeks ago, President Clinton issued a challenge to health care reformers: create a new model for primary care that is more efficient, accessible and affordable. In this issue of U.S. News & World Report, we explore the potential of that model, the nurse-practitioner (NP) who has been shown to provide high-quality care at lower costs. The success of this new approach to primary care could have significant implications for the future of health care in America.

The power of physicians is also under attack from market-oriented critics, who see them as attempting to carve out a monopoly at the consumer's expense. In the past, physicians have not been allowed to compete with other providers of care, such as nurse practitioners. However, as managed-care systems become more common, physicians find themselves competing with nurse practitioners for patients. This competition could lead to lower costs and higher quality care for patients.

In addition, a 1993 analysis of studies comparing care offered by physicians with that provided by NPs found that NPs spent about 25 minutes with a patient; doctors spent an average of 32 minutes. In general, the two groups had similar costs in their rates of prescribing drugs, but the nurses provided more patient education and stressed exercise more often than the doctors.

While the debate may seem to pit nurses against doctors, the more important issue is whether there is a place in the health care system for both groups. The answer to this question is yes. Both nurses and doctors have unique strengths that can be leveraged to improve the quality of care. The key is to find the right mix of providers to meet the needs of each patient.

In conclusion, nurse practitioners provide an effective and efficient model for primary care. With the proper support and resources, they can help improve the quality of care while reducing costs for patients. This model should be explored further as a viable alternative to the traditional physician-dominated system.
care but, in doing so, has called the medical profession’s bluff. Say Uwe Reinhardt, a health economist who teaches at Princeton University, “Doctors always say the are rugg
ed individuals who can’t free enterprise and such, and now at the first sight of a nurse they run to the government and say, ‘Please use your coercive powers to protect us!’

Even so, however, fear that Mundinger’s model, for all its noble objectives, will appeal to the banest motives of insurers and employers is leaving patients, in the end, with less-trained people who are in just as much of a hurry. There is some reason for doubting this: A study in the April 1997 issue of the Journal of Law and Economics for example, found NPs more consistent than gynecologists in adhering to medical standards in evaluating cervical dysplasia, a precursor to cervical cancer. And as Robert Brook, a Rand analyst who is conducting an internal assessment for CAPNA, puts it: “It’s not like we started out with a perfect system.”

TRIBUTE TO LIEUTENANT COLONEL KEVIN “SPANKY” KIRSCH, USAF

Mr. WARNER. Mr. President, I rise today to pay tribute to Lieutenant Colonel Kevin “Spunky” Kirsch, United States Air Force, on the occasion of his retirement after over twenty years of exemplary service to our nation. Colonel Kirsch’s 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 when he leaves us. In 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-52D 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 in 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 the 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 member of the transition team, he soon became the legislative liaison for STRATCOM. In this capacity, Colonel Kirsch organized congressional delegations to visit STRATCOM, and managed CINC STRATCOM’s interactions with Capitol Hill.

In 1994, Colonel Kirsch traveled here to Washington, to begin his final assignment on active duty. Initially serving as a military assistant to the Assistant Secretary of Defense for Legislative Affairs, Colonel Kirsch once again quickly distinguished himself and was designated the special assistant for acquisition and C3 policy. Representing the Secretary of Defense, the Under Secretary of Defense for Acquisition, and the Assistant Secretary of Defense for C3, Colonel Kirsch managed a myriad of critical initiatives including acquisition reform and information assurance. He also served as the principal architect for the organization’s web page, computer network, and many of the custom applications used to automate the office’s administrative functions.

Colonel Kirsch’s numerous military awards include the Defense Superior Service Medal, the Defense Meritorious Service Medal, the Oak Leaf Cluster, the Air Force Meritorious Service Medal, the Air Force Commendation Medal with Oak Leaf Cluster, and the Air Force Achievement Award.

Following his retirement, Colonel Kirsch and his wife Carol will continue to reside in Springfield, VA with their children Alicia and Benjamin.

Mr. President, our nation, the Department of Defense, the United States Air Force, and Lieutenants Colonel Kirsch’s family can truly be proud of this outstanding officer’s many accomplishments. His honorable service will be genuinely missed in the Department of Defense and on Capitol Hill. I wish Lieutenant Colonel Spunky Kirsch the very best in all his future endeavors.


Mr. ABRAHAM. Mr. President, I rise today to recognize Officer Kimberly Sivyer of the Redford Township Police Department. He has been named the D.A.R.E. Officer of the Year for 1998 in the state of Michigan.

Officer Sivyer started with the Redford Police Department in 1981. He has dedicated his time and service to D.A.R.E. since 1990. Over the course of these eight years he has touched many students’ lives educating them about the dangers of drugs and violence. He has and continues to be an excellent role model for the youth of his community. His colleagues at the Redford Township Police Department and the members of his community recognize this and it is for these reasons that he is very deserving of this award.

I want to once again express my sincerest appreciation and congratulations to Officer Sivyer for being named D.A.R.E. Officer of the Year 1998. He should be very proud of this achievement.

THE COUNTRY OF GEORGIA

Mr. BROWNBACK. Mr. President, I would like to say a few words about Georgia and the recent events which have taken place in this impressive country. Several days ago, Georgia reaffirmed its commitment to full participatory democracy when the Minister of State requested the resignation of all cabinet ministers, and then resigned himself. His resignation was accepted, and President Eduard Shevardnadze has vowed to reconstitute a new government by the middle of August. This transition, so reminiscent of the ebb and flow of governments in great parliamentary democracies, has been accomplished without violence or bloodshed, without chaos or confusion, and with the support of the Georgian people. Truly Georgia is an inspiration to peoples everywhere who long for democracy and who struggle against the freedom-stifling legacy of the communist experiment.

Georgia is impressive in other ways as well. Its economy continues to grow in a positive direction, unlike the economies of some of its neighbors; Georgia is not perfect, and it is not pristine. But it is progressive. With a growth rate of nearly 8 percent in 1997 and projected growth of 11-13 percent in 1998, Georgia is on track to a significant economic turn-around.

This turn-around and the prosperity that will inevitably flow from it, still involve many hurdles. Georgians have bravely faced these challenges, and they face more still. Probably none is so painful as the ongoing conflict in Abkhazia, Georgia’s most northwestern province bordering Russia. This brutal
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 27th, "Russia accepted 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 into the war." Russian accused 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-Georgia 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 and 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 and treat it as a separate state 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-Georgia nationalities. 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 Abkhazians and Georgians. Russia supported and encouraged the Abkhaz against Georgia at the frequent 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 of refugees and internally displaced persons in 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 lost 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 remains negligible, with Russia holding a veto on the Security Council, is in doubt.

How is it possible that ethnic cleansing can high behind a transparent veil? How can the UN shirk 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 NATO allies? Where are the legislations 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 Road, will regenerate the economy of Georgia, foretelling 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 Russian power and American dollars.

EXPRESSING THE SENSE OF CONGRESS CONCERNING THE HUMAN RIGHTS AND HUMANITARIAN SITUATION FACING THE WOMEN AND GIRLS OF AFGHANISTAN

(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 as an instrument of war is considered a grave breach of the Geneva Convention and a crime against humanity;

(4) calls on all parties, factions, and powers in Afghanistan to bring an end without delay to—
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.

The conference report to accompany H.R. 1385 is printed in the House proceedings of the RECORD of July 29, 1998, and is ordered to accompany H.R. 1385 to consolidate over 70 federally funded job training programs of this country with the regular job training programs of the Job Corps and other federal employment and training programs of the Department of Labor, as well as with the Job Corps as an independent federal employment and training program.

Included in this bill is a provision to set aside 50 percent of the funds provided through the Job Corps program for the provision of employment and training services to women and minority individuals. The bill also authorizes the Secretary of Labor to enter into contracts with public and private entities for the provision of employment and training services to women and minority individuals through the Job Corps program.

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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, who want to help preserve the 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, we target it; 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 empower the community, States and local communities to allow them to design the specific program that will actually work for their young people in their local communities.

This is a revolutionary 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 EFFORDS. It is a bill that Secretary Alexie Herman has been very, very much involved in. She has been involved in it up until the last 10 minutes, as we have negotiated the final portions of this bill. We do it with a level of dedication for these young people, we do it in a way that I am very, very much involved in. She has been involved in it up until the last 10 minutes. She has been involved in it up until the last 10 minutes, as we have negotiated the final portions of this bill. We do it with a level of dedication for these young people, we do it in a way that I am very, very much involved in.

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 who need to be trained in this country.

Agaye, my chairman for the tremendous work that he has done; for his persistence. One of the qualities I think you have to have in the U.S. Senate is perseverance and persistence, as well as patience. He has demonstrated all those qualities. The culmination of what we see tonight, which is a bill we are about to send to the President of the United States for his signature.

I yield the floor. The PRESIDING OFFICER. The Senator from Vermont.

Mr. EFFORDS. Mr. President, first, I thank my colleague from Ohio for his very eloquent description of the legislation. It is a very significant bill. It is a bill that has been involved in it up until the last 10 minutes, as we have negotiated the final portions of this bill. We do it with a level of dedication for these young people, we do it in a way that I am very, very much involved in. She has been involved in it up until the last 10 minutes.

As he pointed out, this is an example of bipartisanism 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, which has been a struggle, which has always in a constructive way and allowed us to come up with an excellent piece of legislation.

Mr. KENNEDY. Mr. President, final passage of the Workforce Investment Act is a landmark achievement in which we can all take 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 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. 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 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. Professionals 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. There are at least 1.7 million people between the ages of 14 and 21 in this country who never 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 making urgent new demands on a job training system that 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 workers 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 these with access to the educational tools that will enable them not only to keep up, but to get ahead. This legislation is the product of a true bipartisan collaboration. I want to publically commend Senators EFFORDS and DeWINE for the genuine spirit of bipartisanism which has made this effort possible. Senator WELLSTONE and I appreciate it. This spirit of collaboration was the result of a conference of the House and Senate. 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 governments.

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-friendly 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 most 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 are 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, each training provider will 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 which can be used to pay for 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 which are 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 these 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 serves approximately 50,000 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 93 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 being left behind without 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 discretionary fund to programs designed to provide opportunities to youth living in these areas. These 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 story of 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 element of the Workforce Investment Act. 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 learning experiences while they are still in school. 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 what we already know: that work sites are well-supervised and disciplined, that jobs provide 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 allows local communities to 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 so doing, 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 helped develop the vocational rehabilitation title. Jane Oates’ assistance throughout the conference process has also been invaluable. I am proud of their work.

I applaud 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 Spiner worked for me during the 104th Congress until his tragic and untimely death. His invaluable efforts helped to lay the ground 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 effort. I would like to commend Senators Jeffords, Kennedy, DeWine, and Wellstone, as well as the House conferees, for shepherding this bill through the conference.

Few issues that we vote on in Congress are as important to the future of this country as the lifelong education and training of our workforce. We live in an era of a global economy, emerging industries, and company downsizing. It is imperative that our delivery of services meets the employment and educational needs of the 21st century.

The current maze of more than 160 programs which are administered by 15 separate federal agencies has failed. The Workforce Investment Act streamlines these programs by giving more authority to state and local representatives of government, business, labor, education, and other national activity with the bill establishes a true collaborative process between the state and local representatives to ensure that training and educational services will be held to high standards. This bill also gives more flexibility to individuals seeking training assistance. Individuals will no longer be limited to a predetermined set of services.
Today, the U.S. Department of Labor will have the ability to make their own performance. Men and women will be required to report publicly on the One-Stops, and training providers will innovate within the new system created. Good-performing service delivery systems will continue to perform successfully. The same is true of current collaborative one-stop structures and local workforce boards which currently successfully undertake a range of activities, such as what the bill calls core services and training services. We have intentionally built flexibility into the bill.

Veterans will be served both in State-administered training programs and the national veterans workforce investment programs. Veterans also 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. 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 workers 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, while enhancing federal support and investment in these critical areas.

The Conference Agreement will help states implement a more coherent, performance-driven system to ensure that Americans receive the training and education they need throughout their lives.

The Conference Agreement will streamline services by establishing a one-stop delivery system; enhance accountability by requiring states, local boards, and training providers to meet performance measures; provide more reliable information on local career opportunities and training programs and providers; empower individuals to use individual training accounts to choose their own training programs and providers; and increase flexibility to allow states and local areas to implement innovative job training programs.

I am also particularly pleased that this Conference Agreement includes provisions which will benefit my home state of Rhode Island, such as preserving the state’s successful service delivery area structure.

In addition to job training reform, the Conference Agreement also improves the accessibility and quality of adult literacy and education programs. Indeed, more aggressive adult literacy programs are essential if we are to ensure that everyone in the workforce has an ability to read.

Lastly, the Conference Agreement reauthorizes the Rehabilitation Act of 1973. In doing so, it links vocational rehabilitation to the new workforce system, while maintaining a separate funding stream for vocational rehabilitation. This will provide improved training and employment services to individuals with disabilities.

I want to thank Chairman Jeffords, Senator Kennedy, Senator DeWine, and Senator Wellstone, and their staffs, for their efforts on this important legislation and for working with me to address issues affecting Rhode Island.

Mr. President, I urge my colleagues to support this legislation.

Mr. EFFORDS. Mr. President, I now renew my unanimous consent request. The PRESIDING OFFICER. Without objection, the conference report is agreed to.

Patriotic and National Observances, Ceremonies, and Organizations

Mr. EFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 477, H.R. 1085. The 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."

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. EFFORDS. 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.
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 PRESIDING OFFICER. 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 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:

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 extended the funeral of a Senator, including the funeral of a retired Senator. Expenses of the Senator representing 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 PRESIDING OFFICER. 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 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 as 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:

(1) 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 and organized minor league baseball;

(2) 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;

(3) any conduct, acts, practices, or agreements protected by Public Law 87-331 (15 U.S.C. 1291 et seq.) (commonly known as the "Sports Broadcasting Act of 1961"); or

(4) 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. 309

Mr. JEFFORDS. Senator HATCH has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. 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 1997."

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 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) Subject to subsections (b) and (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 are agreements or practices which would be subject to the antitrust laws if engaged in by persons in any other 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 of persons, or any combination thereof, than 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 baseball 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 major league 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, including sales or sales of intangible 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 89-331 (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; or

(6) acts, 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 baseball at the major league level; or

(2) a person who is a party to a major league player's contract or 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 claim for 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 baseball players;

"(d)(1) As used in this section, 'person' means any entity, including an individual, partnership, corporation, trust or unincorporated organization or association thereof. As used in this section, the National Association of Professional Baseball Leagues, its member leagues and organized professional minor league baseball, as well as those persons, as used in this section, are 'in 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, the conduct of acts, practices, or agreements covered by subsection (b) above, 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 construed to affect the application to organized professional baseball of the nonstatutory labor exemption from the antitrust laws.

"(5) The conduct, acts, practices or agreements covered by subsection (b) shall not be strictly or narrowly construed.

Mr. HATCH. Mr. President, today I offer on behalf of myself and Senator LEAHY, the Ranking Member of the Senate Judiciary 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 on September 11, 1997, clarifies that the antitrust laws apply to labor relations at the major league level, but does not have any affect on any other persons or circumstances. Given our limited time, I will only make a few brief comments, and would ask unanimous consent that my full statement be entered into the Record.

In a baseball season that is likely to set records in a number of different categories, I am extremely pleased to be able to report that a truly historic milestone in the history of professional baseball has been reached. People said it would never happen, but today I can tell you that major league baseball players, along with both major and minor league club owners, have reached an agreement on a bill clarifying that the antitrust laws apply to major league professional baseball labor relations. This agreement upon language is reflected in the substitute we are offering today.

With this historic agreement, I am confident that Congress will, once and for all, make clear that professional baseball players have the same rights as other professional athletes, and will help assure baseball fans across the United States that our national pastime will not again be interrupted by strikes. With the home run battles and exciting pennant races, baseball is enjoying a resurgence. And, as fans are returning to the ballparks, they deserve to know that players will be on the field, not mired in labor disputes.

Due to an aberrant Supreme Court decision in 1922, labor relations in major league baseball have not been subject to antitrust laws, unlike any other industry in America. In every other professional sport, antitrust laws serve to stabilize relations between the team owners and players unions. That is one of the principal reasons why, in recent years, baseball has experienced more work stoppages, including the disastrous strike of 1994±95, than professional basketball, hockey and football combined.

In the 103d Congress, the House Judiciary Committee took the first important step by approving legislation which would have ensured that the antitrust laws apply to major league baseball labor relations, without impacting the minor leagues or team relocation issues. During the 104th Congress, the Senate Judiciary Committee approved an amendment to the Players Relations Act. The Major League Baseball Antitrust Reform Act, to apply federal antitrust laws to major league baseball labor relations. None of these bills were passed, however, as many Members of Congress were reluctant to take final action while there was an ongoing labor dispute.

With the settling of the labor dispute and with the signing of a long term agreement between the major league players union and the owners, the time was right this Congress finally to address this matter. In fact, in the new collective bargaining agreement, the owners pledged to work with the players to pass legislation that makes clear that major league baseball is subject to the federal antitrust laws with regard to owner-player relations.

At the beginning of this Congress, we introduced S. 53, a bill which was specifically supported by both the players and club owners. If we were report out of the Judiciary Committee almost exactly one year ago. At the Committee markup, however, several Members indicated a concern that the bill
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 leagues' 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.

Hon. Orrin Hatch,
Chairman, Senate Judiciary Committee, U.S. Senate, Senate Dirksen Office Building, Washington, D.C.

June 21, 1998

Dear Mr. Chairman: As you know, the National Association of Professional Baseball Leagues, Inc. ("NAPBL") objected to S. 53 as it was reported by 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.

Hon. Orrin Hatch, Chairman,
Hon. Patrick Leahy,
Ranking Member, Senate Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATORS HATCH AND LEAHY: As requested by the Committee, the parties represented below have met and agreed to the attached substitute language for S. 53. In particular, we believe the substitute language adequately addresses the concerns expressed by some members of the Judiciary Committee that S. 53, as reported, did not sufficiently protect the interests of the minor leagues. We understand that the minor leagues will advise you that they agree with our assessment by a separate letter.

We thank you for your leadership and patience. Although, obviously, you are under no obligation to use this language in your legislative activities regarding S. 53, we hope that you will look favorably upon it in light of the agreement of the parties and our joint commitment to work together to ensure its passage.

If you have any questions or comments, please do not hesitate to contact us.

Sincerely,

DONALD M. FEHR
Executive Director, Major League Baseball Players Association.

OFFICE OF THE COMMISSIONER,
MAJOR LEAGUE BASEBALL

ALLAN H. "BUD" SELIG
Commissioner, Major League Baseball.
the minor leagues, not the relationship between major league owners and players. 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, confirming the interpretation of the use of the word "directly" and I ask unanimous consent that it be included in the RECORD at this time.

As in S. 53, as reported, new subsection (d) of the Act 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 to the context of the 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 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 to the context of the employment of major league players at the major league level.

As in S. 53, as reported, new subsection (d) of the Act 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 to the context of the 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 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 to the context of the employment of major league players at the major league level.

New subsection "(e)" 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 provision the small leagues 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 the antitrust law's recognition that minor league 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)(2) added to give the courts direction in cases involving matters that relate to both matters covered by subsection (a) and to those with 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 relates 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 owners who 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 for years to come.
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:

S 1134

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. 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. The agreement shall become effective for those Members ratifying it whenever any two or more Members of the United States of Oregon, Washington, Alaska, Idaho, Montana, or the Yukon Territory, or the Province of British Columbia, or the Province of Alberta have ratified it.

"Article III. The Members are rendering aid to and, therefore, have the right to and shall be entitled to receive and use any such equipment and supplies as comparable employees of the Members to which the rendering aid.

"Article IV. The Members shall formulate procedures for claims and reimbursement under the provisions of this Article.

"Article V. When appropriations for support of this agreement, or for the support of common services in executing this agreement, are needed, costs will be allocated equitably among the Members.

"Article VI. 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 the representatives of the Members.

"Article VII. The Members may accept any and all donations, gifts, and contributions, equipment, supplies, materials and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for use in connection with this compact, and may receive and use the same subject to the terms, conditions, and regulations governing such donations, gifts, and contributions.

"Article VIII. Nothing in this Agreement shall be construed to limit or restrict the powers of Congress to legislate or to regulate or control the conduct of the Members or any other person or government in connection with the execution of this Agreement.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read a third time and passed.

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

The bill (S. 1134) was deemed read the third time and passed, as follows:

S 1134

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".

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"Article IV. The Members shall formulate procedures for claims and reimbursement under the provisions of this Article.

"Article V. When appropriations for support of this agreement, or for the support of common services in executing this agreement, are needed, costs will be allocated equitably among the Members.

"Article VI. 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 the representatives of the Members.

"Article VII. The Members may accept any and all donations, gifts, and contributions, equipment, supplies, materials and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for use in connection with this compact, and may receive and use the same subject to the terms, conditions, and regulations governing such donations, gifts, and contributions.

"Article VIII. Nothing in this Agreement shall be construed to limit or restrict the powers of
MEASURE READ FOR THE FIRST TIME Ð S. 2393

Mr. JEFFORDS. Mr. President, I understand that earlier today, Senator Murkowski introduced S. 2393. I now ask for its first reading.

The PRESIDING OFFICER. The bill will be read for the first time.

The legislative clerk read as follows:

A bill (S. 2393) 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 fish-
Mr. JEFFORDS. Mr. President, I ask unanimous consent that immediately following the vote on the conference report to accompany H.R. 4059, 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 proceed to a vote on the adoption of the conference report without any intervening action or debate. The PRESIDING OFFICER. Without objection, it is so ordered.

BIOMATERIALS ACCESS ASSURANCE ACT OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 872, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read 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.

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. MCCAIN. Mr. President, the effort to pass legislation dealing with biomaterials has been a long fight. I want to thank Senator Lieberman, and Congressman Gekas for their extraordinary leadership and hard work on the issue. It has been a great privilege and honor working with them over the past several years to gain passage of this vital legislation.

I want to stress to my colleagues the importance of passing the Biomaterial Access Assurance Act. Over seven million lives depend upon an ample and reliable supply of medical devices and implants, such as pace makers and brain shunts.

Unfortunately, the supply of these life-saving products is in serious danger. Those who provide the raw materials from which medical implants are fashioned have been dragged into costly litigation over claims of damage from the finished product. This is the case even though such suppliers are not involved in the design, manufacture or sale of the implant. Many suppliers are unwilling to expose themselves to this enormous and undue risk. This bill will extend appropriate protection to raw material suppliers, while assuring that medical implant manufacturers will remain liable for damages caused by their products. It will permit suppliers of biomaterials to be quickly dismissed from a lawsuit if they did not manufacture or sell the implant and if they met the contract specifications for the biomaterial.

Mr. President, as my colleagues are aware, the bill's provisions do not extend to suppliers of silicone gel and silicone envelopes used in silicone gel breast implants.

I want to be quite clear this "carve-out" as it's been called, is intended to have no effect on tort cases related to breast implants. The question of whether and to what degree silicone breast implants are hazardous is a determination that must be made by scientific experts. The question of whether raw material suppliers are or are not liable is a determination that the courts must render.

Determining the safety or efficacy of a medical device is not the function of the Senate nor the United States Congress. This is not our role and nothing in this legislation should be construed otherwise. So, the exemption should not be interpreted as a judgment about silicone breast implants.

Our goal is to remain simply to 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 trusting in the protections of this act, return to the medical device manufacturing marketplace fit themselves again targeted as deep pockets in tort actions, and thereby threaten the supply of life saving products. I appreciate the opportunity to make this very important point about a bill vital to public health.

This is an important piece of legislation and it will make a great difference to millions of Americans.

Mr. President, I would now like to enter into a colloquy with the distinguished Senator from Wisconsin regarding several aspects of this legislation.

Mr. FEINGOLD. Mr. President, I rise to express my concern regarding those three provisions of the Biomaterials Access Assurance Act of 1998. Although I have broader concerns with the bill including federalism issues, consumer protection issues, and evidentiary issues, I would like clarification from one of the sponsors of the bill, Senator MCCAin, on these specific points.

First, Section 7(a) the language reads that only "after entry of a final judgment in an action by the claimant against a manufacturer" can a claimant attempt to implead a biomaterials supplier. I am concerned that this could be interpreted to mean that the manufacturer must lose the underlying suit before the claimant may implead the supplier. Is this correct?

Mr. MCCAin. No. Although I do not believe that the situation you pose could happen very often—specifically that a supplier could be liable when the manufacturer is not—the language should be interpreted to mean that the court could bring a motion to implead the supplier whether or not the manufacturer is found liable in the underlying case, as long as the judgment is final.

Mr. FEINGOLD. Second, I am concerned that there would not be a sufficient introduction of evidence demonstrating the liability of the supplier in the underlying suit against the manufacturer for the court to make an independent determination that the supplier was an actual and proximate cause of the harm for purposes of the impleader motion as required in Sections 7(a)(1)(A) and 7(a)(2)(A) of the bill.

Mr. MCCAin. Under current FDA regulations and under current tort law, the manufacturer is responsible for the entire product they produce, including defects in the raw materials. Therefore, the claimant may enter evidence in the underlying action against the manufacturer regarding defect in the biomaterials used.

Mr. FEINGOLD. Finally, 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. MCCAin. Yes it does. Section 7(a)(2)(B) provides that in a case where the claimant is unlikely to recover from the manufacturer, if the other requirements of Section 7 are satisfied, the claimant can bring an action against the supplier. This covers bankruptcy and other scenarios where the manufacturer cannot satisfy an adverse judgment.

Mr. FEINGOLD. Senator MCCAin, I thank the Senator for addressing my concerns.

Mr. LIEBERMAN. Mr. President, I rise in strong support of the bill we are about to take up and vote upon, the Biomaterials Access Assurance Act. I am proud to have co-sponsored the Senate version of this bill with Senator MCCAin. We have worked together on this bill for a number of years now, and it is quite gratifying to see it now about to move toward enactment.

Mr. President, the Biomaterials bill is the response to a crisis affecting more than 7 million Americans annually who rely on implantable life-saving or life-enhancing medical devices—things like pacemakers, heart valves, artificial blood vessels, hydrocephalic shunts, and artificial joints. They are at risk of losing access to the devices because many companies that supply the raw materials and component parts that go into the devices are
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 raw 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 implant manufacturers. 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 product liability for 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, if 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 will no longer generate enough of an electrical pulse to get their heart to beat. Without implants, none of these individuals could survive.

We must do something soon to deal with this problem. We simply cannot allow the current situation to continue to put at risk the millions of Americans who rely on their medical devices.

Senator McCain, and I and the bill’s sponsors in the House have crafted what we think is a reasonable response to this problem. Our bill would do two things. First, with an important exception I’ll talk about in a minute, the bill would prevent implant manufacturers from suing suppliers of raw materials and component parts from 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. 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, manufacturer or sale of an implant, and they can sue the implant manufacturer, 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 is bankrupt or otherwise insolvent. As the new language 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’m not 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 amendments 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 promote, or to facilitate, any unlawful activity, or to otherwise obtain, or to cause to be obtained, any unlawful activity for the person committing the illegal activity; or

(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 striking at the end of the following:

"(D) an offense under paragraph (7) of such subsection that involves the transfer, possession, or use of 1 or more means of identification 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) by adding at the end of the following:

"(2) by adding at the end of the following:

"(B) appropriate law enforcement agencies for
(A) the 3 major national consumer reporting
entities, as appropriate, to provide an appropriate
analysis to the FBI in the course of the production,
transfer, possession, or use prohibited by this
section;"

(d) in paragraph (5) as paragraph (6); and
(e) 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"

(c) CIRCUMSTANCES.—Section 1028(c) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) either:
(A) the production, transfer, possession, or use prohibited by this section is in or affects interstate or foreign commerce; or
(B) the means of identification, identification document, false identification document, or document-making implement is transported in the mail in the course of the production, transfer, possession, or use prohibited by this section.
"(d) DEFINITIONS.—Section 1028 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) DEFINITIONS.—In this section:

"(1) DOCUMENT-MAKING IMPLEMENT.—The term 'document-making implement' means any implement, impression, electronic device, or computer hardware or software, that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement.
"(2) IDENTIFICATION DOCUMENT.—The term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, or international governmental or international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.
"(3) MEANS OF IDENTIFICATION.—The term 'means of identification' means any name or number that may be used, alone or in conjunction with other personal information, to identify a specific individual, including any—

(A) name, social security number, date of birth, official State or government issued driver's license number, registration number, government passport number, employer or taxpayer identification number;
(B) unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
(C) unique electronic identification number, address, or the policy statements of the Commission, as appropriate, to provide an appropriate penalty for each offense described in subsection 1028 of title 18, United States Code, as amended by this Act; and
(f) 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 includes or involves individuals, including harm to reputation, inconvenience, and other difficulties resulting from the offense, is an adequate measure for establishing penalties under the Federal sentencing guidelines;
(2) the number of means of identification, identification documents, or false identification documents (as those terms are defined in section 1028 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 a 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; and
(5) 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.
"(g) RULE OF CONSTRUCTION.—For purposes of subsection (a)(7), 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 of 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" and inserting "and information" at the end;
(3) in the analysis for the chapter, in the item relating to section 1028, by adding "and information" at the end.
"SEC. 4. AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES UNDER TITLE 18.

(a) In General.—In accordance with its authority under section 994(p) of title 18, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines relating to the statutory offenses described in paragraphs (1) and (2) of section 1028 of title 18, United States Code, to strike 'other drug offenses' described in paragraph (2) of 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) to which the number of victims (as defined in section 3663A(a) of title 18, United States Code) involved in the offense includes or involves individuals, including harm to reputation, inconvenience, and other difficulties resulting from the offense, is an adequate measure for establishing penalties under the Federal sentencing guidelines;
(2) the number of means of identification, identification documents, or false identification documents (as those terms are defined in section 1028 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 a 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; and
(5) 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.

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 stolen, 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).
(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)(1) of title 18, United States Code, is amended to read as follows: '(1) 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. 853).''.
(b) ECONOMIC ESPIONAGE AND THEFT OF TRADE SECRETS AS Predicate OFFENSES FOR WIRE INTERCEPTION.—Section 2518(1)(a) of title 18, United States Code, as added by this Act, is amended by inserting "Chapter 90 (relating to protection of trade secrets)," after "to espionage")."
The substitute I am offering today to the Judiciary Committee, does both. It recognizes the crime by making it unlawful to steal personal information. By amending section 1028, the substitute 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 eliminates the scope of the crime of identity theft, which is currently too broad and 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.

Mr. JEFFORDS. Mr. President, 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” is 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 whose reports have called identity theft “a crime of staggering proportions.” I refer to the Stern amendment to S. 512, the “Identity Theft and Assumption Deterrence Act.” is to address one of the fastest growing crimes in America, identity theft. Losses related to identity theft have nearly doubled in the last two years. Today, 95% of all crimes arrests involve identity theft. Trans Union, one of the country’s three major credit bureaus, says calls to its fraud division have risen from 3,000 a month in 1992 to nearly 43,000 a month this year. This is more than a troubling trend. Indeed, with increasing frequency, criminals—sometimes part of an international criminal syndicate—are misappropriating law-abiding citizens’ identifying information such as names, birth dates, and social security numbers. And while the results of the theft of identifying information can be devastating for the victims, often costing a citizen thousands of dollars to clear his credit or good name, today the law recognizes neither the victim nor the crime.

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 provide consumer complaints of identity theft and 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 Congress has considered in 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 eliminates the scope of the crime of identity theft, which is currently too broad and 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.

Mr. JEFFORDS. 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 our personal information, 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, FBI’s 2003 World 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 protect themselves against fraud, 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 provide consumer complaints of identity theft and 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 Congress has considered in 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.

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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.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today’s Record under “Amendments Submitted.”)

Mr. KYL. Mr. President, the purpose of this amendment is to keep pace with criminals’ exploitation of information technology. By amending section 1028, the D’Amato amendment numbered 3480.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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Mr. JEFFORDS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today’s Record under “Amendments Submitted.”)
identification that results in the perpetrator receiving anything of value aggregating $1,000 or more over a 1-year period, would carry a penalty of a fine or up to 15 years' imprisonment, or both. The use or transfer of another person's identity that information is obtained, but does not satisfy those monetary and time period requirements, would carry a penalty of a fine and up to three years' imprisonment, or both. Finally, again with the support of the Decrease Justice, we specified the forfeiture procedure to be used in connection with offenses under section 1028. The bill as reported created a forfeiture penalty for these offenses; the addition of a procedure simply clarifies how that penalty is to be enforced.

I am glad that Senator Kyl and I were able to join forces to craft legislation that both punishes the perpetrators of identity theft and helps the victims of this crime.

Mr. HATCH. Mr. President, I am please that I rise today in support of S. 512, the “Identity Theft and Assumption Deterrence Act of 1998.” This measure has bipartisan support, and I am pleased to be an original co-sponsor along with Senators LEAHY, FEINSTEIN, DeWINE, GRASSLEY, G. SMITH, FAIRCLOTH, HARKIN, WARNER, MURKOWSKI and ROBB.

Identity information theft is a crime that destroys the lives of thousands of innocent people each year. It occurs when an imposter, who has falsified or stolen personal information from another individual, uses the information to make financial transactions or conduct personal business in the name of another. This heinous crime often leaves victims with mountains of debt, ruins their credit history, and makes it difficult for the individuals to obtain employment. In short, it virtually takes over the lives of innocent citizens who find themselves trying to untangle an endless trail of obligations and procedures they did not do or actions they did not commit.

Many of you know individuals who have been victims of this crime. These are people whose lives have been destroyed because a con-artist gained access to and used their personal data, such as their address, date of birth, mother’s maiden name, or social security number. This is information that you and I are asked to verify every day in our mail and telephone calls, but it is information that information is obtained, these con-artists use it to open bank and credit card accounts and to obtain bank and mortgage loans. These fake business and personal commitments and obligations can ruin a lifetime of hard work.

Currently, the applicable federal statute, Title 18 United States Code Section 1028, only criminalizes the possession, transfer, or production of identity documents. In other words, you have to catch the culprit with the actual documents in order to bring a prosecution for fraud. Obviously, such criminals are not always going to keep these documents once they have acquired the information they need. Many times criminals simply misappropriate the information itself to facilitate their criminal activity.

As there is no specific statute criminalizing the theft of the information, when these criminals are prosecuted, law enforcement must pursue more indirect charges such as check fraud, credit card fraud, mail fraud, wire fraud, or money laundering. Unfortunately, these statutes do little to compensate the victim or address the horror that the individual whose life has been invaded. Often these general criminal statutes treat only affected banks, credit bureaus, and other financial institutions as the victim, leaving the primary victim, the innocent person, without recourse to reclaim his or her life and identity.

S. 512 recognizes not only that it is a crime to steal personal information, and enhances penalties for such crimes, but it also recognizes the person, whose information has been stolen, as the real victim. Moreover, it gives the victim the ability to seek restitution and relief.

I believe this bill to be an important piece of legislation. It is supported by federal law enforcement agencies, credit bureaus, banking associations, and other private entities. I urge all of my colleagues to join us and support the passage of this bill.

Mr. FEINSTEIN. Mr. President, I am proud to be an original cosponsor of the substitute version of S. 512, the Identity Theft and Assumption Deterrence Act of 1998, which the Senate is considering today.

On June 18, the Senate Judiciary Committee, Subcommittee on Technology, Terrorism, and Government Information, on which I serve as Ranking Member, heard from victims of identity theft from both Subcommittee Chairman Kyl’s and my home states. The very personal stories of lives turned upside down by the crime of identity theft.

Their are not isolated stories. The Secret Service last year made nearly 9,500 identity theft-related arrests, totaling three-quarters of a billion dollars in losses to individual victims and financial institutions. Such losses have nearly doubled in the last two years, and no end to the trend is in sight. In fact, in one case, identity theft is used to violate immigration laws, to illegally enter the country or to flee across international borders.

It used to be that identity theft required wasting time and money for discarded credit card receipts. Today, with a few keystrokes, a computer-savvy criminal can hack into databases and lift credit card numbers, social security numbers, and a myriad of personal information.

The Identity Theft and Assumption Deterrence Act does two critical things in the war on identity theft: it gives prosecutors the tools they need, and it recognizes that identity theft victimizes individuals.

Prosecutors tell us that they lack effective tools to prosecute identity theft and to make victims whole. S. 512 has been drafted in consultation with prosecutors to give them the tools they need. S. 512 does so in a number of important ways:

It updates pre-computer age laws to criminalize electronic identity theft;

It stiffens penalties and adds sentencing enhancements that prosecutors tell us they need to effectively prosecute crimes; and

It allows law enforcement agents to seize equipment used to facilitate identity theft crimes.

Earlier this month, the Senate Judiciary Committee passed the Victim’s Rights Amendment to the Constitution, of which I was also proud to be an original cosponsor. Similarly, S. 512 for the first time recognizes that individual victims of identity theft and not just credit card companies, are victims of identity theft, and it provides them with proper restitution. It protects victims rights, fully recognizing individuals as victims of identity theft, establishing remedies and procedures for such victims, and requiring restitution for the individual victim.

I am proud to be an original cosponsor of this legislation, and I urge my Senate colleagues to pass it.

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.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to.

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

The committee amendment, as amended, was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and that any amendment 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 bill (S. 512), as amended, was considered read the third time and passed.

FEDERAL ACTIVITIES INVENTORY REFORM ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 502, S. 314.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 314) to require that the Federal Government procure from the private sector goods and services necessary for the operations and management of certain Government agencies, 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 Governmental Affairs, and 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 Incentives 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 are necessary for the performance of the activity by a Federal Government source.

(3) The name of a Federal Government employee responsible for the activity from whom additional information about the activity may be obtained.

(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 promptly transmit a copy of 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 under section 3 of 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 the 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 that 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 in question, the agency concerned shall review the activities on 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 an omission of a particular activity from, or an inclusion of a particular activity on, a list for which a notice of public availability has been published under section 2.

(b) INTERESTED PARTY. 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 private sector source.

(2) A representative of any business or professional association that includes within its membership of private sector sources referred to in paragraph (1).

(3) An officer or employee of an organization within an executive agency that is an actual or prospective offeror to perform the activity.

(c) TIME FOR SUBMISSION. A challenge to a list shall be submitted to the executive agency within 30 days after the publication of the notice of the public availability of the list under section 2.

(d) INITIAL DECISION. Within 28 days after an executive agency receives a challenge, 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. An interested party may appeal an adverse decision of the official to the head of the executive agency within 10 days after receiving a notification of the decision under subsection (d).

(f) DECISION OF 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 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.

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 802 of title 10, United States Code.

(3) INDEPENDENT ESTABLISHMENT.—An independent establishment, as defined in section 103 of title 5, United States Code.

(b) EXCEPTIONS. 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 102 of title 5, United States Code.

(3) NONAPPROPRIATE 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.

(4) CERTAIN DEPARTMENT-LEVEL MAINTENANCE AND REPAIR.—Deemed department-level maintenance and repair of the Department of Defense (as defined in section 2460 of title 10, United States Code).

SEC. 5. DEFINITIONS.

(a) EXECUTIVE AGENCY.—The term “executive agency” means an agency that is headed by a director, a commissioner, or another executive officer, appointed by the President, to whom the head of a department is responsible and over whom the head of the department exerts no direct substantial control.

(b) INTERESTED PARTY.—The term “interested party” means a party that is affected by a determination not to procure the performance of an activity by a private sector source.

(c) INHERENTLY GOVERNMENTAL FUNCTION.—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.

(d) FUNCTION.—The term “function” includes activities that require either the exercise of discretion in applying Federal Government authority or the making of decisions for the Federal Government, including judgments relating to monetary transactions and entitlements. An inherently governmental function involves the interpretation and execution of the laws of the United States so as to affect the life, liberty, or property of private persons.

(e) AUTHORITY.—The term “authority” includes authority contained in law, Executive order, or regulation, or in some other written instrument.

(f) DEPARTMENT.—The term “department” means a department named in section 101 of title 5, United States Code.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on October 1, 1998.

Mr. THOMPSON. Mr. President, S. 314, originally sponsored by Senators Thomas, among others, and Congressmen Duncan in the House, was ordered reported by the Governmental Affairs Committee on July 15, 1998. The original S. 314 has had long and contentious history, having been reported by the Committee of the Whole in the House of Representatives, and having been considered and debated in the Senate. The original S. 314 has had long and contentious history, having been reported by the Governmental Affairs Committee on July 15, 1998. The original S. 314 has had long and contentious history, having been reported by the Governmental Affairs Committee on July 15, 1998.
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 'approving' 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 by 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; 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 (S. 314) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended, 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 bill S. 314.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 3160) to amend the Illegal Immigration and Nationality Act and the Immigration and Nationality Act, 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.

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 inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Improvement and Immigration Act of 1998."
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) LIMITATION ON BORDER CROSSING RESTRICTIONS.—Section 104(b)(2) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 is amended by striking "3 years" and inserting "4 years".

(c) PROCESSES IN MEXICAN BORDER CITIES.—The Secretary of State shall continue until at least October 1, 2000, to process applications for visas under 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 Juárez, 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 resources on the land borders of the United States, enhance investigative resources, and facilitate efforts to control drug smuggling and money-laundering organizations, process cargo, reduce commercial and passenger traffic waiting times, and open all primary inspection facilities during peak hours at major land border ports of entry, it is the sense of the Senate that the Attorney General may reallocate an amount not to exceed 10 percent of the amount specified for equipment authorized in subsection (b) of this section.

(b) FISCAL YEAR 1999.—

(A) $113,604,000 for fiscal year 1999; 
(B) $211,064,000 for fiscal year 2000; and 
(C) such sums as may be necessary in each fiscal year thereafter.

(c) 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 acquisition of equipment and cargo processing technology along the land borders of the United States, including—

(A) $11,000,000 for 5 mobile truck x-ray systems with transmission and backscatter imaging to be distributed to border patrol checkpoints; 
(B) $200,000 for 10 ultrasonic container inspection units to be distributed to border patrol checkpoints; 
(C) $240,000 for 10 Portable Treasury Enforcement Communications System (TECS) terminals to be distributed to border patrol checkpoints; 
(D) $510,000 for 20 Remote Watch surveillance camera systems to be distributed to border patrol checkpoints; 
(E) $300,000 for 36 AM radio "Welcome to the United States" stations located at permanent border patrol checkpoints; 
(F) $875,000 for 36 spotter camera systems located at permanent border patrol checkpoints; and 
(G) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to border patrol checkpoints.

(2) INS.—Of the amounts authorized to be appropriated under this section for the Immigration and Naturalization Service for fiscal year 2000 and each fiscal year thereafter, $1,509,000 shall be for the maintenance and support of the equipment and training of personnel to maintain all equipment described in subsection (b)(1), based on an estimate of 10 percent of the cost of such equipment.

(d) NEW TECHNOLOGIES; USE OF FUNDS.—

(1) IN GENERAL.—The Attorney General may use the amounts authorized to be appropriated for equipment under this section for equipment other than the equipment specified in this section if such other equipment—

(A) (i) is technologically superior to the equipment specified; and 
(ii) will achieve at least the same results at a cost that is the same or less than the equipment specified; or 
(B) can be obtained at a lower cost than the equipment authorized.

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Attorney General may reallocate an amount not to exceed 10 percent of the amount specified for equipment in this section.

(e) PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT.—

(1) INS.—Of the amounts authorized to be appropriated under this section for fiscal years 1999 and 2000, $20,914,000 in fiscal year 1999 and $19,550,000 for fiscal year 2000 shall be for—

(A) a net increase of 535 inspectors for the Southwest land border and 375 inspectors for the Northern land border, in order to open all primary lanes and Northern land border ports during peak hours and enhance investigative resources; 
(B) a net increase of 100 inspectors and canine enforcement officers for border patrol checkpoints; 
(C) 100 canine enforcement vehicles to be used by the Border Patrol for inspection and enforcement efforts during peak hours, at the land borders of the United States; 
(D) a net increase of 40 intelligence analysts and additional resources to be distributed among 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; 
(E) a net increase of 68 positions and additional resources to the Office of the Inspector General of the Department of Justice to enhance investigative resources for anticorruption efforts; and 
(F) the costs incurred as a result of the increase in personnel hired pursuant to this section.

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 any border enforcement appropriations 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. JEFFORDS. Senator ABRHAM has a substitute amendment on the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senate from Vermont [Mr. J. EFFORDS] for Mr. ABRHAM, proposes an amendment numbered 3481.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. J. EFFORDS. 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. ABRHAM. Mr. President, I rise today to remark on final passage of an important piece of legislation, the Border Improvement and Immigration Act of 1996, with particular interest and appreciation.

I am very pleased, along with my colleagues in the Senate, to work together to produce 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 will 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 the 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, seaports, and airports 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 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.—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 this 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 it in the context of 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 crossing, backups at the Ambassador Bridge in Detroit would immediately exceed 24 hours 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 every day. 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. A recent survey with members on each side of the land borders 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 Simon 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 additional documentary burdens on Canadian border crossers. The outpouring against this provision has been enormous. I would like to just mention a few. The approach this legislation takes is supported by the American Trucking Association, the Republican Governors Association, Americans for Better Borders, the U.S. Chamber of Commerce, The Washington Post, The Los Angeles Times, the American Trucking Association, Ford, Chrysler, and GM, the Travel Industry Association of America, and many, many businesses, State and local governments, and other organizations.

It is not enough to delay implementation of this requirement. The Governors and others have spoken loud and clear against delaying the effective date of this requirement on the grounds that the States, businesses, and families who would be affected by this would have no idea what would be imposed on them when. This is not a productive use of the INS or anyone else to come up with a plan that will work. The fact is that the only ones who will be pressured are my constituents—and many of my colleagues' constituents—and that is unacceptable. That is why, as the Attorney General, we can consider all the options and make a collective decision of where and how we would like entry-exit control to be implemented. But it would simply be preposterous and irresponsible for us to keep a requirement in the law when we cannot say how it could possibly be met in any way and at what cost.

Finally, as the Judiciary Committee noted in its report on the legislation, Section 110 has "nothing to do with stopping terrorists or drug traffickers." I appreciate very much my colleagues' understanding of this issue, and their support of a rational approach that comprehends the importance of monitoring and beneficial trade, travel, and tourism and taking affirmative steps to conquer illegal drug trafficking or other activities at the land borders. I am also pleased that this legislation includes additional law enforcement resources so that these important law enforcement issues can be addressed in the right way. This truly is a border improvement bill in all senses.

I owe a particular gratitude to all of my colleagues, particularly those who worked with me from the outset, including Senators Kennedy, D'Amato, Leahy, Grams, Dorgan, Collins, Murray, and Snowe. I very much appreciate their efforts and support. Mr. LEAHY. Mr. President. I am pleased that after many months of debate, the Senate has finally passed S. 1360 today. This bill, "The Border Improvement and Immigration Act of 1996," allows the border trade and tourism to continue to flourish along our nation's borders. It will preserve the status quo for our friendly neighbors to the north and will provide us with the necessary time to study and develop an appropriate way to monitor our nation's borders and sea ports.

I am proud to be an original co-sponsor of S. 1360 and have spoken repeatedly about the need for this remedy. With this type of provision that modifying U.S. immigration policies and 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 National Governors Association 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. I am pleased that 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 and taking affirmative steps to conquer illegal "alliens", 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 sort 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 ports of entry. 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
on trade and travelers along the country's land borders and seaports. An entry-exit monitoring system at our nation's airports will still be implemented within the next two years.

The Border Improvement Act also authorized additional funds to ensure that adequate staffing and the newest equipment is available for INS and Customs agents along both borders. S. 1360 authorizes nearly $120 million in fiscal year 1999 for INS enforcement and inspection personnel and an additional $160 million for the U.S. Customs Service to acquire similar equipment and hire additional agents. The Customs Service is authorized to hire 335 inspectors and 60 special agents along the Southwest border and 375 inspectors along the Northern border. The INS is authorized to hire 335 and 375 inspectors for the Southwest and Northern border, respectively, under this bill. These additional resources will help these agencies in their drug and alien-smuggling and should reduce traffic waiting times along the borders.

Overall, the Border Improvement and Immigration Act of 1998 is a sensible means of correcting the problematic language of Section 110 of the IRIRA while ensuring better tracking of aliens who overstay their visas. Mr. MOYNIHAN. Mr. President, tonight the United States Senate has prevented a disaster on the Northern border of the United States by passing S. 1360, the Border Improvement and Immigration Act of 1997. I am proud to be a co-sponsor.

On September 28, 1996, the Senate passed the Omnibus Consolidated Appropriations Act, a 748-page bill with twenty-four separate titles. One small section of that bill, buried deep in the text, has been the subject of much controversy in northern New York. The provision, known as Section 110, required the Immigration and Naturalization Service to develop a system to document the entry and departure of every alien entering and leaving the United States. Contrary to Congressional intent, the legislative language does not recognize the current practice of allowing most Canadian and American nationals to cross the border without registering any documents. Such an oversight is not uncommon in this type of omnibus bill that is hurried to passage in the final days of a legislative session.

If implemented, an automated entry-exit control system along the northern border would likely result in long delays at the border, hampering tourism and trade. This is not an inconsequential matter. The United States-Canadian trade relationship is the world's largest, totaling $272 billion in 1995. Compare this to $256 billion in trade with the entire European Union and $188 billion in trade with Japan during the same period.

The unnecessary border crossing delays which would surely result from 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 market. 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, or similar activities. 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-standing cultural 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, and to inform him 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 bill.

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 and requires a feasibility study of 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 land and sea ports. Section 110 of the 1996 Immigration Act requires an automated entry-exit control 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 visa.

INS estimates that there are over 5 million illegal aliens in this country and 41% of the illegal alien population is due to visa overstay—their 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-exist system at those points.

INS inability to identify visa overstays has greater significance than the fact that there are over 4.5 million border crossing cards which have been issued since 1940's.

Having an integrated entry-exit system at land borders is critical in keeping track of all nonimmigrants, both with visas and border crossing cards, providing valuable information for law enforcement, 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 but without tough mandates to install entry-exit systems—while drug runners go back and forth freely at the Southwestern border without law enforcement's knowledge, and while potential terrorists slip in easily through the Canadian border—this is not the intent of Section 110 when Congress passed the 1996 Immigration Act last year.

Thank you Mr. President and I ask unanimous consent that this statement be printed in the Record after the text of S. 1360.

Mr. EFFORDS. I ask unanimous consent that the committee amendment, as amended, be agreed to. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EFFORDS. Mr. President, I ask unanimous consent that the bill be read a third time.
Steve Schiff exemplified all that was 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 his commitment to the people of New Mexico.

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. Without objection, it is so ordered.

The bill (H.R. 2020), 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.

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 1986, 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
Space Station is the economic development of Earth orbital space. The Congress further declares that the free and competitive markets create the most efficient conditions for promoting economic development, 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 augmenting the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government’s share of the United States burden to fund operations.

(a) Amendments. Ð Chapter 701 of title 49, United States Code, is amended—

(1) in section 70104 (a) by amending the item relating to section 70104 to read as follows: “70104. Restrictions on launches, operations, and reentries; Ð

(b) by inserting “and reentries” after “commercial space launches” in paragraph (1); and

(c) by inserting “and reentry” after “space launch” in paragraph (2); and

(2) in section 70105 Ð

(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 “or reentry” after “launch or operation” in subsection (a)(3) and (4);

(D) in subsection (b) Ð

(i) by inserting “reentry license” and inserting in lieu thereof “license”;

(ii) by inserting “or reenter” after “may launch”;

and

(iii) by inserting “or reentering” 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 thrity of a reentry vehicle,” after “operation of a launch site” and inserting in lieu thereof “accepting an application in accordance with criteria established pursuant to subsection (b)(1)”,

and

(iii) by 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.”

(B) in subsection (2)(A),—

(i) by amending “(1)” before “A person may apply” in subsection (a); and

(B) by striking “receiving an application” and inserting in lieu thereof “related to launching” and inserting in lieu thereof “accepting an application in accordance with criteria established pursuant to subsection (b)(1)”;

and

(C) by 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.”

(B) 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 reentry 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 subsection (b)(2)(A);

(F) by inserting “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

(H) by adding at the end of subsection (b)(2) the following new subparagraph: “(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application;”;

(i) by inserting “reentry license” and inserting in lieu thereof “license”;

(J) in subsection (a) Ð

(A) by inserting “reentry site” after “observer at a launch site”;

(B) by striking “or reentry vehicle” after “assemble a launch vehicle”; and

(C) by inserting “or reentry vehicle” after “with a launch vehicle”;

(K) in subsection (b) Ð

(A) by amending the section designation and heading to read as follows: “§ 70108. Prohibition, suspension, and end of launches, operations of launch sites and reentry sites, and reentries;”

and

(B) by inserting “or reentry site, or reentry of a reentry vehicle,” after “operation of a launch site” and;
§70119. Authorization of appropriations

(a) There are authorized to be appropriated to the National Aeronautics and Space Administration for the fiscal year ending September 30, 1999—

(1) $6,182,000 for the fiscal year ending September 30, 1999; and

(2) $6,275,000 for the fiscal year ending September 30, 1999.

(b) In making any appropriation under this section, there are authorized to be appropriated to the National Aeronautics and Space Administration for the purpose of acquiring space science data—

(1) 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.

(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.

SEC. 105. ADMINISTRATION OF COMMERCIAL SPACE CENTER.

The Administrator shall administer the Commercial Space Center program in a coordinated manner from Nasa and the Department of Commerce.
(a) FINDING.—The Congress finds that—
(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 Secretary that in the Secretary’s judgment that the proposed activities are consistent with the national security environment and for notifying the Secretary promptly of such conditions. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, that the Secretary of Defense concludes necessary to meet the national security concerns of the United States’’; and
(ii) by inserting ‘‘and policies’’ after ‘‘international obligations’’;

(b) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under title II;

(10) in section 302 (15 U.S.C. 5632)—
(A) by striking ‘‘a General Rule.’’—;

(B) by striking ‘‘in such an enhancement developed, after and its environment’’ in subsection (a)(2);

(11) by repealing section 303 (15 U.S.C. 5633);

(12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking ‘‘in such an enhancement developed under the technology demonstration program carried out pursuant to section 303.’’—;

(13) in section 503(a) (15 U.S.C. 5651(a)), by striking ‘‘section 506’’ and inserting in lieu thereof ‘‘section 507’’;

(14) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking ‘‘section 506’’ and inserting in lieu thereof ‘‘section 507’’; and

(15) in section 507 (15 U.S.C. 5657)—
(A) by amending subsection (a) to read as follows:

SEC. 206. NOTIFICATION TO CONGRESS.—(a) LIMITATIONS 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 imposed on the period during which such limitations apply.

(2) Appropriate United States Government agencies are authorized to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from commercial suppliers. National Aeronautics and Space Administration, United States Geological Survey, and National Oceanic and Atmospheric
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 an act by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

SEC. 202. ACQUISITION OF EARTH SCIENCE DATA.

(a) In General.--The Federal Government shall acquire commercial space transportation services for the maximum extent possible to acquire, where cost-effective, space-based and airborne Earth science researchers, the Administrator shall to educational requirements of the National Aeronautics and Space Administration, and where necessary to satisfy the scientific and educational goals for Mission to Planet Earth, in order to satisfy the scientific and educational community needs of the United States commercial providers.

(b) Treatment as Commercial Item Under Acquisition Laws.--Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable 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.

SEC. 302. ACQUISITION OF COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) Treatment of Commercial Space Transportation Services as Commercial Item.--Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition 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.

(b) Safety Standards.--Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(c) 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. 303. REQUIREMENT TO PROCUREMENT SPACE TRANSPORTATION SERVICES.

(a) In General.--Except as otherwise provided in this section, the Federal Government shall acquire commercial space transportation services for the maximum extent possible from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall acquire space transportation services to accommodate the space transportation services capabilities of United States commercial providers.

(b) Expenditures.--Expenditures made by 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) 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 is more effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government;

(7) the use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload 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 the enactment of this Act with respect to which a contract for such acquisition or ownership has been entered into before such date.

(d) Historical Purposes.--This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (Pub. L. No. 101-445) is amended--

(A) by striking subsection 202;

(B) in section 203--

(1) by striking paragraphs (3) and (4); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (3) and (4), respectively;

(C) be applied by privatization of the Space Shuttle.

(b) Report to Congress.--Within 60 days after the date of the enactment of this Act, the Secretary shall prepare for an orderly transition toward the privatization of the Space Shuttle, with the focus and its mandate to promote the fullest utilization of space transportation services to the United States.

(c) Delays in 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.

(d) Historical Purposes.--This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SEC. 305. 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 in space; or

(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 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 Science of the House of Representatives, and to the Committee on Armed Services of the Senate, an analysis that--

(A) describes the nature of the Federal Government if converted to a payload in space; or

(B) states the use of such missile--

(1) is consistent with international obligations of the United States; and

(2) is approved by the Secretary of Defense or his designee.

(c) Authorization for National Security.”

SEC. 306. NATIONAL LAUNCH CAPABILITY.

(a) Findings.--Congress finds that--

(1) the United States is the only nation whose satellite industry in the United States serves the interests of the United States by--
The assistant legislative clerk read as follows:

The Senator from Vermont, [Mr. JEFFORDS], for Mr. FRIST, proposes an amendment numbered S3482.

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.

On page 87, beginning in line 21, strike "Government" and insert "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) 1 or more private sector entities; or

(ii) 1 or more States (or subdivisions thereof); or

(i) 1 or more other Federal agencies;

The amendment be agreed to, the committee substitute be agreed to, and the amendment be passed 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 PRESIDING OFFICER. The bill (H.R. 1702), as amended, was agreed to.

The bill, (H.R. 1702), as amended, was considered read the third time and passed as amended, with the amendment (No. 3482) agreed to.

The amendment (No. 3482) was agreed to.

The PRESIDING OFFICER. The amendment (No. 3482) was agreed to.

The bill (H.R. 1702), as amended, was considered read the third time and passed as amended.

Mr. GRAHAM. Mr. President, 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.

Lastly, 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.

The amendment (No. 3482) was agreed to.
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 and feared 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative 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 nation back to its initiative and fear as the first man-made satellite—a Soviet satellite—beeped its way around the earth. In

Mr. President, U.S. commercial space industry faces a number of competitors from abroad. The most serious are the Russian Long Proton, the Chinese launch industry locked in a web of regulations and limitations. I am proud to report that one thing our bill does not do is spend any new taxpayer dollars. As a policy bill, we are seeking 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 recycle and significantly lower the cost of the educational 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 Science, Technology, and Space 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, and 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 31, 2001.

Jennifer Anne Hillman, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 31, 2006.

Stephen Kaplan, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 31, 2000.
The following named officer for appointment as an Assistant Secretary of the Air Force.

To be assistant administrator of the Agency for International Development.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 601:

Maj. Gen. Ronald C. Marcotte, 7484

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

DEPARTMENT OF DEFENSE

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.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10 U.S.C., section 12203:

To be brigadier general

Col. George W. Keefe, 3692

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10 U.S.C., section 12203:

To be major general

Brig. Gen. Richard C. Cosgrave, 5678

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. NICHOLAS B. KEHOE, III, 3315

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be lieutenant general

Lt. Gen. Nicholas B. Kehoe, III, 3315

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be major general

Maj. Gen. Robert F. Foley, 9574

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be lieutenant general

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:

Lt. Gen. Roger G. DeKok, 6795

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 601:

Maj. Gen. Leon J. LaPorte, 6093

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 major general

Brig. Gen. Edmund C. Zysk, 6065

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:

Col. Lawrence F. Lafrenz, 3132

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 major general

Brig. Gen. Paul J. Glazar, 2517

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:

Col. John H. Johnson, 3112

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 major general

Brig. Gen. Bennet J. Herrmann, 0516

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 major general

Brig. Gen. Allen E. Tackett, 5032

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


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

Brig. Gen. Nathaniel R. Thompson, III, 5240

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 major general

Brig. Gen. Maynard S. Rhoades, 6348

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 major general

Brig. Gen. Dorian T. Anderson, 0294

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

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To be lieutenant general

Col. Robert A. Cocroft, 7353

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To be major general

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To be major general

Brig. Gen. Nathaniel R. Thompson, III, 5240

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 major general

Brig. Gen. Nathaniel R. Thompson, III, 5240

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 bemajor general
Col. Victor C. Langford, III, 4215
Col. Thomas P. Mancino, 3133
Col. Dennis C. Merrill, 5790
Col. Walter A. Paulson, 4766
Col. Robley S. Bigelow, 7740
Col. Kenneth B. Robinson, 8162
Col. Roy M. Umbarger, 9266
Col. Jimmy R. Watson, 5571
Col. Paul H. Wooding, 7377

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

Col. Thomas J. Romig, 9017
indicated under title 10, U.S.C., section

Lt. Gen. Thomas A. Schwartz, 0711

Capt. James A. Johnson
Capt. Gwilym H. Jenkins, Jr., 0193
Capt. Michael E. Finley, 3825

ment in the United States Army to the grade indicated under title 10, U.S.C., section 601:
To be lieutenant general

indicated while assigned to a position of im-
portance and responsibility under title 10,
U.S.C., section 601:

Rear Adm. (1h) Michael L. Cowan, 2470
Rear Adm. (1h) Anderson B. Holderby, Jr., 2711
Rear Adm. (1h) John W. Craine, Jr., 9037,

The following named officer for appointment
in the United States Army to the grade indicated while assigned to a position of im-
portance and responsibility under title 10,
U.S.C., section 601:

The following named officer for appointment
in the United States Army to the grade indicated while assigned to a position of im-
portance and responsibility under title 10,
U.S.C., section 601:

The following named officer for appointment
in the United States Army to the grade indicated while assigned to a position of im-
portance and responsibility under title 10,
U.S.C., section 601:

The following officer for appointment in the
United States Army to be a Member of the
Board of Directors of the Corporation for

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,
AND NAVY

Air Force nominations beginning Albert K.
Aimar, and ending Jerry L. Wilper, which
nominations were received by the Senate and
appeared in the Congressional Record of

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

Air Force nominations beginning John J.
Abbatielo, and ending Michael P. Zumwalt,
which nominations were received by the Sen-
ate and appeared in the Congressional Record of July

Army nominations beginning John K.
Athan, and ending Corinda K. Zawacki,
which nominations were received by the Sen-
ate 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

Army nominations beginning Kevin C. Ab-
bott, and ending Mark G. Ziemb a,
which nominations were received by the Senate and
appeared in the Congressional Record of July

Army nominations beginning *Celethia M.
Abner, and ending *Shanda M. Zuginer, which
nominations were received by the Senate and
appeared in the Congressional Record of July

Army nominations beginning Robert D.
Branson, and ending William B. Walton,
which nominations were received by the Sen-
ate and appeared in the Congressional Record of July
17, 1998.

Army nominations beginning Mark A.
Acker, and ending Kevin J. Bronson,
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

Army nominations beginning Rinald H.
Baker, and ending James J. Witkowski, which
nominations were received by the Senate and
appeared in the Congressional Record of May

Army nominations beginning David Aber-
han, and ending Michael B. Witham, which
nominations were received by the Senate and

Navy nominations beginning Sanders W.
Anderson, and ending Paul R. Zambito,
which nominations were received by the Sen-
ate and appeared in the Congressional Record of June 15, 1998.

Navy nominations beginning John S. An-
drews, and ending William M. Steele, which
nominations were received by the Senate and

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

Navy nominations beginning Kevin J. Bed-
ford, which was received by the Senate and
appeared in the Congressional Record of July

Navy nominations beginning Douglas J.
Mccarney, and ending Richard A. Mohler,
which nominations were received by the Sen-
ate and appeared in the Congressional Record of July
17, 1998.

NOMINATION OF RAYMOND BRAMUCCI AS
ASSISTANT SECRETARY OF LABOR

Mr. LAUTENBERG. Mr. President, I rise
in support of the nomination of Ray Bramucci for the position of As-
Assistant Secretary of Employment and
Training in the Department of Labor.

Mr. President, I have known Mr. Bramucci 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 De-
partment 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.

A leading figure in New Jersey poli-
tics and public affairs, Ray's expertise in labor-management relations, job training initiatives, employment ser-

ices, and policy development provides a solid foundation for overseeing the ad-
mistration of agency programs as As-
sistant 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. His work both statewide and national impact, par-
ticularly in regard to economic de-
velopment, 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 are injured, ill, and unemployed workers. While in office, he successfully created and implemented a number of ground breaking initiatives, including the Workforce Development Partnership, a program which has helped to train and upgrade worker skills since July 1992 and is training over 15,000 workers today. He helped to establish the nation’s first state-funded program to provide extended unemployment benefits to workers who had exhausted their regular claims, as well as the New Jersey State Employment and Training Commission and the Employment Security Council, two national leaders in reforming and revitalizing the worker 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 my colleagues for confirming Ray Bramucci so he can get on with the job.

Nomination of Patrick T. Henry to be Assistant Secretary of the Army for Manpower and Reserve Affairs

Mr. LEVIN. 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.

P.T. 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 each 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 delighted 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 certainly 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.

Nomination of Brigadier General Allen E. Tackett

Mr. BYRD. 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 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 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.
D 867

Thursday, July 30, 1998

Daily Digest

HIGHLIGHTS

Senate passed Department of Defense Appropriations, 1999.

House Committee ordered reported the District of Columbia appropriations for fiscal year 1999.

Senate

Chamber Action

Routine Proceedings, pages S9323-S9519

Measures Introduced: Twenty-four bills and six resolutions were introduced, as follows: S. 2371-2394, S. Con. Res. 114-115, and S. Res. 260-263. Pages S9425-26

Measures Reported: Reports were made as follows:

- S. 442, to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, with an amendment in the nature of a substitute. (S. Rept. No. 105-276)
- Special Report on Further Revised Allocation To Subcommittees of Budget Totals for Fiscal Year 1999. (S. Rept. No. 105-279)
- 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. Res. 193, designating December 13, 1998, as "National Children's Memorial Day".
- 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.
- 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.

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:

- Adopted:
  - Stevens/Inouye Modified Amendment No. 3391, to provide a 3.6 percent pay raise for military personnel during Fiscal Year 1999. Pages S9326-S9327
  - Stevens Amendment No. 3392, to provide additional funds for U.S. military operations in Bosnia as an emergency requirement. Pages S9326-27
  - Subsequently, the amendment was modified. Pages S9391-9395
  - Roberts Amendment No. 3393, to impose a limitation on deployments of United States forces to Yugoslavia, Albania, or Macedonia. Pages S9327-28
  - Abraham/Hutchinson Amendment No. 2964, to provide for improved monitoring of human rights in the People's Republic of China. Pages S9350-52, S9359
  - Hutchinson Amendment No. 3124, to condemn those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing such person from entering or remaining in the United States, and to express the sense of the Congress that the President should make freedom of religion one of the major objects of United States foreign policy with respect to China. (By 29 yeas to 70 nays (Vote No. 248), Senate earlier failed to table the amendment.) Pages S9334-40, S9345-46, S9358-59, S9373
  - By an unanimous vote of 99 yeas (Vote No. 250), Hutchinson Amendment No. 3419 (to Amendment No. 3124), of a perfecting nature. Pages S9371-73
  - Hutchison Amendment No. 3409, to express the Sense of the Congress that the readiness of the United States Armed Forces to execute the National Security Strategy of the United States is eroded from
a combination of declining defense budget and expended 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 Hawai’i on Department of Defense aircraft for receipt of veterans medical care in Hawai’i. 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, Hawai’i. 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 multyear 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 AEOstat development program.

Stevens (for Baucus/Burns) Amendment No. 3456, to provide funds for the redevelopment of Havre 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 require the Air National Guard to provide support for Coast Guard seasonal search and rescue operations at Francis S. Gabreski Airport, Hampton, New York.

Stevens (for Bingaman) 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. Pages S9393–94

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. Pages S9394–95

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. Page S9395

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. Pages S9403–04

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 conferees 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 conferees 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.

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.

Pages S9494–98

Granting Consent of Congress: Senate passed S. 1134, granting the consent and approval of Congress to an interstate forest fire protection compact.

Pages S9498–99

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.

Pages S9500–01

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.

Pages S9501–04

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.

Pages S9503–04

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.

Pages S9506–09

Subsequently, S. 1360 was returned to the Senate Calendar.

Page S9510

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.

Page S9510

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.

Page S9515

Job Training Partnership Act—Conference Report: Senate agreed to the conference report on H.R. 1385, to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States.

Pages S9489–93

Treasury/Postal Service Appropriations, 1999: Senate resumed consideration of S. 2312, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, taking action on amendments proposed thereto, as follows:

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.)

Pages S9356–57

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

Page S9356

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

Page S9356

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

Page S9356

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

Page S9356

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

Page S9356

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.

Pages S9356–57

A unanimous-consent agreement was reached providing for further consideration of the bill and amendments pending thereto.

Page S9357

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.

Page S9374

Military Construction 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.

Page S9500
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.

Delfire 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.

Karl J. Sandstrom, of Washington, to be a Member of the Federal Election Commission for a term expiring April 30, 2001.

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.

9 Air Force nominations in the rank of general.
97 Army nominations in the rank of general.
11 Navy nominations in the rank of admiral.

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.

Joseph R. Biden, of Delaware, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Joseph R. Biden, of Delaware, 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.

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.
Committee Meetings

OVER-THE-COUNTER DERIVATIVES
Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine the legal, economic, and regulatory implications of a recently issued Commodity Futures Trading Commission concept release on regulation of over-the-counter derivatives, and on proposed legislation to provide legal certainty to the over-the-counter derivative market, after receiving testimony from Brooksley Born, Chairperson, Commodity Futures Trading Commission; Lawrence H. Summers, Deputy Secretary of the Treasury; Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Arthur Levitt, Chairman, U.S. Securities and Exchange Commission; Thomas W. Jasper, Salomon Smith Barney, New York, New York; on behalf of the International Swaps and Derivatives Association, Inc.; and William P. Miller II, The Common Fund, Westport, Connecticut, on behalf of the End-Users of Derivatives Association.

BUSINESS MEETING
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:
- S. 1405, to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, and to provide for improved consumer credit disclosure, with an amendment in the nature of a substitute; and
- 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. Tetter, 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 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, PacificCare Health Systems, Santa Ana, California, on behalf of the American Association of Health Plans; 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 District 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.

Page H6819

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).

Page H6819

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Emerson to act as Speaker pro tempore for today.

Page H6753

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Douglas Tanner of Washington, D.C.

Page H6753

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.

Pages H6754-66, H6781

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 yeas and nay vote of 163 yeas to 260 nays, Roll No. 356.

Pages H6766-81

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.

Pages H6781-90

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 limits 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 DelRay 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; Pages H6843-44

The Whitfield amendment to the Shays amendment that increases the contribution limit to candidates from individuals from $1,000 to $3,000; Pages H6844-45

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 Pages H6846-47

The English of Pennsylvania amendment to the Shays amendment that prohibits the bundling of contributions. Pages H6847-49

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. Page H6818

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).