

hearing before the Senate Armed Services Committee, and every other part of what I have just read has been documented. These are from the Defense Department's own statistics.

So I am asking for the sense of Congress, that we declare that:

The readiness of 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 expanded missions;

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.

Defense appropriations are not keeping pace with the expanding needs of the Armed Forces.

So I am asking for a report by June 1, 1999 from: the President of the United States to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report on the military readiness of the Armed Forces of the United States.

The President shall include in the report a detailed discussion of the competition for resources service-by-service caused by the ongoing commitment to the peacekeeping operation in Bosnia, including in those units that are supporting but not directly deployed to Bosnia.

What we are asking, Mr. President, is for an assessment of where we are. We have all talked about the problems we have seen in small instances and different pieces of testimony. What I have done in this sense of the Senate is put it all together. I have taken from the Department of Defense its own authorization, its own budget, its Quadrennial Defense Review, from statements made before one of our two committees that talked about the problems in specific detail.

I think it is time that we in Congress now say we have put it all together and we want a report on the state of our readiness. Let's look at all of the factors and let's determine that we have a problem, that we have to determine what to do about it, and let's go forward and try to work with the administration, with the President, with the Secretary of Defense, and look at the big picture, and the big picture and the goal for all of us is that we would be able to meet the national security strategy of the United States, that we would be able to prevail in two major regional conflicts nearly simultaneously.

I prefer simultaneously, but, nevertheless, we are not even up to the goal that we have stated, and we want to do what is our responsibility in the U.S. Congress, and that is, ask for the report, let's study the problem and let's come up with a solution together with the Armed Services Committee and the Appropriations Committee of the U.S. Senate and the U.S. House.

Mr. President, I hope that my colleagues will support me in this sense of Congress. It is just the beginning of our responsibility to address what we see as the problems in our military and that we would then be able to take the report and take the necessary steps to correct the backward motion that we are making with regard to the military readiness and the security of our country.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The distinguished chairman of the Appropriations Committee, the Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the Senator from Texas for her presentation. It is my hope we will be able to accept that amendment. I have referred it to my colleagues on the other side of the aisle, and we are hopeful that we can reach that conclusion later.

---

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999—AMENDMENT NO. 3385

Mr. STEVENS. Mr. President, on another subject, time will expire at 2 o'clock on the items to be voted on included in the Treasury and general government operations bill. I offered amendment No. 3385 regarding recomputation of some Federal annuities. I point out that this option is not mandatory. The only way future retired employees can take advantage of this provision is if they make a payment into the Federal retirement system.

Several times in recent years, Congress has denied COLA adjustments for Federal employees. In some years, only Members of Congress were denied COLAs. In other years, other employees were affected.

My amendment provides that Federal employees covered by the Civil Service Retirement System and the Federal Employees Retirement System who did not receive automatic pay adjustments because of an act of Congress may, upon retirement, have their high-three salary recomputed as if they received the COLAs provided to annuitants.

This option cannot be exercised until the covered employee pays into the Civil Service Retirement Fund the amounts required by the amendment; namely, the contributions to the retirement fund the employee would have made if the employee had received the annuitant COLA.

It is really a fairness issue, to me. I am most concerned about survivors. Currently, 26 percent of all those who receive Federal annuities are survivors and the median time for a survivor annuity is just over 12 years. Survivors live on 55 percent of the employee's annuity. But, Mr. President, when an employee does not receive a COLA received by retired annuitants—and I point out that in almost every year, the retired annuitant, the people retired, have received the COLAs—then

it simply means that survivors of retired employees receive greater annuities, greater compensation than those received by survivors of employees who continued to serve during the period when Congress denied COLAs to current Members and employees.

I believe the right thing to do is to adopt this concept. It allows the employee or the survivor of the employee who has passed on to ask for recomputation of the high-three concept based upon an assumption that the retiree had received the cost-of-living adjustments that were given to retired annuitants in the period when those were denied to Congress or other Federal employees.

I urge my colleagues to adopt this amendment. I will have a minute to talk about it when the amendment comes up for a vote, as we start voting at 2 o'clock. I wanted this in the RECORD at this point.

I thank the Chair.

---

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, I understand the Senator from California would like to speak on the Hutchinson amendment.

Mrs. FEINSTEIN. Not on this amendment, Mr. President, but the Hutchinson amendment.

Mr. STEVENS. The Hutchinson amendment that I made a motion to table, the one pertaining to China.

Mrs. FEINSTEIN. That is correct.

Mr. STEVENS. Although I made a motion to table, I think it is in order until 2 o'clock that they may be able to speak.

AMENDMENT NO. 3409

Mrs. HUTCHISON. I am prepared to leave the floor, but I have two things. First, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor of amendment No. 3409.

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

Mrs. HUTCHISON. Secondly, I ask the manager of the bill if he still wants me to offer the other amendment that I was to offer, or would he prefer to go forward with Senator FEINSTEIN, and I can always do that after the votes.

Mr. STEVENS. Mr. President, I did request the Senator from Texas offer her Bosnia amendment so it will be the pending amendment after the votes this afternoon. I appreciate that she did that at this time. I urge she save the statement to be made until after the Senator from California, who has been waiting to make comments on the China amendment which I have already moved to table.

AMENDMENT NO. 3391, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a technical correction to amendment No. 3391 previously adopted. I ask unanimous consent that the amendment be modified. It is strictly a

technical error in the amendment that was previously adopted.

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

The amendment (No. 3391), as modified, is as follows:

On page 34, line 24, strike out all after "\$94,500,000" down to and including "1999" on page 35, line 7.

On page 42, line 1, strike out the amount "\$2,000,000,000", and insert the amount "\$1,775,000,000".

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

SEC. 8 . (a) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for "Military Personnel, Army", \$58,000,000; for "Military Personnel, Navy", \$43,000,000; for "Military Personnel, Marine Corps", \$14,000,000; for "Military Personnel, Air Force", \$44,000,000; for "Reserve Personnel, Army", \$5,377,000; for "Reserve Personnel, Navy", \$3,684,000; for "Reserve Personnel, Marine Corps", \$1,103,000; for "Reserve Personnel, Air Force", \$1,000,000; for "National Guard Personnel, Army", \$9,392,000; and for "National Guard Personnel, Air Force", \$4,112,000".

(b) 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 \$58,000,000; "Operation and Maintenance, Navy", by \$43,000,000; "Operation and Maintenance, Marine Corps", by \$14,000,000; and "Operation and Maintenance, Air Force", by \$44,000,000.

(c) Notwithstanding any other provision in this Act, the total amount appropriated under the heading "National Guard and Reserve Equipment", is hereby reduced by \$24,668,000.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the Senator from California to speak on the amendment that was offered by Senator HUTCHINSON, following the offering of the Bosnia amendment by the Senator from Texas.

The PRESIDING OFFICER. Without objection it is so ordered. The Senator from California is recognized.

Mrs. HUTCHISON. Mr. President, I think the unanimous consent agreement was to allow me to offer my amendment, and then I will defer to the Senator from California.

The PRESIDING OFFICER. The Senator is correct.

#### AMENDMENT NO. 3413

(Purpose: 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)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. STEVENS, Mr. CRAIG, Mr. SESSIONS, Mr. SMITH of Oregon and Mr. FEINGOLD, proposes an amendment numbered 3413.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the read-

ing of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. .(a) The Congress finds the following:

(1) United States Armed Forces in the Republic of Bosnia and Herzegovina have accomplished the military mission assigned to them as a component of the Implementation and Stabilization Forces.

(2) The continuing and open-ended commitment of U.S. ground forces in the Republic of Bosnia and Herzegovina is subject to the oversight authority of the Congress.

(3) Congress may limit the use of appropriated funds to create the conditions for an orderly and honorable withdrawal of U.S. troops from the Republic of Bosnia and Herzegovina.

(4) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in about one year.

(5) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(6) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed confidence that the Implementation Force would complete its mission in about one year.

(7) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed the critical importance of establishing a firm deadline in the absence of which there is a potential for expansion of the mission of U.S. forces.

(8) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(9) In November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(10) The President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(11) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 17, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future.

(12) NATO military forces have increased their participation in law enforcement, particularly police activities.

(13) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for such law enforcement and police activities lies with the Bosnian parties themselves.

#### SEC. 2. LIMITATIONS ON THE USE OF FUNDS.

(a) Funds appropriated or otherwise made available for the Department of Defense for any fiscal year may not be obligated for the ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina except as conditioned below.

(1) The President shall continue the ongoing withdrawal of American forces from the

NATO Stabilization Force in the Republic of Bosnia and Herzegovina such that U.S. ground forces in that force or the planned multi-national successor force shall not exceed:

(A) 6500, by February 2, 1999;

(B) 5000, by October 1, 1999.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply—

(1) to the extent necessary for U.S. ground forces to protect themselves as the drawdowns outlined in sub-paragraph (a)(1) proceeds;

(2) to the extent necessary to support a limited number of United States military personnel sufficient only to protect United States diplomatic facilities in existence on the date of the enactment of this Act; or

(3) to the extent necessary to support non-combat military personnel sufficient only to advise the commanders of 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.

(c) 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 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 may be obligated or expended after the date of the enactment of this Act for the—

(1) conduct of, or direct support for, law enforcement and police activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life;

(2) conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Repulika Srpska ("Bosnian Entities");

(3) transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnia Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety; and

(4) implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

#### SEC. 4. PRESIDENTIAL REPORT.

(a) Not later than December 1, 1998, the President shall submit to Congress a report on the progress towards meeting the drawdown limit established in section 2(a).

(b) The report under paragraph (a) shall include an identification of the specific steps taken by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to European allied nations or organizations.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment be laid aside.

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

Mrs. HUTCHISON. This is the amendment on Bosnia that we will discuss

immediately following the stacked votes this afternoon. I am happy to yield the floor.

The PRESIDING OFFICER. The distinguished Senator from California is finally recognized.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 3124

Mr. President, as one who has watched China for some 35 years now, and been a frequent visitor for the past 20 years, I would like to make a few comments on the Hutchinson amendment, which effectively would set up a protocol whereby officials beneath the rank of Cabinet officials could be refused visas to come to this country.

The amendment, while it promotes a worthy goal, goes about it in a completely, I believe, counterproductive way. I do not think there is any Senator in this body who does not condemn the practice of forced abortion, forced sterilization, or any other coercive population control device or measure. We all condemn it.

I do not think there is any Senator in this body who does not condemn religious persecution that prevents people from freely exercising their own personal religious beliefs. Of course, not. We all condemn that. This amendment takes a stand on a principle but it does nothing to help solve the problem it is designed to address, and there is the rub.

We all agree there are certain practices and policies still in China that we oppose. The question we need to ask ourselves is this: What is the best contribution we can make to producing change, real change, in China? I submit that the answer is, we can engage China at all levels, all levels of government. Academia, business, law, and every other kind of social interaction should be energized. We should welcome every chance to interact with the Chinese people and officials as an opportunity to expose them to our values, to expose them to the rule of law, to Democratic values, to individual liberties.

The path set out by this amendment, I believe, is extraordinarily dangerous and it takes us on the opposite path. It is a path of isolation and containment. It cuts ourselves off from the very people we need to help educate and persuade and expose to Western values. And it would surely spark similar countermeasures by the Chinese Government to deny visas to U.S. officials, further deepening our isolation from one another, and developing the adversarial relationship that many of us believe need never happen. It could go on and on in a vicious cycle.

Do any of my colleagues seriously believe that any Chinese official would be dissuaded from conducting any human rights action because they would be denied a visa to the United States? I think not. I do deeply believe that if Chinese officials are exposed to U.S. society—and this has begun. I know it has been criticized, but I see it working. I come from a Pacific rim State

where there is a great deal of interaction with Asia. I see our values go across the Pacific. I see them enter the Chinese mainland. I see the changes that have been made.

Mr. President, when Richard Nixon went to China in 1972, China was still in the midst of the Cultural Revolution. There has never been a more brutal period in Chinese history than the Cultural Revolution. We have seen those dark days recede. We have seen a new leadership in place.

For the first time, I believe that this new leader now has the face, has consolidated his power, to begin to make certain major reforms. I very deeply believe we are going to see those reforms in the next few years. Already, there is writing here and in China about the order given to the Chinese military to remove themselves from all commercial endeavors.

Surprisingly enough, this, for the first time, has been done with transparency—in other words, a public statement for all to know that the new policy of the Chinese Government is that the Chinese military will not run commercial operations in trade, in business, or in any other pursuit. This is a very healthy, a very positive advance, which I think the entire free world should take hold of.

Additionally, you heard voluntarily the President of China, after many of us have importuned him over a long period of time, I myself beginning in 1991 carrying messages from His Holiness, the Dalai Lama, to the President of China, urging that there be a meeting—for the first time, the President of China has said publicly, with transparency, that if His Holiness, the Dalai Lama, makes a statement that respects the fact that Tibet is a part of China and that independence is not a part of the discussions, that there can be meetings that follow.

This is, true, a breakthrough in rhetoric, but it has never happened before in the 8 years I have been trying to achieve it. That happened while the President was in China. So these changes are being made.

One by one—perhaps not enough—the freeing of political dissidents, the adoption of a 30-day period of administrative leave, the Chinese interests in developing exchanges in the rule of law, to develop a modern commercial code, a modern criminal code, hopefully to press for the independence of the judicial branch of Government which currently is subject to party control—all of these are the breakthroughs that we should begin to press.

We have certain intellectual property, certain intellectual property concerns. How could those ever be brought about if we could not have an exchange of lower level officials to see to it that intellectual property laws are being carried out? It makes no sense to me. I believe it is one step toward containment and isolation. I believe that both of those are unwarranted, highly counterproductive—

Mr. HUTCHINSON. Will the Senator yield for a question?

Mrs. FEINSTEIN. I am happy to yield for a question.

Mr. HUTCHINSON. You were speaking very positively about the changes in China. My question is, How do we reconcile the recent round of arrests that occurred in the 2 weeks—actually, the week subsequent to the President's visit—headlined in all of the newspapers across the country? Those who had attempted to register as an opposition political party and were arrested, some of whom are still incarcerated, as well as the tests of rocket engines that occurred even while the President was in China, how do we reconcile that with this supposed great reform that is taking place in China? And then also, the question I would pose is, The amendment that you are opposing simply says that visas should not be granted to those who are involved in forcing—compelling—abortions on women against their will and those who are involved in persecution of religious believers of various faiths. Do you oppose denying visas to those individuals who are involved in forced abortions and religious persecution?

Mrs. FEINSTEIN. I would be happy to answer the questions of the distinguished Senator from Arkansas.

Yes, I oppose a measure which would oppose the granting of visas. The normal diplomatic and pragmatic efforts of a government-to-government effort to engage and discuss, to bring to light of day, to continue to persuade and develop a better sense of values would be truncated and cut off.

I believe, I say to the Senator, as one who has watched China for some 35 years now, that this is a country which has been humiliated by the West in the past. This is a country that has 5,000 years of dictatorship by one individual, generally an emperor, an emperor who could cast aside people, who could kill people at will—then revolutionary war heroes, basically people who were uneducated.

This is the first post-revolutionary war leadership that has had some Western education, that has some Western understanding. China closed itself off from the West after the Boxer Rebellion and because of what happened in the opium trade, never wanting any kind of interaction with the West.

Now, for the first time, China is open, I believe, to Western values, to Western ideas. I happen to believe it is to our interest. We didn't settle the enormous intellectual property and piracy problems by saying, if you commit a piracy act, you won't have a visa to the United States. We settled it by sending over delegation after delegation of officials to let the Chinese Government know what this was all about, to identify and help identify those factories that were producing illegal goods, and to follow up and see, in fact, that the Chinese Government was willing to take action to shut them down. It has worked. It will be a bumpy road.

But cutting off visas of officials isn't the way to handle problems, whether they relate to IPR, whether they relate to technology transfer, whether they relate to other military endeavors or trade matters, I believe.

I must say, I believe this is the first time in the last year that the administration has really made up their mind that what they are going to do is engage China fully and completely at the top level. I believe it is having enormous dividends and that we will see in the years to come a much more open country, a country that has taken steps to make greater reforms.

You have to realize that to those of us who sit on the west coast, the Pacific rim is our world of trade. The Pacific rim has by far exceeded the Atlantic Ocean as the major theater of trade. In my State, approximately over a third of the jobs depend on trade with Asia. We want to have positive relations with Asia, positive relations with the Philippines, with Taiwan, with South Korea, with China, with all of the ASEAN countries as well. Increasingly, we have an opportunity, we believe, on the Pacific, to form a Pacific rim community that is peaceful, where trade can take place, where like values can be shared. I must tell you, I buy into that dream. I want to see it happen.

Mr. HUTCHINSON. Will the Senator yield?

Mrs. FEINSTEIN. I am happy to yield.

Mr. HUTCHINSON. Mr. President, coerced abortion and religious persecution are two practices that the Chinese Communist Government denies take place in China.

How, then, would denying visas to Chinese officials in which we have credible evidence that, in fact, they are doing—how would that impede the kind of positive relationship that you want to see?

I again reiterate the questions: How do we reconcile the most recent rounds of arrests of those who tried to form a democracy party in China when they were detained and incarcerated? And the test of the rocket engines while the President was in China, how do we reconcile that with this supposed breeze of freedom that we now have blowing through China?

Mrs. FEINSTEIN. I don't think it is all going to be smooth and all going in one direction. I find the arrest of dissidents in the wake of the President's visit or prior to the President's visit as 100 percent wrong.

Senator, if there is one thing I have learned about the Chinese, they can be ham-handed in how they function. They can be their own worst enemies in how they handle, because they function under a different, I think, value system in this regard. Sometimes, I believe, it is overreaction. I have read things, and I sit back and say, why did this have to happen?

Now, let's talk for a moment about forced abortion. I think it is an abys-

mal practice, it is a barbaric practice. China says they do not countenance and they do not want to permit it. That is the official government policy. Are there occasions where, in this vast country, forced abortion is committed, do I believe? I believe there are instances where forced abortions are, in fact, committed. I also believe, though, that by pointing this out continually, we will see some changes.

I think it has to be understood that China still has over 100 million people way under the poverty line, some living in caves, some living in the most impoverished circumstances, particularly in western China. It has to be understood that China is a nation of 1.2 billion people, growing rapidly.

When I first went to China in 1979, what I was told was, what we have for one person must be extended to five people. I have seen since that time the quality of life improving for people. I have seen the easing of restrictions. I have seen the improvement in the dialog. I have seen the stress on education. I have seen the opening of the society. I have to think that is healthy for the society. I think if we engage that society, if we talk with people on equal levels, if we treat China without humiliating China but treat China with equality, that we will see major positive changes in the future.

So I appreciate the opportunity to have this dialog. I respect your values. I respect what you are trying to do in this regard. I just happen to believe, based on my knowledge, my understanding, and my experience with China and the Chinese people, I believe it would be highly unproductive.

I just wanted an opportunity to come to the floor and have that opportunity to state my views. I thank the distinguished Senator.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. KENNEDY. Will the Senator yield?

Last evening I had asked the majority leader just for 5 minutes at some time during the period when he was propounding the consent request. I am glad to cooperate with the floor managers on when would be the most appropriate time to do so, but since we are starting off on an amendment, I don't want to interrupt the debate on the amendment, and I am glad to inquire of my friend from Michigan what period of time he intends to take.

Mr. ABRAHAM. If the Senator from Massachusetts would like to speak for up to 5 minutes, the Senator from Michigan would be happy to propose a unanimous consent agreement by which the Senator from Massachusetts is yielded 5 minutes to speak, in morning business or whatever, and then establish that the Senator from Michigan would be recognized to proceed with the amendment.

The PRESIDING OFFICER. Does the Senator from Michigan desire to make that request in the form of a unanimous consent request?

Mr. ABRAHAM. I ask unanimous consent that the Senator from Massachusetts be permitted to speak for 5 minutes at this time, to be followed by the Senator from Michigan to then resume discussion of my amendment.

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

The Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from Michigan.

As the Senator knows, the Judiciary Committee, of which we are both members, is starting hearings at this time as well. I appreciate his kindness in permitting me to address the Senate at this time.

#### PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, as we begin the August recess, the American people should understand that the Republican leadership is still bent on blocking meaningful HMO reform. I believe that Senator LOTT owes it to Congress and the American people to schedule a full and fair debate as the Senate's first order of business when we return in September, but he has refused to do so and continues to hide behind the unreasonable restrictions on fair guidelines for the Senate's debate.

The Republican leadership in Congress deserves the failing grades it is getting for fumbling the issue on HMO reform. At least since last January when the press reports began noting that Oscar-winning actress Helen Hunt in "As Good as it Gets," who electrified audiences with her attack on HMOs, it has been clear that a tidal wave of support is building to end the managed care abuses and stop HMOs from profiting in ways that jeopardize patients' health or their very lives.

The GOP's HMO line of defense continues to be to block any strong legislation, refuse to allow fair debate, and to give the HMO industry antireform TV ads a chance to bite. The genie is out of the bottle, and that cynical strategy will fail. If the majority leader has not already done so, I urge him to see the film during the recess. I have a videotape of the film here. I ask a page to deliver it to the majority leader.

I urge the leader to see the film in a theater so he can judge the audience reaction and be more convinced of the genuine public outrage that exists over the abuses of HMOs and managed care. It is long past time for the Congress to end these abuses. Too often, the managed care is mismanaged care. No amount of distortion or smokescreens by insurance companies or GOP campaign ads can change the facts. A real Patients' Bill of Rights can stop these abuses. Let's pass it now before more patients have to suffer.

All we want is a chance, in the time-honored tradition and the regular order of this body, to present a full and complete debate on this issue. We have had 5 days of debate and discussion on agriculture, with 55 amendments. We have