House of Representatives

The House met at 1 p.m. and was called to order by the Speaker pro tempore (MRS. EMMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, July 30, 1998.
I hereby designate the Honorable JO ANN EMMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend W. Douglas Tanner, Jr., Faith & Politics Institute, Washington, D.C., offered the following prayer:

Let us pray. Almighty God, we come before You this day with hearts still heavy from the tragic events of last Friday. Even as we begin to heal, we are conscious that the pain of this week has been seared into our souls.

And yet, in our sorrow and vulnerability, we have deeply experienced our common humanity. Fierce political adversaries have reached out to each other. Mutual respect and genuine appreciation have been accorded across the lines of party, ideology and station. We have known in our hearts that every elected official, every police person, every staff member, every tourist is, first, a fellow human being. For that we are grateful.

We pray that a constant awareness of each other's humanity in this often fractious Capitol Hill community might become the lasting legacy of officers J.J. Chestnut and John Gibson. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3152. An act to provide that certain volunteers at private nonprofit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

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. 97. Concurrent resolution expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1260) "An Act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'AMATO, Mr. GRAMM, Mr. SHELBY, Mr. SARBANES, and Mr. DODD, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes from each side.

RESPONSIBLE GAMING EDUCATION WEEK, AUGUST 3 TO AUGUST 7

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

Mr. GIBBONS. Madam Speaker, as Members of Congress, we should always be encouraged when the private sector tackles one of the social problems facing our Nation. Such is the case with the Nation's gaming industry. However, a vast majority of Americans who choose to gamble do so responsibly.

In an effort to emphasize the casino gaming entertainment industry's commitment to responsible gaming, the American Gaming Association, along with International Gaming Technology, a company headquartered in my district, has designated August 3 through August 7 as Responsible Gaming Education Week. This campaign was designed to raise the awareness of disordered gaming and to educate casino employees and customers about the importance of responsible gaming.

During this week, all casino employees will be asked to actively promote responsible gaming practices within their companies. As part of this effort, over 200,000 educational brochures on responsible gaming will be asked to actively promote responsible gaming practices within their companies. As part of this effort, over 200,000 educational brochures on responsible gaming and the importance of responsible gaming will be provided to casino employees across America.

THE QUESTIONABLE VALUE OF NEW GOVERNMENT STUDIES

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

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Mr. TRAFICANT. Madam Speaker, a new government study says if you are rich, you will live longer. If you are educated, you will live longer. If you do not smoke, you will probably live longer. If you can avoid cancer, you will live longer.

No kidding, Sherlock. After $1 million, our government is telling us what Grandma told us years ago: If you smoke, you will probably die; if you do not get an education, you are not going to get a job; and if you do not have a job, you are going to be poor and you are not going to eat.

Beam me up. What is next? Do we give these people more millions to tell us if we commit suicide, you will not live long? I have never heard of anybody committing suicide by jumping out of a basement window. There is a certain dignity in poverty. Poor people are God's people too.

Madam Speaker, I think we should slow down the money for these scientific mind-benders.

GRENADA'S INVITATION TO CAS-TRO DENIES PAST MARXIST OPPRESSION AND AMERICAN SAC-RIFICE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, in 1983, American soldiers gave their lives to liberate the island of Grenada from the Marxist regime which, under the manipulation of the Cuban dictator, Fidel Castro, had taken over that small nation. Thanks to U.S. troops and the leadership of President Ronald Reagan, the people of Grenada regained the freedom they had lost to the puppet regime backed by Castro.

Now it seems that the government of Grenada has forgotten about the repression imposed upon their Nation by Castro and has invited the dictator to visit the island this weekend. Castro's goal in this visit is to obtain support for his regime's membership to the Caribbean economic community, CARICOM, that will help him attain new financial resources to maintain in power.

How tragic that the government of Grenada has turned its back on its own people, who suffered under the Castro-sponsored Marxist regime. It has ignored and forgotten the 19 dead U.S. soldiers and the 115 wounded American patriots. Shame on the government of Grenada.

ONLY PARENTAL INVOLVEMENT ENSURES A GOOD EDUCATION FOR EVERY AMERICAN CHILD

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

Mr. JONES. Madam Speaker, recently President Clinton vetoed the Education Savings Account Bill. In a letter to the House, he justified his action by calling the bill's provisions "bad education policy and bad tax policy."

Madam Speaker, how ironic. Americans have made it clear that parental involvement is essential to ensure our children receive a good education. Yet our President just vetoed a bill that would have extended tax relief to families who take part in the education of our Nation's future.

The Education Savings Account Bill would have offered parents the opportunity to save money in accounts that earn tax-free interest to pay for tuition, books and tools to help their children learn. It seems to me, by the President's veto, that he thinks parents and families do not deserve the right to take part in the education of their children.

Madam Speaker, the President is wrong. Only when we allow parental involvement can we ensure a good education is within the reach of every child in America.

WICKER AMENDMENT TO SHAYS-MEEHAN CAMPAIGN FINANCE PROPOSAL ALLOWS STATES TO REQUIRE PROPER IDENTIFICATION FOR VOTERS

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

Mr. WICKER. Madam Speaker, later today Members will be given the opportunity to support a commonsense reform amendment to the Shays-Meehan campaign finance proposal. In far too many States and districts across this country, ineligible persons are voting. People are going to the polls without identification, and it turns out they are not eligible to vote.

Despite the resources and technology available to our government, cases of voter fraud continue to be brought to our attention year after year. My amendment simply permits States to require a valid photo identification before receiving a ballot; nothing more, nothing less. This is not a mandate. It grants permission to the States in the true sense of Federalism.

Madam Speaker, it is our duty as elected officials to preserve the integrity of the electoral process. Requiring proper identification is one step we can take to ensure valid elections.

THE DOLLARS TO THE CLASSROOM ACT

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

Mr. PITTS. Madam Speaker, I rise today to focus on the schoolchildren of our Nation. Parents in all 50 States are concerned that their children's classrooms are overcrowded, that their kids do not receive enough individual attention from their teachers, that classroom are not yet connected to the Internet and many schools are not safe and well-supplied, and that basic academics are not being effectively learned.

For 30 years, the Federal Government has been trying to improve America's schools by creating big Federal programs. While the goal was admirable, this strategy has failed the schoolchildren of America. It is time for a new approach.

We know that effective teaching takes place when we begin helping children master basic academics, when parents are engaged and involved in their children's education, when a safe and orderly learning environment is created in a classroom, and when dollars actually reach the classroom.

The Dollars to the Classroom Act addresses the linchpin of these four key education premises, directing dollars to the classroom so that a teacher that knows the name of your child can educate more effectively.

Madam Speaker, I urge Members to improve the education of America's kids by supporting the Dollars to the Classroom Act.
The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Madam Speaker, for purposes only into the half-hour of time to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for purposes of debate only.

Madam Speaker, this resolution providing special investigative authority for the Committee on Education and the Workforce was introduced on July 21, 1998, by our good chairman, the gentleman from Pennsylvania (Mr. BILL GOODLING), and the members of the Subcommittee on Oversight and Investigations.

The resolution applies its authority only to the investigation by the Committee on Education and the Workforce into the administration of labor laws by government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of Teamsters and other related matters; let me repeat that, "and other related matters," not "other matters," but "other related matters."

This resolution allows the chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member, to designate a single member or staff of the committee to conduct depositions. Finally, Madam Speaker, the resolution provides for the House to conduct depositions by a single member or staff of the committee.

Madam Speaker, the resolution further allows the chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member, to designate a single member or staff of the committee to conduct depositions.

Finally, Madam Speaker, the resolution provides for the House to conduct depositions by a single member or staff of the committee. The resolution also allows for the House to conduct depositions by a single member or staff of the committee.

Madam Speaker, the Committee on Education and the Workforce has indicated that some 40 witnesses must be deposed, and there are a scant few legislative days remaining in this session. As we know, a week from tomorrow we go off on a 4-week break for a work period back home in our districts, and then we return around September 9, and will be in session for about 10 or 12 more legislative days before we adjourn sine die for the year.

Madam Speaker, the chairman of that committee and several active members of the subcommittee conducting the investigation have testified before the Committee on Rules that they are encountering resistance to their legitimate inquiry from some potential targets of the investigation.

Madam Speaker, attorneys for the Teamsters, and other potential witnesses as well in this investigation, have written to the subcommittee and indicated their refusal to comply with requests for voluntary interviews. In order then to understand the context of the documents already received by the subcommittee, it is necessary to depose these individuals.

So, Madam Speaker, this resolution is consistent with precedents from the former Democrat and Republican control of the House, and a number of important safeguards have been included. The Committee on Education and the Workforce has adopted a new committee rule, which we insisted on before we gave them this new deposition authority, which sets forth appropriate procedures for how the staff depositions will be conducted, including provisions for notice, minority protections, and the rights of witnesses.

Madam Speaker, I would also note for the record that the information obtained under the authority of this resolution is considered as taken in executive session by the committee. That is very important. In order to release such information, again under normal rules of the House, clause 2(k)(7) of House Rule XI says that a committee vote is required.

Madam Speaker, the Committee on Rules believes that the Committee on Education and the Workforce has demonstrated a compelling need for the authority provided by this resolution, and it is my belief that they will exercise it judiciously. We have a great deal of faith and a great deal of respect for the gentlemen from Pennsylvania (Chairman GOODLING) of the full committee, and I know that he and his committee, and the gentleman from Michigan (Chairman HOEKSTRA) of the subcommittee, will certainly act in a judicious manner, and we trust them to do that. So, I urge support for the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for yielding me this time. As my colleague has said and explained, this resolution will give authority to the staff of the Committee on Education and the Workforce to take depositions in connection with the committee's investigation of the International Brotherhood of Teamsters.

Madam Speaker, I must oppose this resolution, because it grants unnecessary authority for an investigation of questionable necessity. The standing rules of the House give deposition authority to committees as long as two Members are present. And since the rule was enacted in 1955, until the beginning of the 104th Congress, it has been the practice not to grant additional authority to committees to conduct investigations. Since the rule was enacted in 1955, the House has given deposition authority to committees as long as two Members are present. And since the rule was enacted in 1955, until the beginning of the 104th Congress, it has been the practice not to grant additional authority to committees to conduct investigations. Since the rule was enacted in 1955, until the beginning of the 104th Congress, it has been the practice not to grant additional authority to committees to conduct investigations.

There is a question whether this authority is needed at all for the Committee on Education and the Workforce to obtain documents and testimony for the investigation. The Teamsters have already supplied the committee more than 50,000 documents. They have expressed in writing that they are willing to participate fully in public hearings of the committee, even without the force of subpoena. However, they do have grave and justified concerns with respect to behind-closed-doors witness interviews.

There is a question whether this whole investigation is needed. The Teamsters are already the subject of a full investigation by the U.S. Justice Department. That is their job. They already have the staff and the resources and the authority to do the job. I am disturbed that the committee has already spent hundreds of thousands of dollars on this investigation instead of on other, much higher priority concerns within the jurisdiction of the committee, such as the education of our children.

There is a question whether this is an appropriate delegation of responsibility to staff. We, the Members of the House, are the elected officials entrusted with the authority to conduct investigations. This is not an authority we should delegate so quickly.

Finally, there is a question whether this authority creates opportunities for abuse of the powers of Congress to meddle in the matters of private individuals and organizations. Let us remember that the standing House rule on investigations was enacted to curb the abuses of the McCarthy era.

The Committee on Education and the Workforce requested this authority, saying it would be easier to obtain testimony and documents. The purpose of the House rules should not be to make it easier. The purpose of the rules should promote democracy, preserve individual freedom, and keep the long arm of the government from stifling liberty.

Madam Speaker, I have too many questions about this resolution. I urge my colleagues to vote no on the resolution and vote no on granting unnecessary powers for unnecessary investigations.
Madam Speaker, I reserve the balance of my time.

Mr. SOLomon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me just recall to the gentleman from Ohio (Mr. HALL), my good friend, that giving this temporary exception to the rules is not to make jobs easier or life easier for Members of Congress. Rather, it is to get the job to follow through with due diligence. That is why we are very careful to give out this kind of authority.

Madam Speaker, I yield 3 minutes to the gentleman from York, Pennsylvania (Mr. Goodling), the person we are placing our trust in and who I hope is going to visit me up in Saratoga during the month of August.

Mr. GoodLING. Madam Speaker, I thank the gentleman from New York (Mr. Solomon) for bringing this to my attention. And I want to echo what the gentleman, the chairman of the Committee on Rules, just said. We really owe it to the rank and file of the Teamsters to conduct the investigation as expeditiously as we possibly can, and therefore need this deposition authority in order to do that.

The Committee on Education and the Workforce is examining the failed 1996 election of the International Brotherhood of Teamsters and related matters, including financial mismanagement at the union and possible manipulation of its pension fund. Although the subcommittee's investigation has established a good foundation, its progress is increasingly slowed by obstructionist tactics of the IBT, including the refusal to allow interviews of relevant witnesses. We have been forced to issue subpoenas for documents to IBT organizations of which we refused to voluntarily provide information to the subcommittee at direction of the IBT. Subpoenas have also been issued to seven witnesses to secure their attendance at the subcommittee's public hearing.

Furthermore, the IBT has steadfastly refused on numerous occasions over the last 4 months to allow subcommittee investigators to interview current IBT employees and employees of its actuarial and accounting firms. IBT has even objected to the subcommittee interviewing former IBT employees. To thoroughly and professionally examine the outstanding issues, the investigation requires the new deposition authority to have designated staff conduct depositions. There are more than three dozen witnesses whose testimony would substantially further the investigation and who may have to be deposed. Many of this would be lengthy, detailed questioning which is not possible in a committee hearing. Some of it would also be very technical. Some of the depositions may have to be conducted after Congress adjourns for the year. All of it is to make sure the investigation is to continue and make progress. I want to ensure my colleagues that the authority granted through this resolution has safeguards to ensure that it is used appropriately. First, the authority is granted to the chairman of the full committee and can be used only in connection with the Teamster's investigation. Second, information obtained under deposition authority is considered as having been taken in executive session by the subcommittee. That makes the information confidential and subject to the protocol under which the investigation is being conducted, a protocol which was agreed to by the minority.

Madam Speaker, the Committee on Education and the Workforce has judiciously adopted rules to assure proper use of deposition authority. We will provide for bipartisan participation in depositions. The ranking minority member will receive 3 business days' written notice before any deposition is taken, no matter where he or she may be, and Members will have 3 business days' written notice that a deposition has been scheduled. Finally, our proposed committee rules provide for various rights for witnesses, including the right to counsel.

This resolution is well planned and will be implemented with care. Deposition authority is a tool that will enable the Teamsters investigation to unravel the improprieties associated with the 1996 IBT election so they do not recur. It will also shed light on mismanagement and financial improprieties so that the International Brotherhood of Teamsters can become more responsive to its members.

Madam Speaker, I urge my colleagues to support rank-and-file Teamster Union members and join me in voting for H. Res. 507.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentleman from Missouri (Mr. Clay), the ranking minority member on the Committee on Education and the Workforce.

Mr. CLAY. Madam Speaker, I thank the gentleman from Ohio (Mr. Hall) for yielding the balance of my time. Madam Speaker, I rise today to express my opposition to the proposed change in rules and regulations and procedures. In my estimation, a decision to grant deposition authority to the Committee on Education and the Workforce would be unwise, unwarranted, and a radical break with House tradition and practices, and a very real threat to the civil liberties and privacy rights of American citizens.

The deposition authority is virtually unlimited in scope and duration. It permits the majority to engage in an unprecedented fishing expedition, even during the summer recess of this House.

The chairman is seeking to acquire an extraordinary array of powers. With the stroke of a pen, he could summon to this Congress any American citizen for secret, under oath, behind-closed-doors interrogation. And I can assure that the confidential testimony that our chairman just described will then either be officially, or through leaks, made public.

Any citizen who is not frightened by this scenario should be, particularly given the very clear record of investigatory abuse by the Republican majority in this House. To place the Republicans' proposal in a fair historical context, I would remind the Members that this sweeping power has been assumed by this body or by the Senate very rarely and only under the most compelling of circumstances. Only when faced with grave accusations of government wrongdoing or whenever national security has this body deemed it necessary to assume a power which traditionally resides in the judicial branch of government.

Madam Speaker, there is no compelling reason for this authority. I ask why is it necessary to depose 40 witnesses in secret session? Not one Teamster has refused to allow interviews. Not one Teamster has refused to come before the committee as required under the rules. There is nothing concerning fraudulent pension matters that has surfaced before this committee. And if there were, this committee does not have the expertise or the resources or the commitment to do anything about it.

Madam Speaker, I tell my colleagues that in this instance it is difficult to view the majority's proposal as anything other than a cynical power grab, a partisan fishing expedition, a concerted attack on organized labor, and an invitation to abuse innocent American citizens.

This investigation, which has cost the taxpayers millions of dollars and dragged on for nearly a year, has been a shameful waste of time and money and an embarrassment to this institution. It is simply disingenuous for Republicans on the Committee on Education and the Workforce to claim that their failure to produce any new or relevant information regarding the 1996 Teamsters' election is due to a lack of authority.

The problem is that the story they wish to tell, one of widespread, systematic corruption throughout the International Brotherhood of Teamsters, is one of fiction. No amount of snooping, interrogating, or wishful thinking will make it otherwise. This is simply too awesome a power, especially when considering that the chairman of the committee already has unilateral authority to conduct subpoenas.

Madam Speaker, I appreciate Chairwoman Goodling's words of assurance that committee Democrats will be involved in the deposition process and that other safeguards will be constructed around the proceedings. But with all due respect to my good friend, the past record of Republicans ignoring the rights of the minority on this committee does not speak well for such assurances.

We were given the same guarantees regarding consultation and notice when the chairman appropriated the power to unilaterally issue subpoenas.
Those promises have been consistently, routinely and casually broken. Perhaps most disturbing is the majority's proposal to allow staff who are not attorneys to conduct sworn depositions. The very thought is mind-boggling. American citizens being drugged into a little star chamber to be interrogated under oath in secret by staff who are not bound by or trained in the Code of Legal Ethics. This is an open invitation for abuse and for the violation of legitimate legal and constitutional rights.

Legal proceedings should be conducted by those trained in the law, not by laymen. Testimony before Congress should be in a public arena for American citizens to judge guilt or innocence for themselves. I urge my colleagues to oppose this unwise and dangerous amendment to the rules of the House.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

I would just like to point out to the previous speaker, who is the ranking member of the Committee on Education and the Workforce, that the Committee on Rules has the responsibility of assigning the responsibilities and jurisdiction of committees.

We all know that the Committee on the Judiciary is primarily involved in looking into the legal code and the criminal law of the land. The Committee on Education and the Workforce has primary responsibility to look into labor issues and has oversight of the laws particularly as they pertain to pensions.

I know, I have worked for many years on the Social Security issue and the abuses that take place in the fiduciary accounts in Social Security. But here we have rank and file members of the Teamsters Union, and they want to know where their money went to and what happened.

Madam Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PARKER).

Mr. PARKER. Madam Speaker, I rise in strong support of H. Res. 507, which would provide for deposition authority for the Teamsters investigation.

I am the newest member of the committee, and one reason I joined this committee was because of my interest in the investigation. I was appalled at the investigation of the International Brotherhood of Teamsters had to be invalidated. I have a keen interest in ensuring a fair rerun election.

To protect the rank and file members of the Union, we have to have a thorough accounting of what went wrong with the 1996 election. It is also in their interest and that of other American taxpayers that financial mismanagement at the Union be cleaned up.

I was shocked to learn, when I joined the committee, that the investigation does not have deposition authority. It was evident to me from the beginning of my involvement that that is a critical investigative tool without which the investigation will have little chance of success.

Over the past few weeks alone, we have had instance after instance of the Teamsters Union refusing to make critical witnesses available for interviews. The lawyers for the Union do not want us to talk to current or former employees of the Union or to employees of the Union's actuarial and accounting firms.

As just one example, on July 9, we received a letter from an attorney for the Teamsters' accounting firm informing us that the Union refuses to allow such interviews. It is evident to me that the officials of the Union are deliberately impeding the investigation and are trying to run out the clock on this Congress.

It is completely unrealistic to expect that Members of Congress will make themselves available to hold hearings and interviews with more than three dozen witnesses whom we need information. Unless the investigation receives deposition authority through the committee chairman, we are basically telling the Union officials that they have won, that they need not account for their actions either to their own membership or to the American public.

Madam Speaker, this authority will not be taken lightly. It will be used carefully. I understand what may be the reluctance of some Members of the House to provide extraordinary authority, but these are extraordinary circumstances which call for appropriate measures.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to H. Res. 507. The majority leadership, as the ranking member on the subcommittee that has responsibility for oversight and investigation in the Committee on Education and the Workforce. This investigation on the Teamsters Union election, which was set aside because of the illegal swapping of funds, began last October, and it has sort of limped along.

The majority members have a full staff of, I do not know quite how many attorneys who are on the job, but I am told that there are at least five or six attorneys that have been engaged to work on this particular investigation. I have tried to be diligent in paying attention to the agenda, to the hearings that have been called and to all of the communications that have emanated from the majority chair of this subcommittee.

So I rise with great amazement today to hear that there is any justification whatsoever in asking this House for these extraordinary powers that invade the privacy of many individuals. We are going to put, because of some whim on the majority side, many individuals whose names are not even known to even myself as the ranking minority member of this subcommittee, who these persons are who have been reluctant to come before their staff for questioning or for discussions. Certainly I think that it is highly unusual for a Member of Congress who has been asked for an interview who has not come before the subcommittee under subpoena to testify.

In every instance the Teamster members who declined these personal, closed-door discussions for the simple reason of answering the subpoenas because what they wanted and what is their right in these United States is to come before bodies that are accusing them of misconduct to have their testimony taken in public. That is so offensive to me that this rule today is an authority which is going to be granted to a very small number of individuals. These depositions could be held without one single Member of Congress present, because that is how the majority reads this rule. The probe needs to be there because of the word "or," member or staff.

Sure, I could be notified 3 days in advance that a deposition is going to take place during the recess period when I am in Hawaii. I fully intend to do everything I can to be there, but I cannot guarantee that protection to these individual witnesses who are going to be deposed in this way, not by attorneys who know the rule of law, who know the rule of evidence, who respect the rights of privacy and privilege in this country, but by staff, who I do not say are going to have any ill temper or ill will but who might mistake inadmissible high privileges which every Member of this Congress has sworn under oath to preserve. That is what is our constitutional right here.

I respect the millions of members in the Teamsters Union, and I want to do what is right for them. But I have not heard one single allegation of a reluctant witness who is not willing to come before the public, take an oath and testify to any question that this committee wants to put to them.

I believe that that is a right which is precious and should be protected by this House, and that is why the rule says we cannot depose unless the whole House agrees to it.

So I ask the Members today to search the record. There is no evidence of reluctant witnesses who have refused to come before the committee to testify. I think that that is the most important ground upon which any such rule like this has to be premised.

I know most Members of the majority party are very much committed to the preservation of individual rights and democracy and freedom and civil liberties. What we are doing today is to trash all of that because of a political agenda.

Mr. WAXMAN. Madam Speaker, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, I thank the gentlewoman for yielding.
Mr. NORWOOD. I thank the gentle-
man from New York for yielding me the
time.

Madam Speaker, I yield to the gentle-
man from Michigan (Mr. HOEKSTRA).
Mr. HOEKSTRA. Madam Speaker, let
us take a look at the judge who has had
supervision of the consent decree for
the last 9 years, since 1989. How does he
feel about the Teamsters and Teamster
leadership in 1998? Here is what he said
to the Teamster lawyers in court on
Tuesday:

"I believe it is time for the good
members of this Union to rise up in re-
volt. This Union has been run by a
small group for their own benefit. I
want to hear what the membership
thinks. It is time for the good members
to rise up and revolt against the self-
serving, little men in charge."

To the attorney, "You don't really
speak for the Union. You speak for a
small minority," Edelstein told Weich.
"I can understand the wrath of Con-
gress. They don't trust the Teamsters
because of the Union's history of
squandering taxpayer money. I'm going
to get to the root of this evil. And if
you don't have Sever here by noon, I
will send the marshals for him.

The same type of stonewalling that
this union leadership is imposing in
New York in court is the same pattern of
stonewalling that they are doing to this congressional
committee, and the shame of it is we have funded this
union and we have spent approximately $20 million and
this is their thank you to the American tax-
payer.

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this is their thank you to the American tax-
payer.

Mr. NORWOOD. Madam Speaker, re-
claiming my time, I rise in strong sup-
port of H. Res. 507. I would say to my
friend from California when it comes to
what we are doing to this congressional
leadership is imposing in New York in
court is the same pattern of stonewalling that
they are doing to this congressional
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payer.
The first item I will discuss is my request for a referendum. When I made that request, I had in mind that it was completely for the benefit of IBT. I call your attention to an item on the agenda, a request for a referendum, which I believe is both convincing and persuasive. The GEB’s decision is consistent with the Court’s statement on the record on June 29, 1998 that voluntary payments by the committees are voluntary. You might agree or disagree, but the IBT is additionally bound by the consent decree and its own constitution. I am very confident that safeguards would be in place to insure that corruption does not occur and that the election is carried out in an open and democratic manner.

The Court: Good afternoon, ladies and gentlemen. The first item I will discuss is my request for a referendum. When I made that request, I had in mind that it was completely for the benefit of IBT. I call your attention to an item on the agenda, a request for a referendum, which I believe is both convincing and persuasive. The GEB’s decision is consistent with the Court’s statement on the record on June 29, 1998 that voluntary payments by the committees are voluntary. You might agree or disagree, but the IBT is additionally bound by the consent decree and its own constitution. I am very confident that safeguards would be in place to insure that corruption does not occur and that the election is carried out in an open and democratic manner.

Mr. WEICH: I understand that.

The Court: I do understand that.

Mr. WEICH: I do understand that.

The Court: I have not convinced me that there is no point to it, I withdraw that request.

Mr. WEICH: Yes, I have.

The Court: Do you know what that means?

Mr. WEICH: Yes, I do.

The Court: Who would I hold in contempt? U.S. of America, you are held in contempt. Oh? Either you comply or I will send you to jail. Will I send the U.S. of America? Isn't that what a lawyer is supposed to unravel in his thinking when he makes an argument? Is that order that I make now silly? Who would I hold in contempt?

Mr. WEICH: Your Honor.

The Court: Who would I drag into court?

Mr. WEICH: Your Honor.

The Court: Who would I drag into court?

Mr. WEICH: Your Honor.

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Mr. WEICH: Your Honor.

The Court: Who would I drag into court? Unclesam, who is the symbol of America? Who would I hold in contempt? The Appropriations Committee? The subcommittee? The entire House of Representatives? The entire Senate? The Chief Justice? The Clerk? Mr. Weich, if you were the Chief Justice, would you hold the United States in contempt? Do I fill the jailhouse with all these dignified representatives of their constituencies?

Mr. WEICH: Your Honor.

The Court: Your Honor.

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Mr. WEICH: Your Honor.

The Court: Your Honor.

Mr. WEICH: Your Honor.

The Court: Who would I drag into court?

Mr. WEICH: Yes, sir.
The court had some generos-ity and did not hold me in con-
tempt, which would certainly have hurt my
career. He certainly did not jail me, but the
documents were never produced and there
was really nothing that he could do. That
was my personal experience, without much name. At
peace table. We ask whether the United
States would obey a lawful order of
the court.

Ms. Konigsberg, we have had some delays and I think
that the union could be obligated to pay. What the Second
Circuit's decision was about was whether the union
could agree to pay the costs in order to have a su-
ervised election versus what they would con-
clude. And then he said, with a broad Texas
accent, the union leadership can decide that
it's in the interests to have an independent, court-ap-
pointed election officer supervise this so
that the public can have confidence in, is
a democratic election, that all the members
can have confidence in that election, and though the government supports the
union's position, we all agree that the elec-
tion should be some kind of a compromise, such as
the government is required to continue
paying the costs in light of that decision, and, you know, I believe that we ought to—
I believe in the judicial system, your Honor.
And I believe that it's right not to abide by the
courts and follow the appropriate procedures of
appeal, if necessary. But certainly that's
where we stand at this point, your Honor.

Mr. Sever. Your Honor—

THE COURT. All right. But I am asking you:
Can you not consider that there may be some room for compromise and negota-
tions?

Mr. Sever. If there would be any room for compromise, your Honor, I would be more
than happy to take that back to our general
executive board.

THE COURT. Will you do that, please.

Mr. Sever. I would take a poll with the
board. I would do that if we could have a
compromise.

THE COURT. And will you also say it is
my—

Mr. Sever. Would you repeat
THE COURT. It is my honest desire to see that this matter be resolved.

Mr. Sever. It would—I like to see it resolved, your Honor. However, you know,
with respect to my fiduciary responsibility as the general secretary-treasurer, and with
the due respect of the cost that may be asso-
ciated, I believe that, you know, if there
could be some kind of a compromise, such as
maybe sending out the ballots, that I might be able to recommend that. And that cost
could be something under $2 million. I might be able to recommend that to the gen-
eral executive board.

THE COURT. All right. That is something.

Mr. Sever. Then I would give it some
thought.

THE COURT. Did you want to say anything?

Did you want to say anything?

Mr. Konigsberg. No, your Honor.

THE COURT. I want this election to go for-
tward. We have had some delays and I think
it is time to fish out or cut bait.

Ms. Konigsberg. I believe in the judicial system, your Honor. And I believe that a de-
cision by the Second Circuit of the court in
light of that decision, I did proceed on to the
general executive board on July the 20th,
and the general executive board rejected to
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general executive board on July the 20th,
I also think that hope does spring eternal. I think that perhaps the Senate, by its appropriate committees and their wisdom, might decide to allow the Attorney General some more of the power that he does not now have so we can urge them to come forward with a yes-or-no answer, but perhaps they will.

Is there anything else?

Ms. KONIGSBERG: Yes, your Honor.

As the government set forth in its papers, the government asserts that the Court has the authority to set a plan for this election, particularly given that the IBT—

THE COURT: You know their argument about that.

Ms. KONIGSBERG: Yes, your Honor.

Mr. WEICH: Yes, your Honor.

Ms. KONIGSBERG: I am aware of their argument, your Honor.

THE COURT: You have a chance to answer.

I think your date is Monday.

Ms. KONIGSBERG: That’s right, and we will respond to that on Monday, your Honor.

THE COURT: But the IBT makes a very persuasive argument that this is merely a camouflaged effort to deny the IBT the authority to set a plan for this election, particularly given that the IBT—

Ms. KONIGSBERG: We will address that. We disagree.

THE COURT: That is the problem with appointing a special master.

Ms. KONIGSBERG: Your Honor, the government argues again strongly with that characterization; that is to say, that there can be no court-appointed election officer in the absence of a supervised election.

Mr. WEICH: No, your Honor.

Ms. KONIGSBERG: That’s it, your Honor.

THE COURT: I will read your papers and I will study your papers, and I hope to get another version of how an unsupervised election will proceed.

Ms. KONIGSBERG: Thank you, your Honor.

Mr. CHERKASKY: Your Honor, just very briefly, if I might. We also feel strongly that any—

THE COURT: Keep your voice up. Everybody wants to hear you.

Mr. CHERKASKY: [continuing]. That any contribution that would be made by the International Brotherhood of Teamsters would not be a breach of their fiduciary duty.

THE COURT: Would not be what?

Mr. CHERKASKY: A breach of their fiduciary duty. I think all the parties agree—

THE COURT: I was trying to give you some assurance that under no circumstances would they be crucified on the cross for the sustaining of the fiduciary relationship.

Mr. CHERKASKY: I understand that, Judge. Certainly, it’s—I think they’ve taken out of context your remarks at previous hearings. They feel strongly that they would contribute some sums, so they didn’t feel it was a breach of their fiduciary duty or they wouldn’t have agreed to contribute anything.

Secondly, we would think that, we firmly believe that the Teamsters union, as was indicated yesterday, is a union that has every right to participate in the election and to have a free election as quickly as possible and that the membership, we believe, demand that. We also believe there are ways to do polling, ways that you could poll the membership either in absentia or in person.

Mr. WEICH: We will do our best.

THE COURT: Nothing else?

Mr. WEICH: Nothing else, your Honor.

THE COURT: Please come up with something. I think after ten years on this case I will reserve judgment and have done one tremendous job of ridding this union of a lot of corruption and we are still on it.

Madam Speaker, I rise in opposition to the resolution and particularly the portion of the resolution which allows nonattorneys to conduct depositions behind closed doors and without any member of the committee present. That authority is virtually unprecedented. The authority of having non-attorneys conduct the depositions was not given to the Committee on Government Reform and Oversight where we heard abuses even with attorneys doing it. The House did grant that authority to the committee on the transfer of technology to China, a select committee on which I sit, but it was understood by the members of the select committee and the members of the whole House that an issue of that magnitude required swift but thorough investigation, staffed with personnel skilled with the nuances of deposing witnesses with sensitive and potentially classified material. We also recognized that some of the material and modifications some of that sensitive material would require travel to China and experienced staff must be allowed to pursue those matters when Members’ schedules might preclude their attendance.

The subcommittee on Oversight and Government Reform, at the conclusion of that particular investigation, did not say that it would be inconceivable to have a 6-month duration of the committee, will obviously be hired with the appropriate skills for taking depositions. In contrast, this investigation into the 1996 Teamsters election will not address matters of national security but the members of the subcommittee must apply equal vigilance to the rights of witnesses and the appropriate conduct of the investigation. Already the Subcommittee on Oversight and Government Reform is very close to interfering with an ongoing investigation by the U.S. Attorney’s office into the Teamsters election, and we experienced a potentially damaging incident concerning the shocking discovery that the consult committee, whose members are not required to abide by any rules, allows to continue where the consult committee, whose members are not required to abide by any codes of professional responsibility are allowed to continue where the consultants left off.

This subcommittee must be vigilant in its investigation into the Teamsters election. The rule of conduct must not allow the reckless endangerment of a process designed to prevent another failed election. In the end we must be responsible not only to the Teamsters but also to the taxpayers who paid for the 1996 election and those who continue to pay for this investigation. We should not allow nonattorneys who have already been labeled by the majority as
incapable of conducting the investigation to be granted the exceptional power to conduct depositions behind closed doors.

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

Mr. WAXMAN. Madam Speaker, I thank the gentleman for yielding time to me. I think it is appropriate for the committee of the Congress to do an investigation. I think it is important to get to the bottom of the issues at stake. I also think in theory it is sometimes appropriate to have deposition authority. But when you look how this authority has been abused by the Republican majority in this very Congress, I think you have to step back and ask whether this is a wise thing to do.

If a committee is doing an investigation and they want to hear from a witness, bring a witness before the committee. If the witness will not come, subpoena the witness to come before the committee. Let members in an open session ask questions. But when you give deposition authority, it allows staff to bring in these people, behind closed doors, without the public even knowing what questions are asked, and to abuse those people by making them hire attorneys, making them take time off work, making them answer questions over and over again while the clock is ticking away and the people are sitting there.

I can tell Members that in the Committee on Government Reform and Oversight, the staff has deposed 158 individuals. One-third of these people were compelled to give testimony under this threat of being held in contempt of Congress. Of these 158 depositions, 650 hours of testimony was taken. This is burdensome on people. It is a power that can and has been abused.

We have come now to a point where it is simply a partisan fishing expedition. Of 158 witnesses, 156 have only been asked about Democratic fund-raising abuses while the committee has ignored substantial evidence of Republican campaign finance abuses. It becomes a partisan witch-hunt without any accountability to the American people.

Accountability is important. When you are in an open session, you have to be able to account for what is going on. You can see what you are doing. But when it is a deposition, behind closed doors, there is too much power and that power can be abused.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume. I hesitate to get involved in this at this time, but the gentleman is complaining that the committees were only investigating Democratic abuses on campaign finance. This gets under my skin a little bit, because no Republican has ever been accused of selling our country. No Republican has ever been accused of accepting campaign money and then giving away the strategic interests of our country. Now that we have more than 18 intercontinental ballistic missiles aimed at America, we ought to get to the bottom of it.

Never before have we ever had an administration, whether Democrat or Republican, that ever blew it away back to Harry Truman's day when I was a Marine guard in this town never have we had a President, either Republican or Democrat, who deliberately withheld information and did not try to level with the American people. That is why we have had to have staff depositions in the past.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the gentleman for yielding time. Just to clarify some of the remarks from my colleague who sits on the subcommittee, "Close to impairing an investigation." Give me a break. We went through negotiations and discussions with the Burton committee. We never came close to impairing an investigation. We went through that process. We went through that process with them in a very diligent way and never even came close to impairing that investigation.

Talking about these amateurs that are going to interrogate witnesses. The minority knows very well the kind of people that we need to have interviews and discussing what it is that we are taking a look at? We are taking a look at very technical information. Where did $150 million of net worth from the Teamsters go over a period of 5 years? Rank-and-file Teamsters would like to know. We would like to know. How did they manipulate pension funds? We have got a specialist who was hired to do exactly that. It is a forensic auditor. We want a forensic auditor to go through it in detail. The forensic auditor and the staff needs to go through piles and piles of data, very technical data so that we can move forward.

We had a hearing where the IBT and Grant Thornton and the auditors brought in their people. They would not allow us to talk to them before the hearing. They came in and they had wonderful answers. "Oh, you were interested in that kind of information? Boy, you really ought to talk to so and so. I can't answer that question." The process ended up being a delay and they set back our progress at getting to this kind of information.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, thank the gentleman for yielding time.

I just want to point out the statement made by the gentleman from New York (Mr. SOLOMON) was completely irresponsible. No one has evidence to substantiate an accusation that the Administration sold out our interests for campaign contributions. But we can substantiate the following: The Republicans have taken foreign money. We can substantiate the allegations that they have used illegal conduit payments, that money has been raised on government property.

And today is the anniversary of the Trent Lott-Newt Gingrich $50 billion tax break for the tobacco companies snuck into a bill in the middle of the night after they received millions (dollars of campaign contributions from the tobacco industry.

Why are we not investigating those issues? Because the Republican Congress is on a partisan witch-hunt. We do not do the same thing in this committee that we are seeing on the Burton committee: a one-sided, partisan witch-hunt where Republican abuses are ignored and Democrat abuses are blown out of all proportion, where the evidence does not lend credibility to the conclusions that are stated.

Mr. HALL of Ohio. Madam Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. CLAY) to respond.

Mr. CLAY. Madam Speaker, I just want to challenge the statement about whether the forensic auditor is paid. He is a paid consultant of that committee, and he made a statement about fraud. Does the Department of Labor has challenged and criticized him, and the independent auditors of the Teamsters have challenged him. And there is no evidence of any pension fraud, and my colleague ought to stop saying it.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I rise today as a member of the subcommittee not only to oppose this resolution but also to express my severe disappointment in the way this process has been conducted and also to indicate that I think that, by giving this unprecedented power to the subcommittee, we may end up doing more harm than good under the circumstances.

I am a former prosecutor. I know a little bit about conducting investigations. Subpoena power can be extremely useful in getting at the truth and uncovering the facts in a particular matter, if it is necessary and if it is done right.

But as member of the subcommittee, I do not see the necessity in it. I do not see the threat construction and reluctance of Teamster members to appear before the committee. In fact, our subcommittee chair referenced Mr. Sever and stonewalling that he apparently was committing when, in fact, he had appeared before our committee May of this year, was subjected to our numerous questions from across both aisles, and unless there is other information that they are not sharing with us, I do not see the stonewalling tactic taking place. And, if it is done right, Madam Speaker.

Now, giving deposition power or authority to Members who do not have
Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Madam Speaker, we have a situation here where they are requesting overwhelming, extraordinary powers, and whereas sometimes there might be inappropriate use, for example, when Oliver North in the basement of the White House was committing treason by disobeying the laws of Congress and selling weapons to an obvious enemy of America, and there was time to use these kinds of powers, and I think those kinds of powers were assumed, and we had an appropriate investigation.

When the savings and loan swindle was under way, we should have used those kinds of powers, but we did not. We had Silverado Bank in Denver, Colorado, where the directors told the client, "If you need $13 million, we will give you $20 million, and you deposit half of that back into the bank so that when the auditors come it will look good." Not a single director on that bank’s board went to jail, and half a trillion dollars the taxpayers were out of as a result of the swindle by the savings and loans banks. We did not use those kinds of powers.

Here we have a situation where, yes, some wrong deeds have been committed. As my colleagues know, the Teamsters have a long history, and there was a time when millions of dollars the taxpayers were out of as a result of the swindle by the savings and loans banks. We did not use those kinds of powers.
have a lot to fear from this kind of abuse of power because it is going to be used in a very one-sided way, as it has up to now. They are not going to use this power to get to the bottom of the situation in an objective manner. We know from past history that that is not what is going to be happening.

So it should be denied. We should not let these kinds of overwhelming powers be utilized by a committee that has already demonstrated they only want to use it for very bipartisan purposes. This is not Oliver North in the basement of the White House committing treason.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is a good thing that this Member of Congress is on his good behavior here today because I heard my former good friend—I better not say that—my good friend from New York (Mr. OWENS) referring to Marine Colonel Ollie North and commenting on his treacherous activities. Let me tell the Members of this Body that there is no greater hero in this country than Marine Colonel Oliver North, who risked his life for my colleagues and I and every other American citizen. It was he and Ronald Reagan, our President, who stopped communism dead in its tracks in Central America. Otherwise, we might have the same kind of government there that we have in Vietnam today. We are going to be taking up a resolution that I authored in just a few minutes. Or we might have the same kind of a government in Central America that we have in China or North Korea or some of these other countries.

So, let me sing the praises of Colonel Oliver North and thank God that my grandchildren will have a free, democratic country to live in.

Madam Speaker, I reserve the balance of my time.

Mr. FORD. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

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

Madam Speaker, I rise today serving on both of the committees, and I thank my leadership for these assignments as a member of the Committee on Education and the Workforce and the Committee on Government Reform and Oversight. I sit on this oversight investigations committee and have had a firsthand view at how we have conducted ourselves as committee members and, more importantly, how the chairman of this subcommittee has conducted this committee.

This Congress has spent more than 20 or close to $20 million on 50 investigations, 50 different investigations.

Ken Starr Dan Burton, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Pennsylvania (Mr. GOOLING); all of them have something in common, for they go after their political enemies. For, as we rise today, those on this side of the aisle, and I would hope that we would be joined by some of our colleagues on the other side of the aisle, asking simply for fairness, asking simply for us to follow the rules in which this Congress, and as a first-term Member I am not privy nor do I have practical experience in all the rules of this Body, but I do know my history:

Madam Speaker, the extraordinary power our colleagues seek to grant this committee, we set precedent by giving it to the committee of the gentleman from Indiana (Mr. BURTON). The gentleman from California (Mr. MAXWAM) spoke so eloquently about the abuses on that committee.

So, I would commend caution my very dear friend, the gentleman from Michigan (Mr. HOEKSTRA) to pay close attention to how that committee conducted itself, to pay close attention to all the abuses and failures of that committee. We can get to the bottom of this Teamsters investigation by simply following the rules.

I concur with my dear friend, the gentleman from Wisconsin (Mr. KIND) that all my colleagues on this side of the aisle and hopefully some on their side of the aisle who firmly believe that we can, indeed, do our job, and I might add that we have spent $2 million, and I would ask that the gentleman from New York (Mr. SOLOMON) ask the gentleman from Michigan (Mr. HOEKSTRA) to provide us with the correct and accurate accounting of what we have spent. Then perhaps we can move from this point to a point where my colleagues, and make some valid and accurate decisions about where we go.

Mr. KIND. Madam Speaker, will the gentleman yield?

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

Mr. KIND. Madam Speaker, I hate to disagree with the chairman of the subcommittee, but there have been two specific events that befell us before we where the U.S. Attorney’s Office was not consulted with, and they are very upset that they have been called and subject to our questioning who are part of the criminal investigation.

There are other examples like that, Madam Speaker. That is the concern that I have.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes as he may consume to the gentleman from Virginia (Mr. SCOTT). (Mr. SCOTT asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SCOTT. Madam Speaker, I include for the RECORD a letter from the U.S. Attorney’s Office, Southern District of New York, which stated that taking testimony by witnesses who had been subpoenaed and scheduled to testify would impede an ongoing criminal investigation.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
SOUTHERN DISTRICT OF NEW YORK,
April 28, 1998.

HON. PETE HOEKSTRA,
Chairman, House Subcommittee on Oversight and Investigation, House of Representatives.

DEAR MR. CHAIRMAN: I am writing to you as Chairman of the House Committee on Oversight and Investigation (the “Subcommittee”) to request that the Subcommittee not seek to question Brad Burton and Susan Mackie concerning involvement by individuals affiliated with the campaign in fundrais-

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).
Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.

Mr. DAVIS of Illinois. Madam Speaker, I rise in opposition to this resolution.

During the past two years, the American working families have experienced some success in defending the minimum wage increase, protecting Medicare/Medicaid, saved Federal job safety protections, threw anti-worker legislators out of office and held back the Fast Track proposal that would have made it easier to take jobs overseas.

Many of my colleagues and their corporate allies opposed every one of those victories for working families because they put more value on profits than on people. Now, it seems as though some of my Republican colleagues and their anti-union allies say it’s payback time.

Madam Speaker, a million dollars and one year later the Republican Members of the House have devised another devious plot to destroy the unions and the people who they represent—our Nation's working families.

The Republican Members passed out of committee a resolution to allow the Education and Workforce Committee to take depositions behind closed doors, without a Member of Congress present as a part of the Teamsters Union investigation. Actions such as this have only been implemented during threats to national security.

Madam Speaker, this resolution is duplicative in nature and is an abuse of congressional power that tramples the civil liberties of our Nation’s working families. This is a simple backdoor attack on unions and working families. This is an unfair and unjustified attack on democracy; but I was told at an Acorn rally in Milwaukee this past week that, a people united will never be defeated.

I urge that we unite on behalf of working families, I urge that we unite and defeat this resolution.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BONIOR), our leader.

Mr. BONIOR. Madam Speaker, our leader, yield 1 minute to the gentleman from Michigan (Mr. BONIOR), our leader.

Mr. BONIOR. Madam Speaker, I rise in opposition to this irresponsible resolution.

Mr. BONIOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would simply say that this is bad legislation. It is certainly to me very much of a power grab. It is not necessary because the Justice Department is already investigating.

I would urge a no vote, and I will ask for a vote on this particular resolution. Madam Speaker, I yield back the balance of my time.

Mr. BECERRA. Madam Speaker, I rise in opposition to this resolution.

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Mr. BECERRA. Madam Speaker, we have just a closing statement, so I reserve the balance of my time.

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Mr. SOLOMON. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Ms. EMERSON). The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining.

Mr. SOLOMON. Madam Speaker, I thank the gentleman for yielding to me.

I thank the gentleman for leading the effort on this change to the rules. Let us just go through the process. In 1989, the IBT, because of massive influence by organized crime, was put under a consent decree with the Justice Department.

In 1996, they held an election. In the summer of 1997, there were severe questions about the validity of that election. I stood up and said, do not certify that election until all the objections have been investigated. The minority did not participate.

Shortly after that, the election was overturned. It was an election that cost the American taxpayer $20 million, was administered by an election officer under a consent decree at the same time that an independent review board was looking at the Teamsters. There, maybe, would be some questions about how, with all this oversight, could we not even run a fair election.

But, no, the other side does not believe that that is an important question to ask.

Shortly after that, in August of 1997, the election was overturned. At that point in time, I suggested that the winner of that election, the now disqualified president, maybe, should resign or remove himself from office. Some on the other side thought that that was a radical step, a witch-hunt.

On Monday of this week, the independent review board removed that official, Mr. Carey, from the Teamsters for life.

Early in 1998, one of the new improvements that was put in place was to make sure that the Teamsters were acting in the best interest of their members. Why? Because we had exposed that their net worth had decreased from $157 million to $700,000. Why was that? Because we had exposed that, perhaps, there had been pension fraud. Why? Because there had been three people who had plead guilty to laundering a million dollars of Teamsters rank-

sively designed to deal with investigations of the political enemies of the other side of the aisle.

That is what this is about, make no mistake about it.

I urge my colleagues to vote no on this irresponsible resolution.

Mr. SOLOMON. Madam Speaker, we have just a closing statement, so I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

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Mr. BONIOR. Madam Speaker, our leader, yield 1 minute to the gentleman from Michigan (Mr. BONIOR), our leader.

Mr. BONIOR. Madam Speaker, this is just a continuation of the same old things we’ve seen for this whole Congress: Investigate, duplicate, waste taxpayers’ dollars.

Madam Speaker, close to $20 million, 17 investigations; they want to go through this again.

We spent a million dollars on this investigation already; now they want to expand the powers. What they want to do is in secret, under oath, with no Member present they want to interrogate witnesses.

It is, A), of control. They cannot face the reality of the issues of education and of health care and the things that the people care about in this country. This Congress is exclusively, exclu-
and file money through the process back to benefit Mr. Carey.

This independent financial auditor, what did we find out? We found out that he was not much more than a bookkeeper. Very qualified, but not empowered to do what was needed to be done. It only cost the rank and file Teamsters around $60,000 a month, I believe.

What else do we know? What would we like to know? Have you heard reports that the documents are being shredded at the IBT headquarters on a recent weekend? That was last weekend. We have been informed that two IBT employees wearing green uniforms delivered an industry size shredder to the office of the IBT communication director, Matt Witt, during the week of July 13, 1998, and that the noise of the shredder operating in that office could be heard on Saturday, July 18, when Mr. Witt was in the building.

There is no corruption going on at the Teamsters. These people are acting in the best interest of the rank and file. They are acting in the best interest of the taxpayers since we have paid for this. Sorry. Wrong.

What did Mr. Edstein say, the judge who has been watching these people for 9 years? He believes it is time for the good members of this union to rise up and revolt. Rather than aggressively going after and exercising our responsibilities, the minority says, no, let us not go to the facts. This is a witch-hunt.

This is protecting the rank and file interest of the Teamsters. The nice thing about this investigation is that rank and file Teamsters are rising up in revolt, and they are sending us complaints because many of them believe that the only people who have been acting in their best interests is this subcommittee, because we have been focused on rank and file, and we are not focused on the Teamsters. Now we have people acting in the best interest of the rank and file.

It is time for us to move forward. It is time for us to take a look at why all of this has been put in place on the Teamsters, all this government intervention is not working the way that it should.

Staff deposition authority, there are all kinds of protections built into the rules of our committee. The witnesses will be protected. They will be accompanied by counsel. The counsel will have the opportunity to review all transcripts. The minority will be advised 3 days before any staff depositions are taken.

This power is needed because, even though we are not in the same building, I will do everything that I can to help move this investigation forward as quickly as possible, what does that mean that he does? It does not mean that he voluntarily sends people to interview with our staff prior to a hearing.

He says, I will only let people come if it is in a formal hearing setting. No, I am not going to help you go through these piles of documents to find out where $157 million went. I am not going to help you find out how we laundered a million dollars. As a matter of fact, he is not helping us. He is not even helping his own rank and file.

When we ask Mr. Severs, what investigation do you have going on? He said, I am not doing anything. Three people have plead guilty. His former bosses have been expelled from the union. This leadership is doing absolutely nothing. It is time for Congress to continue and let this committee move forward with its work.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.Res. 507. This resolution grants unprecedented powers to the House Education and Workforce Committee to take depositions behind closed doors, without a Member of Congress present. Prior to this Republican-led Congress, the power for Committee staff to take depositions in closed-door sessions was granted on only two occasions—to the Judiciary Committee for impeachment proceedings and to the nonpartisan Ethics Committee.

Today, however, the Republican leaders of this House want to continue their witch hunt regarding the Teamsters presidential election. The Republican leaders want to use their partisan advantage to stomp on the civil liberties of union-associated individuals. By giving the power to Republican staff members of the Education and Workforce Committee to take depositions behind closed doors, this resolution prevents Democrats from having any role in this investigation. Shamefully, the public is shut out completely.

The Republican leaders in this House claim that this resolution is needed because the Teamsters Union has been uncooperative. The Teamsters have complied with Committee requests and handed over more than 50,000 documents for the Committee to review. Further, the Teamsters have not refused a request to testify before the Committee. Why must depositions be taken behind closed doors by Republican staff? What do the Republicans have to hide?

This resolution represents a back-handed attempt to circumvent an open process of investigation. This entire investigation has been duplicative and wasteful. After more than 18 months, more than a million taxpayer dollars have been spent on this investigation—with little to show for the effort. How much longer must we continue this partisan charade? Mr. Speaker, I urge my colleagues to vote against this resolution.

Mr. SOLOMON. Madam Speaker, I move the previous question on the amendment and the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the amendment recommended by the Committee on Rules. The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
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There was no objection.

[1430]

Mr. CRANE. Madam Speaker, I yield myself this time to Mr. Moran.

Madam Speaker, I rise in opposition to H. J. Res. 120 and in support of the extension of Vietnam's Jackson-Vanik waiver.

Since President Clinton lifted the trade embargo against Vietnam in 1994, the administration has taken steps to normalize U.S. trade relations with that country. This process is subject to the Jackson-Vanik amendment to the Trade Agreements Act. I refer the House to the Senate report on its provision of U.S. law which contains emigration criteria that must be met or waived by the President before a country subject to the Jackson-Vanik amendment to the Trade Agreements Act.

The Senate report states that the Jackson-Vanik waiver for Vietnam is quite limited. Specifically, the waiver only allows Vietnam to be reviewed for possible coverage by U.S. trade financing programs such as OPIC, Eximbank, and the U.S. Department of Agriculture. Vietnam is not automatically covered by these programs as a result of its waiver, and must still face separate individual reviews against each program's standards.

The significance of Vietnam's waiver is that it permits us to stay engaged with the Vietnamese and to pursue further reforms. Vietnam is not an easy place to do business. However, our engagement enables us to influence the pace and direction of Vietnamese reform.

Madam Speaker, I would at this time insert in the Record a letter I received from 28 trade associations supporting Vietnam's Jackson-Vanik waiver as an important step in the ability of the business community to compete in the Vietnamese market which is the 12th most populous market in the world.

I would also insert in the Record a letter from our distinguished former colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, Mr. Charles Vanik.

In March of this year, the government of Vietnam granted the President the power to waive restrictions on U.S. government credit guarantees to Vietnam. The agreement which the Administration reached with Vietnam is in our national interest. We applaud the House Ways and Means Committee and Senate Finance Committee for reporting favorably disapproval resolutions regarding the Jackson-Vanik waiver for Vietnam. Vietnam has cooperated with efforts to search for American POWs and MIAs. Cooperation could be jeopardized if the House passes a disapproval resolution.

The American business community believes that a policy of economic normalization with Vietnam is in our national interest. We applaud the House Ways and Means Committee and Senate Finance Committee for reporting favorably disapproval resolutions regarding the Jackson-Vanik waiver for Vietnam. We urge you to support economic normalization with Vietnam by voting against H. J. Res. 120.

Sincerely,

CHARLES VANIK,
Former Member of Congress.
United States right in Orange County, almost 300,000 people. They are the parents, the siblings and the offspring of families who fought communism for 2 decades, and the majority of my constituents feel that economic relations with Vietnam should not be established until specific emigration, political and human rights issues are addressed.

The Orange County Register, one of the newspapers in our area, conducted informal reader polls and found huge multiracial majorities opposed the immediate end of the waiver. During this past year, many of my constituents have also contacted my office directly. In this debate I am their voice. Jackson-Vanik is about emigration, then trade. Normalize emigration; move towards normalizing trade. Waiving the Jackson-Vanik requirement for Vietnam on March 10 was a mistake. This decision only makes it harder for many Vietnamese to reunite with their families.

The simple truth is that the Vietnamese Government does not meet the conditions of free emigration. Authorities have denied United States officials access to the vast majority of returnees who are eligible to emigrate. In other ways, it was clear that the first, one had to get an exit permit in order to interview by the United States to see if one could come to the United States, and now they have changed that. Now they have the exit permits at the back end. And what they do is provide a list to the United States about whom we may interview. And of course, that list is very limited.

The only significant human rights concession recently made was this exit permit at the back end instead of the front end.

Although this looks like an important concession, the United States is still forbidden to interview anyone whose name is not on the list supplied by the Vietnamese Government.

And although some of my colleagues, and I have seen these letters going around, will lead you to believe that Vietnam has cleared for interview over 80 percent of all of the remaining ROVR applicants, the fact of the matter is, many of those applicants are not even on the list.

What they leave out is the fact that the same officials who were denying the exit permit are not on the list. And according to a recent report to Congress, the State Department acknowledges that some 15,000 former United States Government employees and their families have not been issued those exit permits.

Besides the administrative roadblocks, pervasive corruption at all levels of the government in Vietnam creates additional obstacles for emigration. Let us say that one is on that list and one goes forward to an interview by the U.S. and the U.S. says, okay, come here, and then one has to get the exit permit; what happens? One of those government officials says, it is going to cost you $2,000 to get this permit. Well, in a country where the annual per capita income is approximately $300 U.S. dollars, most Vietnamese wishing to emigrate cannot afford to do that.

Contrary to the Vietnamese Government's pretense, it is saying that it has no political or religious prisoners, but many Vietnamese continue to languish in prisons because of their political or religious beliefs.

Last September 1, along with the gentlewoman from California (Ms. LOGREN), chaired the human rights caucus briefing on Vietnam. We heard from representatives of the international organizations and from the Vietnamese American community leaders about what is going on in current social, political and economic conditions in Vietnam. And believe me, while we may not pay much attention to what is going on in Vietnam because we have so many other issues, the Vietnamese community in Orange County and across the United States does pay, day in and day out, attention to the death with the issues that are on the list. And we learned that we must be concerned about Vietnam's poor human rights record and religious persecution.

Madam Speaker, I began by saying that this is about emigration, and that is what we are here to discuss today, but let us not lose sight of the fact that human rights and business interests are also denied in Vietnam. We have learned from that briefing that we had that all religious groups face great challenges in obtaining things in Vietnam. For example, basic religious materials. And we also learned in that congressional briefing that although the Vietnamese constitution prohibits discrimination based on gender, ethnicity, religion or class, we find that women and children and ethnic minorities are often the victims of repression.

Reports show that the Hoa Hao Buddhist Church, for example, continues to be suppressed. All of their religious activities and ceremonies are prohibited. Assembly of more than 3 persons is forbidden, and all of the assets and properties have been confiscated.

In my district, the Hoa Hao Buddhist Church brought my attention to the case of Buddhist priest Nam Liem. Mr. Liem is a 58-year-old Buddhist priest who practiced religion at a small family temple in Vietnam, and since 1975, he has been detained and detained by the Communist authorities over 50 times. Today, he has not been released from prison.

In addition, there are many pro-democracy groups, priests, poets, etc., whose only crime it was to "injure the national unity." Of course, we have an "Adopt A Voice of Conscience Campaign" here in Congress to show the attention to the human rights abuses, religious persecution, and social state of Vietnam.

Madam Speaker, I end by saying please, today, do not surrender our principal leverage with the Communist regime. Vote "yes" for free emigration, vote "yes" for family reunification, vote "yes" to end religious persecution. Vote "yes" to promote free speech and democracy. It is our honor to support what is right today as we uphold the values which we are sworn to uphold.

Mr. ROHRABACHER. Madam Speaker, I yield myself such time as I may consume.

I ask my colleagues to support this disapproval of a waiver of the Jackson-Vanik requirements of the 1974 Trade Act. What were the Jackson-Vanik requirements in that 1974 Trade Act? They clearly stated that we have concerns in this House about businesses in Vietnam, human rights, things like freedom of religion and freedom of emigration, and this President of the United States, consistent with what he has done in many other cases around the world, has decreed they do not count, they do not count at all. Those requirements that were laid down by former Congresses, much less our Founding Fathers, they do not count, because human rights does not count for this administration. And what hope do we have? We would today join in affirming that human rights and those principles that our country stands for do count for something, and that we do not believe in just waiving them.

What are we waiving for? The President is waiving the Jackson-Vanik requirements in order to extend American tax dollars, our tax dollars to subsidize or insure private corporations who want to do business in Vietnam, who want to make money by investing in a Communist dictatorship.

This is a moral travesty, as well as bad business.

Six months ago when the President first issued this Jackson-Vanik waiver, we basically have been looking at what Vietnam has been doing since then. There has been no liberalization, no opening up of their political system. There has been no major release of political prisoners. And although my colleagues and I think religious rights continue to be trampled upon by those who hold power in Vietnam.

But what about the business end of it? Just this week I received a briefing by the GAO on the Vietnamese economy. People are jumping out of Vietnam because it is so corrupt. They showed me, the GAO showed me a 1998 report by the United Nations Development program that Vietnam was rated with both the U.N., the IMF, the World Bank, and our own State Department is convinced that Vietnam has a lack of integrity and transparency in their economic dealings, and so businesses are pulling out.

Is this a time for us then to waive the human rights requirements so that businesses can go in with U.S. taxpayer guarantees and invest in Communist Vietnam? This is exactly the wrong time. They are going in the wrong direction economically, and they have not taken a step forward in terms of politically and morally.
No, what we are going to be doing is spending tax dollars with this waiver to guarantee American businessmen to go in and use cheap slave labor under a dictatorship to manufacture goods to export to the United States to put our own people out of work. That is immoral, and it does not work politically, and it does not work economically. Because, we are going to lose that investment money and the taxpayers will have to make up for it unless, of course, these big businessmen make a profit with the slave labor and then they will take all of that profit for themselves at our expense.

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

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

Mr. SOLOMON. Madam Speaker, I rise in support of the gentleman's resolution not to give Most Favored Nation treatment to this Communist dictatorship.

Mr. ROHRABACHER. Madam Speaker, I ask my colleagues to join the gentleman from New York (Mr. SOLOMON) in support of denying this waiver.

Madam Speaker, I reserve the balance of my time.

Mr. MATSUI. Madam Speaker, I yield myself 1½ minutes.

Madam Speaker, I rise today in opposition to House Joint Resolution 120 and in support of continuing to normalize relations with Vietnam. This policy of the bipartisan support of American interests in receiving a greater accounting of our POWs, MIAs, promoting values of democracy and human rights, as well as helping American workers.

It is important to be clear about what educating Jackson-Vanik waivers will do and what it will not do. Today's vote is not about “for or against” normal trade relations for Vietnam; only when Vietnam concludes a bilateral agreement on trade approved by the Congress will it be eligible for normal trade relations.

Renewal of the waiver is the most recent step in the gradual normalization of the relationship with Vietnam in the postwar era.

I understand and appreciate the frustrations of the families seeking a greater accounting of POWs and MIAs by the Vietnamese government. We are all firmly committed to this goal. We will continue to make that clear to the Vietnamese government. However, the U.S. policy of incremental normalization has gone hand-in-hand with continued cooperation on this very, very important issue of accounting of POWs and MIAs.

Vietnam does in fact fall short of our standard of human rights and political and religious freedom. However, their continued efforts to use U.S. values on human and religious freedoms will promote progress in Vietnam on these objectives that we all share.

I disagree with those who argue that revocation of the waiver is an effective means to achieve further progress. Our former colleague and prisoner of war, Ambassador Pete Peterson, has noted that improvements in our relations have only been made since we have engaged with Vietnam. In addition, many of my colleagues who have served in Vietnam support extending the waiver: Senator J O H N M C C A I N, Senator J O H N K E R R Y, Senator BOB KERREY, the gentleman from Illinois Mr. L A N E EVANS, Representative Jack MURTHA, to name a few.

I urge a no vote on this resolution.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

I would like to remind Members that they all received a letter from 17 of our colleagues, on a bipartisan basis, Vietnam vets, all in support of the waiver. I would urge them to make sure that they read it critically.

Madam Speaker, I yield 1½ minutes to my colleague, the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, the Jackson-Vanik amendment to the 1974 Trade Act focuses on using various U.S. trade tools, including pressure, non-market countries to allow freedom of emigration. It is not supposed to be a total referendum on that nation's internal policies, and it has nothing to do with MFN, and it has nothing to do with other human rights violations, other than the freeness to emigrate. That is what we are talking about today.

The practical effect of this waiver simply allows U.S. exporters to operate more efficiently in Vietnam. Our exporters face an uneven playing field when trying to sell to Vietnam. Foreign competitors have long had the support of their home governments, equivalents of the Eximbank, OPIC, TDA, and the USDA. Foreign countries have taken export opportunities away from Americans, simply because our foreign competitors obtained a government-subsidized rate for an export loan, or dangled a foreign aid incentive before certain Vietnamese government officials. Japan alone has an $850 million developmental assistance package to induce countries like Vietnam to buy Japanese exports.

Finally, we got the message, and the President's waiver is making a difference, particularly on infrastructure projects. U.S. workers are now making products to sell to Vietnam. Vietnam prefers buying American products. The waiver does not lower any U.S. import duties on Vietnamese products. It is totally one-sided in our favor in terms of our balance of trade.

If this resolution passes, only U.S. workers will be hurt. Larger American companies may still win export deals in Vietnam, but they will use foreign subsidiaries and foreign workers to complete those contracts. That is, U.S. companies will use their foreign subsidiaries to sell to Vietnam, thus displacing American jobs.

Ms. LOFGREN. Madam Speaker, I yield myself 5 minutes.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Madam Speaker, I support House Joint Resolution 120, which would disapprove the waiver of Jackson-Vanik. I cannot say strongly enough that 1998 is not the time to extend normal trade relations to Vietnam, to waive our requirement for free emigration from Vietnam. I believe that Vietnam and the United States will be able to trade with each other in the future, but not until Hanoi ends its human rights abuses, allows for truly free emigration, and establishes a fair and sound economic environment for American businesses.

This is going to take time to achieve. This will require the U.S. to refrain from extending normal trade relations status to Vietnam until Hanoi makes these corrections.

I am very concerned about the human rights abuses in Vietnam that my colleagues, the gentlewoman from California (Ms. SANCHEZ) and the gentleman from California (Mr. ROHRABACHER), have already spoken to. While paying lip service to religious freedom and individual liberty, the Communist government of Vietnam continues to persecute those who question the authority of the state, including those in the Buddhist church who stand up for freedom, but also for freedom to worship.

On July 15 Vietnam imposed prison sentences of 10 months to 2 year on 10 members of a religious group for engaging in heretical propaganda because they believe in their religious beliefs.

The heart of Jackson-Vanik focuses on freedom of emigration. Vietnam continues to restrict the right of its citizens to emigrate. I cannot even begin to tell you how many cases my office deals with concerning families who are split because Vietnamese authorities will not allow the emigration of a family member.

Despite these problems, I believe that, given time, Vietnam can make changes. These changes really began with the reform movement in 1986. Vietnam achieved high economic growth of 8 percent a year with low inflation. As a result, the U.S. lifted economic sanctions in 1994 and normalized relations in 1995.

That was the wrong thing to do, because it has all been downhill since then. The economic growth did not produce democratic and market reforms, as we have seen in other countries like China, South Africa, Zimbabwe. In addition to quashing the religious, political, and social freedom of its citizens, and restricting their right to emigrate, Hanoi has taken giant steps backward from fostering sound policies and stability to bolster its economy and to attract foreign investors.

As the gentleman from California (Mr. ROHRABACHER) pointed out, there
has been a dramatic retraction of business from Vietnam because of these policies. 40 percent contracted foreign investment decreased in the last year alone. U.S. exports to Vietnam plummeted from $36 million in 1996 to $26 million last year. As my home newspaper, the San Jose Mercury News, wrote, “The ruling Communist party has stalled further reform.”

I am someone who believes in trade. I also believe that in specific cases, trade can be a useful tool to change behavior, particularly with regard to human rights. The United States and China have failed to proceed on some human rights issues, including the release of political prisoners and respect for minority religious beliefs. However, we have achieved significant progress on these issues, and I believe that we will continue to improve.

All of us in this Chamber believe in human rights. Sometimes we have reasonable differences of opinion about what are the best tools in a particular case to achieve human rights. In this case, nothing could be clearer to me than using the tool of trade to improve human rights in Vietnam.

We used that tool effectively with South Africa. I am glad we did. It is very obvious to me that Vietnam is eager, for historical reasons as well as desperate economic reasons, to have a valued relationship with the United States. Our history with Vietnam shows that they will collaborate with us in the effort for human rights if we just stand firm.

Now is the time for patience. While Vietnam has taken some steps toward improvement, it has very far to go as we can see from the Hanoi government’s treatment of its own people. Vietnam has failed, it has flunked, in its effort to earn normal trade relations. I think it would be a dramatic mistake for our country, for the Vietnamese people, and for world peace, if we allow the waiver of Jackson-Vanik to move forward.

So strongly, strongly urge my colleagues to vote in favor of House Joint Resolution 120.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BEN GILMAN), the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I am pleased to rise in strong support of House Joint Resolution 120, introduced by the gentleman from California (Mr. ROHRABACHER), in disapproving the extension of the waiver, the Jackson-Vanik amendment. The issues here are progress on human rights, freedom of religion, and freedom of emigration.

Simple states that the Vietnamese government has not demonstrated any significant progress on any of these issues. Many of us have voiced our objections to the rapid pace of normalization relations with Vietnam. Yet, our President insists that waiving the Jackson-Vanik amendment and opening programs of the Overseas Private Investment Corporation and the Export-Import Bank to Vietnam is in our best interest. The President has encouraged the Vietnamese government to cooperate on many issues, including economic reforms. However, OPIC guarantees and Export-Import Bank financing programs should be a reward for achievement and not offered as any fanciful incentive based on a hope for the future.

Despite the opening of relations 3 years ago, prisoners of conscience are still in prison. Thousands of our former comrades in arms are still unaccounted for in Vietnam.

The recent highly respected State Department Human Rights Report on Vietnam states, “The government arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious objections to government policies. The Vietnamese government denied citizens the right to fair and expeditious trials, and still holds a number of political prisoners.”

The consequence of the Jackson-Vanik waiver granted in March of this year by the President is that our tax-capped, beginning funding for subsides for U.S. trade and investment in Vietnam through the Export-Import Bank and Overseas Private Investment Corporation. These programs were designed to 1. Overcome the risks for American companies operating in a corrupt, troubled business environment in Vietnam. Yet, the business climate in Vietnam is marked by limited market access, lack of transparency, unpredictability in business dealings, red tape, and corruption. Many firms are pulling out of Vietnam, and foreign direct investment was down 40 percent last year.

An example of the risk of doing business in Vietnam is with the Eximbank, which opened their programs to Vietnam in April of this year. Since that date in Vietnam. Exim is offering a limited number of programs because of Vietnam’s severe credit problems. OPIC has been open for a comparable period, and like Exim, it has yet to approve any financing for any American investments in Vietnam.

So we ask, how has a waiver of importance? Furthermore, will the Jackson-Vanik improve the Vietnamese record on POW-MIA issues? In the several years since the waiver has been in place, I have seen no improvement.

So, in conclusion, a proposed extension of the waiver of Jackson-Vanik would reward a lack of progress on human rights, immigration, and economic freedom. I believe it is not in the national interest. We believe, however, that the vote on this resolution of disapproval, and send a strong message that our Nation values principles over potential profits.

Mr. MATSUI. Madam Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BOUCHER), a leader in the area of religious freedom in Vietnam.

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

Mr. BOUCHER. Madam Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I rise today in support of the President’s decision to extend the Jackson-Vanik waiver for Vietnam, and in strong opposition to the resolution of disapproval.

The Jackson-Vanik waiver process is designed to promote immigration from countries that do not have market economies. In the case of Vietnam, the waiver is clearly working as intended. Since the waiver was granted, Vietnam has made steady progress under both the ROVR and the Orderly Departure programs. If the waiver is rescinded, the progress toward cooperation, that progress, which depends entirely on the cooperation of the Vietnamese government, will almost certainly be reversed.

I urge the defeat of this resolution, a step that will encourage greater cooperation by Vietnam in resolving our ongoing discussions on other issues of concern, including human rights and trade.

By the defeat of this resolution, we will also give a vote of confidence to the outstanding work of our ambassador in Vietnam and his very fine staff. I am pleased to urge defeat of this resolution.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Let me remind everyone, Mr. Speaker, that this waiver only allows that Vietnam be reviewed for possible coverage by U.S. trade financing programs.

Mr. Speaker, I yield 15 minutes to the distinguished colleague, the gentleman from California (Mr. DREIER). (Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of the waiver extension and in opposition to the resolution of disapproval.

I think that Thomas Jefferson was right on target when he said, “Two thinking men can be given the exact same set of facts and draw different conclusions.”

Mr. Speaker, I obviously have the highest regard for the gentleman from Dallas, Texas (Mr. SAM JOHNSON), my very dear friend and a great hero, a former POW himself, as well as the gentleman from California (Mr. ROHRABACHER) and others who are supporting the resolution, and of course the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from New York (Mr. SOLOMON),
the chairman of my Committee on Rules.

Mr. Speaker, when I think about the changes that all of us have observed over the past several years in Vietnam, they are incredible. I went in the early part of this decade and had the chance to see Ngon Kotach, who was the Foreign Minister, present to me translated copies of Paul Samuelson's economic text. There are very bold moves being made towards a free market, and in fact we are making progress in the area of human rights.

Mr. Speaker, I have had the privilege of serving on the POW/MIA Task Force. In 1986, I went with the gentleman from New York (Mr. Solomon) and the gentleman from New York (Mr. Gianforte) on my first trip to Vietnam. It was a very, very troubling experience for all of us.

But I have concluded that over this period of time, based on every shred of evidence that we have, we have seen a dramatic reversal and a massive improvement in the Vietnamese Government's cooperation with the United States in trying to resolve this issue.

So, I oppose the resolution of disapproval and support the extension of the Jackson-Vanik waiver.

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

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. Berman).

Mr. Berman. Mr. Speaker, I oppose the Rohrabacher motion. I do so with great reluctance, because I have tremendous respect for many of the people leading the fight against this waiver. But Jackson-Vanik is about immigration.

Anyone who has studied the statistics, because I know there are many anecdotal stories and there are many problems remaining, but anyone who has studied the statistics knows that in the last 4 years there has been a dramatic reversal and a massive improvement in the Vietnamese Government's cooperation with us on processing refugees, people who were shipped back from the camps in Thailand, in Hong Kong, in Indonesia, to Vietnam against their will. Mr. Speaker, 15,000 interviews have been granted already; 82 percent of the people we are interviewing have been cleared for coming to the United States or other countries that they intend to go to.

The criteria for interviews is far more liberal than the traditional refugee definition. We cannot turn down and thereby risk the retreatment of this program, and I urge a "no" vote on the resolution.

I urge a "no" vote against H.J. Res. 120. Vietnam is cooperating on the key issue behind granting this waiver: Jackson-Vanik.

Mr. Smith and I fought long and hard with the administration to get them to implement a Resettlement Opportunity for Vietnam Reunited (ROVR) program. This involved Vietnamese boat people who were forced back to Vietnam after ending the program of keeping them in camps abroad. After we got the administration to go along with it, we pressed them hard to get the Vietnamese to ensure their cooperation. And they have been successful.

So successful is the program that there are now 343 cases, involving 601 people, who have not left because, after receiving clearance from the Vietnamese Government and after having been interviewed by the INS, they have decided suddenly to get married and bring their spouses and other relatives over.

We have submitted over 19,000 names to the Vietnamese Government for ROVR, and we have not heard back about the dates of 15,572. 991 have not been cleared, mainly because we gave the Vietnamese the wrong address. Of these, 36 have not been cleared because of criminal charges. We have put 713 on medical hold and excluded 23 for medical reasons.

This is a great achievement. Over 5,000 people have already left for the United States. More are coming and the administration is optimistic that it will have completed the program by the year's end.

This is what the Jackson-Vanik requirement is all about. Vietnam has met that requirement. Sure there has been some pushing and pulling but Vietnam has made major and significant steps to ensure the program works even though we allowed more liberal definitions of eligibility than we had applied for other immigrant applicants.

We want to encourage more openness by Vietnam generally. The success of this program and the joint accounting for POW/MIA demonstrates that we can work with Vietnam to our mutual interest.

Vote "no" on H.J. Res. 120.

Mr. Rohrabacher. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. Smith), chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations, who is respected throughout this body for his commitment to human rights.

Mr. Smith of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. Berman), my good friend, for yielding me this time and for his excellent work on this issue.

Mr. Speaker, let me just make it very clear what this vote is about. It is about U.S. taxpayer subsidies for one of the worst dictatorships in the world. Let us be clear on another thing. There is no freedom of immigration from Vietnam. If there were, there would be no need for this waiver. The administration repeatedly certifies that Vietnam complies with the Jackson-Vanik Freedom of Information requirement. Instead, by waiving the requirement, the administration has conceded that there is no such freedom.

Yes, the government allows some people to leave when it is good and ready. But for the many thousands who have been persecuted because they were on our side during the Vietnam war, Vietnam is still a prison.

And I hope my colleagues understand that this is not a vote about free trade. It is about subsidies; corporate welfare for Communists. Since the President gave the waiver in March, the U.S. taxpayer has been paying for Eximbank and OPIC subsidies of trade and investment in Vietnam. Many of these taxpayer dollars subsidize ventures owned in large part by the Government of the Socialist Republic of Vietnam. Over-regulation and widespread corruption mean that Vietnam is a terrible place to do business.

Mr. Speaker, let me also remind Members, I was the prime sponsor of the amendment back in 1995. We had a hot debate, because we were sending people back who were real refugees. Yes, there has been some progress on ROVR. But we find that it slows to a trickle, to nothingness, when they decide to turn off the spigot. We should not be intimidated by that kind of opening and closing of the gates for the ROVR program.

Let me also say that in Vietnam, human rights violations are many. Catholic priests, Buddhists, are arrested and imprisoned. Vietnam enforces a two-child-per-couple policy by depriving parents of unauthorized children of employment and other government benefits. It denies workers the right to organize independent trade unions and has subjected many to forced labor.

The government not only denies freedom of the press, but also systematically jams Radio Free Asia which tries to bring them the kind of broadcasting they would provide for themselves if their government would allow them free expression.

Many organizations support the Rohrabacher resolution: the American Legion, the veterans groups. I urge my colleagues to please vote for it.

So we should disapprove the Jackson-Vanik waiver at least until the government allows all the ROVR-eligible refugees to leave. And we should also stand up for the people who never left Vietnam and are there, including long-term reeducation camp survivors and former U.S. government employees. Many of these people are members of the Montagnard ethnic minority who fought valiantly for the U.S. and have suffered greatly ever since. As of a few weeks ago, only 4 Montagnard applicants—out of over 800 we believe to be eligible for U.S. refugee programs—have been cleared for refugee interviews.

Finally, we must not forget the prisoners of conscience. Hanoi imprisons Catholic priests, Buddhist monks, pro-democracy activists, scholars, and poets. When we complain to the Vietnamese government, they just respond that "we have a different system." They need to be persuaded that a system like this is not one that Americans will subsidize.

In Vietnam human rights violations are many. Hanoi arrests and imprisons Catholic priests and Buddhist monks. Vietnam enforces a "two-child per couple" policy by depriving the parents of "unauthorized" children of employment and other government benefits. It denies workers the right to organize independent trade unions and has subjected many to forced labor. The government not only denies freedom of the press, but also systematically jams Radio Free Asia, which tries to bring...
them the kind of broadcasting they would provide for themselves if their government would allow freedom of expression.

Mr. Speaker, the Vietnamese government and its victims will both be watching this vote. We must send the message that economic benefits from the United States absolutely depend on development of Vietnam’s human rights. We may not be able to insist on perfection, but we must insist on progress.

Ms. LOFGREN. Mr. Speaker, may I inquire how much time remains?

Mr. Speaker, at the close of debate by Mr. TRAFICANT, the gentleman from Ohio, 3 minutes remain.

Mr. TRAFICANT. Mr. Speaker, at times the United States has been involved in nation-building with our dollars. These are handouts. These are Communists.

Every Vietnam group that helped American troops while they were over there fighting for peace, they have repressed every Vietnam group that was supportive of our troops.

I support the resolution. We just had a strike settled where General Motors workers won an agreement that they would not support the couple of their plants by the year 2000. They are desperately fighting for jobs. The Congress of the United States and all our well-meaning, politically correct economic strategies is shipping jobs all over the world and is patting Communists on the back. I want no part of it.

Mr. Speaker, I support the resolution. I think we are rewarding Communists that screwed our soldiers and screwed their own people who tried to help our men who were protecting their buns.

Mr. Speaker, I urge Members to support the resolution. I ask Congress to approve it.

Mr. ROHrabacher. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON) who served as a prisoner of war in Vietnam and knows that they are not cooperating on the MIA/POW issue, just to back up what the distinguished gentleman from Ohio (Mr. TRAFICANT) just stated.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this resolution is not about Vietnam. It is about honoring and respecting the over 58,000 American soldiers who gave their lives battling communism so we could remain free. It is about our soldiers who still remain missing in action. It is about keeping the hopes alive for the families who still wake up every morning asking the same question: What happened to my child, my husband, my brother, my father?

I have seen how this Communist government conducts business. I have personally experienced their threats, their lies, and their so-called promises. My distrust lies with the Vietnamese Government.

To those Members of Congress and to the administration who believe that opening up the Vietnam markets will bring closure to this chapter in history, they are wrong. I listened to their propaganda that America had betrayed us, left us to die. I knew they were wrong.

As a member of the U.S.-Russia Joint Commission on POW/MIA’s, we have been negotiating for the last 5 years to get a full accounting of our missing. I can tell my colleagues that the Government of Vietnam continually refuses to cooperate.

My only request is let us stop the suffering of the parents, the children, the relatives, those who do not know the fate of their brave loved ones. Let us start up to the Vietnam Government today and say: Give us information on our missing who died.

America demands to know what happened to our servicemen and women, the soldiers who died for this Nation to keep it free.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BEREUTER. Mr. Speaker, I rise in strong support for extension of the waiver and in opposition to the resolution.

In the mid-1960s, I was an infantry officer and intelligence officer with the First Infantry Division. I completed my service, but within a month the 14th Infantry Regiment of Fort Benning were in Vietnam and taking casualties the first night. I have emotional baggage, we all have emotional baggage in this country, but I would suggest it is time to get on and not reverse course on Vietnam.

Mr. Speaker, I have great respect for the gentleman from Texas (Mr. SAM JOHNSON) who just spoke, but I bring to the attention of the Members what we know already. Another former POW, our former ambassador to Vietnam, Pete Peterson, tells us about the dramatic progress now being made, with the Vietnamese help, in remains recovery under some very difficult and dangerous and treacherous conditions. And in fact, of course, another POW, John McCain, has also, along with others who served in Vietnam, supported a waiver in this instance.

But after all, this issue is about emigration. That is what Jackson-Vanik is about. So, we ought to be addressing the issue being debated.

Under the statute, a waiver of the Jackson-Vanik amendment may be granted if it will substantially promote freedom of migration. Vietnam’s record on emigration has improved dramatically in the last 10 to 12 years. Over 480,000 Vietnamese have emigrated to the United States under the Orderly Departure Program. And, despite some unwisely things done in this House, we are only about 6,900 ODP applicants remain to be processed.

Mr. Speaker, it is clear to this Member that in the case of Vietnam, the Jackson-Vanik amendment is working. Last October, Vietnam agreed to allow Vietnam to require the requirement for applicants to obtain exit permits prior to interviews for the Resettlement Opportunity for Vietnamese Returnees, ROVR, greatly facilitating the implementation of ROVR.

Subsequently, as the waiver came up for renewal, Vietnam modified its procedures for handling the ODP cases of Montagnards and former reeducation camp detainees to conform with the ROVR procedures. The prospect of the initial waiver and later its renewal alone is certain factored in Vietnam’s decision to liberalize procedures under the Orderly Departure Program and ROVR. The yearly renewal of the waiver will maintain incentives for progress toward free emigration, for Vietnam remains a difficult place for American firms to do business. That is sure. But we ought to extend the Jackson-Vanik waiver not to benefit the Government of Vietnam or its people, but for the benefit of the American people. The waiver should lead to increased U.S. exports and to have a greater impact on the way the Vietnamese regard human rights and democracy.

As Chairman of the Subcommittee on Asia and the Pacific, this Member would suggest that is not the time to rescind on Vietnam. Since establishing relations three years ago, Vietnam has increasingly cooperated with the United States on a range of issues. The most important of these is, I am informed, dramatic progress and cooperation in obtaining the fullest possible accounting of Americans missing from the Vietnam War. Those Members who attended the briefing by the distinguished Ambassador to Vietnam, a former Prisoner of War and former Member of this body, the Honorable Pete Peterson, learned of the great efforts to which Vietnam is now extending to address our concerns regarding the POW/MIA issue, including their participation in physically very dangerous remains recovery efforts.

Moreover, the Government of Vietnam is proving to be cooperative on the issue of emigration—which, as Members of this body must know, is actually the issue that Jackson-Vanik addresses.

This Member would not want to permit the impression to exist among any of his colleagues that support of the Jackson-Vanik waiver is an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion.
But even in this problematic area, engagement is producing results. The American presence in Vietnam exposes Vietnamese to American ideals and principles. Vietnamese visitors to the United States including official delegations, students and businessmen, learn about the American way of life. We can expect that over time, these contacts, along with access to international media and telecommunications, will have a beneficial effect on Vietnamese attitudes. Greater prosperity will lead to increased demand for responsiveness from the government, an important first step on the road to democracy.

Vietnam remains a difficult place for American firms to do business. This Member is particularly concerned about the level of corruption that has been tolerated by Hanoi. A bilateral trade agreement is under negotiation that will improve Vietnam's trade and investment environment to benefit and protect American business. Rejection of the waiver would undermine the trade negotiations and remove any incentive for Vietnam to meet United States requirements. Extending the waiver will encourage economic reforms and maintain American firms' access to the trade promotion and investment support programs of the Export-Import Bank, OPIC and USDA, enabling the firms to compete with foreign businesses that receive benefits from their own governments.

The Jackson-Vanik waiver does not give MFN to Vietnam. MFN can be considered only following the waiver and the approval by Congress of a completed bilateral trade agreement.

We should extend the Jackson-Vanik waiver, not to benefit Vietnam's Government or people, but for the benefit of the American people. The waiver should lead to increased United States exports to and investment in Vietnam, which, in turn, will lead to more jobs for American workers. Continued engagement with Vietnam is the way to promote the democratic values we uphold. Approval of the waiver will encourage Vietnam's further integration into regional organizations and world markets. This integration is a positive force for regional stability.

I urge rejection of the resolution.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Ms. McCARTHY).

Ms. McCARTHY of Missouri asked and was given permission to revise and extend her remarks.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today in support of extension of the Jackson-Vanik waiver for Vietnam and in opposition to House Joint Resolution 120.

This resolution would deny my community and others like it the opportunity to continue its humanitarian efforts with the Vietnamese people to promote emigration. UPLIFT International, Heart to Heart, and the Westmoreland Scholar Foundation have made generous contributions to those in need.

One of the recipients of the Westmoreland Scholar Foundation, Joyce Nguyen, is an intern in my district office. As a Student Ambassador from Rockhurst College, she traveled to Da Nang to assess the needs of the doctors and staff. She is a first generation American whose parents fled Vietnam after the war. Joyce learned of her cultural background and shared her American heritage with the doctors and students she taught there. Her work in Vietnam allowed her to make permanent life friends and retrace this history of her ancestors.

The Westmoreland Scholar Foundation has Vietnamese American students enrolled in many colleges throughout the United States including Rockhurst College in my district. This program is meant to build bridges between both American and Vietnamese cultures. It ensures opportunities for students active in the Vietnamese American community to study and humanitarian services in Vietnam and for the exchange of Vietnamese students to study in the United States. This organization is dedicated to friendship with our Vietnamese allies, and the opportunity to gain the respect of our Vietnamese friends in the tradition of patriotism, service, and leadership demonstrated by the lives of the Westmorelands.

I see many positive advantages at the local and national levels for free immigration and social development. As the next millennium approaches, we should be concerned with forming a lasting relationship with countries like Vietnam. I urge my colleagues to vote "no" on House Joint Resolution 120.
Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), a distinguished Member who has been very active in the area of trade.

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

Mr. BLUMENAUER. Mr. Speaker, I disagree with the proponents on the narrow terms of the waiver. But more importantly, I feel that they are also wrong on the big picture.

This very day my daughter, a college-age young woman, is in Vietnam going anywhere she wishes, marveling at the friendliness of the people, over 60 percent of whom are under 25 years of age with no connection to the war, other than to live with its horrible consequences.

They are looking to America for a new relationship. This decision today is about whether we on this floor can exemplify our spiritual colleagues, Pete Peterson, in his mission to move the relationship between these two countries into the future in the spirit of healing and rehabilitation.

And most important, this debate is to assure that we, as Congress, can learn from this experience so that our children, their children and grandchildren will not be trapped by the web that ensnares these three generations of Americans.

Please, reject the resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), the father of Radio Free Europe.

Mr. ROYCE. Mr. Speaker, this is not a debate about trade or investment. America and its companies. I think we all know, are free to trade with and invest in Vietnam. We all wish them well in that. This resolution does nothing to change that.

What this resolution does is to say, now is not the time to send in government agencies, OPIC and the Ex-Im bank, which is the practical effect of this waiver, and give us more leverage to fight for the many interests we have in Vietnam.

I urge my colleagues to support this resolution. Since we began normalizing relations with Vietnam, we have extended more and more to the Vietnamese government. As of today, we've given it recognition, opened an embassy in Hanoi, and sent an ambassador to work on the many real interests we have in Vietnam, including the PLAGF issue. Today we're looking at letting a Jackson-Vanik waiver go by and opening the door for OPIC and Ex-Im Bank funding in Vietnam.

These gradual changes in our policy I thought were to be a two-way street.

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over two decades ago. But the US can, through existing law, and policy assert foreign economic policies that achieve an improvement in the democratization of this region of the world, including Vietnam.

The year by year rubber stamping of normal trade status of the Vietnam government, a contradiction of actions and deeds, is wrong. We should pass this resolution of disapproval.

The fact is that the Vietnamese government is not meeting the conditions of free emigration. It is irresponsible to allow this country beneficial trade relations, on a veneer argument that “progress towards” this goal is being made. With rights and privileges come responsibilities and hopefully, results. Supporters cannot keep spending the same currency piece in a circular manner—suggesting that maintaining the waiver and allowing the trade benefits to flow will facilitate the Vietnamese government’s respect and embracing of human rights. At this point our United States forbearance should have produced positive results. Those who are persecuted and denied basic human rights look to us, as citizens of the world and our great free country, to respond. We pursue policies that would permit some hope of social, political, and economic benefit.

In its origins and provisions, Jackson-Vanik is centered on freedom of emigration. Advocates of this resolution will tell you that Vietnam has the requirement for an applicant under the Resettlement Opportunity for Vietnamese Returnees program to obtain an exit visa prior to an interview with the U.S. Immigration and Naturalization service. They will point out this “progress towards” free emigration should satisfy the requirements of the Jackson-Vanik trade law.

The truth is that Vietnam has not dropped its requirement for exit permits. Rather, this requirement was merely delayed until after the applicant is interviewed and approved by the United States interviewing teams. In addition to this administrative roadblock, in any instances applicants to U.S. resettlement programs are charged inordinate and significant fees that they cannot afford, in order to gain access to the programs. Vietnam doesn’t meet even the basic test of the controlling law, Jackson-Vanik, much less a broader test regarding essential human rights.

In fact, Vietnam remains one of the most repressive countries in the world. Basic rights that we in the United States take for granted are denied to the citizens of Vietnam. All opposition to the communist party is crushed. Religious activities are closely regulated. Human rights organizations are not allowed to operate. Workers are not free to join or form unions of their choosing; such action requires government permission. Children remain at risk of being exploited as child labor workers, and women are commonly subject to serious social discrimination. At this point, Congressional action to waive the Jackson-Vanik provisions would symbolize “business as usual” for the Vietnamese leaders. Therefore, they may continue to maintain the oppression of their own people and still reap the benefits of trade relations with the United States.

Consideration of waiving the Jackson-Vanik provisions should at least be delayed until there are concrete, rather than superficial actions demonstrating that Vietnam is prepared and willing to act in good faith. This resolution will not stop U.S. trade with Vietnam, nor will it hinder free trade as Vietnam is simply not currently eligible for Normal Trade Status (NTS). Passage of this resolution would send a clear message that our laws mean what they say, that the U.S. will stand behind its laws and values, and that freedoms systematically denied to the average Vietnamese citizen are worthy speaking out in international forums and standing up for. Basic human rights are not an internal matter. Because of these unresolved issues, we should in good conscience go forward with approving this resolution of disapproval.

Mr. VANE. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. Gilchrest).

Mr. GILCHREST. Mr. Speaker, the main discussion here seems to be, on both sides of the aisle, the question of human rights violations, the question of religious persecution, immigration policy, and the issue of the POW and the MIAs. So how best do we deal with that particular issue right now 2 or 3 decades after the war is over?

I think that the U.S. needs to exert its influence, not only in Vietnam, but also in Washington, DC. So how best do we exert our influence to change that, when it seems to me very obvious America’s absence of engagement will create a void that will be filled by a country with little or no interest in our POWs or MIAs, human rights violations or their emigration policy.

It is the United States in this world that wants to be engaged in those kinds of problems. The Vietnamese government has made significant improvement in all of these areas in the last couple years, especially since our former colleague, Pete Peterson, a former POW, is now the ambassador to Vietnam.

With the Vietnamese and the Americans working side by side on roads, bridges, coastal hotels, dredging the harbors, et cetera, et cetera, with the Vietnamese paying the bill, with that kind of engagement, the human contact with the, with the Vietnamese that country will make the difference.

I urge a no vote on the resolution.

Mr. ROHRBACHER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. Davis), who knows we are not talking about the Vietnamese paying the bill. We are paying the bill.

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

Mr. DAVIS of Virginia. Mr. Speaker, I just want to make clear that what I am speaking about this is not about staying engaged with the Vietnamese. We are fully engaged. We have normalized relations. We have full trade with Vietnam. Those policies are not in question.

What is in question, though, is about, and we are not refighting the Vietnam war. We are fully engaged in this. Although the Vietnamese are showing some improvement in the area of emigration with the Rover program and others, I think they are woefully short of the threshold that would allow us to use American tax dollars to subsidize American businesses doing business in Vietnam.

I have from my own district Dr. Nguyen Dan Que and Doan Viet Hoat, who are still languishing in Vietnamese prisons, on trumped up charges, for 15 years. Their families are not allowed to visit. When I was there last January, I was not allowed to visit. They are not allowed to get correspondence. They are not allowed to emigrate and come back to Northern Virginia, where they would like to join their families.

There are in a sense existing prisoners there who are there on trumped up charges, rewarding behavior that is woefully short of the kinds of gains that we have seen in China and other places. I do not think this behavior should be rewarded, there human rights abuses being rewarded with tax subsidies from U.S. taxpayers. I think we need to send Vietnam a message that more freedom of emigration has to be accomplished, and I would urge my colleague from California to support it.

Mr. Speaker, I rise today in strong support of House Joint Resolution 120, which would disapprove the President’s renewal of his waiver of the Jackson-Vanik amendment for the Socialist Republic of Vietnam. As you know, I have been a fervent supporter of U.S. engagement with countries who have had a history of committing human rights violations. My positions rests on my belief that it is only through the gradual building of trust between nations that arises when commerce and cultural ideas flow freely, that democracy and freedom will prevail in such societies. To my deep regret, the Vietnamese government has demonstrated that no amount of economic engagement will compel improvements in its human rights record, especially when it comes to its emigration policies. The President’s waiver of the Jackson-Vanik amendment this year is clearly without any basis. Indeed, it is contrary to the overwhelming evidence that the Vietnamese government does not permit freedom of emigration as the Jackson-Vanik amendment requires before normal trading status can be conferred on Vietnam.

Having visited Vietnam this past January, I can attest to the fact that Vietnam has done little to improve its human rights or loosened its restrictions on free emigration. Unlike China, which has made slow but measured progress in the area of human rights as witnesses by the many Chinese religious leaders and citizens that I spoke with during my visit to China last year, the same unfortunately cannot be said for Vietnam.

Two Vietnamese-American families in my district intimately understand the agony of having a family member thrown into a Vietnamese prison simply because they promoted human and civil rights. Doan Que, a 53-year-old endocrinologist, and Professor Doan Viet Hoat each received 20 year sentences for conducting “activities aimed at overthrowing the people’s government.” Professor Hoat’s sentence was later reduced to 15 years. His family is not allowed to visit, nor is the family of Professor Que, who is still languishing in Vietnam.

We are in a sense, by ignoring existing prisoners there who are there on trumped up charges, rewarding behavior that is woefully short of the kinds of gains that we have seen in China and other places. I do not think this behavior should be rewarded, there human rights abuses being rewarded with tax subsidies from U.S. taxpayers. I think we need to send Vietnam a message that more freedom of emigration has to be accomplished, and I would urge my colleague from California to support it.

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The Jackson-Vanik waiver exists for the express purpose of improving emigration between nations by using the promise of economic relations as leverage. With this in mind, I do not dispute the fact that it has an unquestionably important role in normalizing U.S.-Vietnamese relations. However, so far this work has yet to be done in the way of individual liberty in Vietnam. I cannot help but feel that the waiver is being improperly implemented this year.

Make no mistake, I consider productive relations with Vietnam's Government to be very important. But this relationship must stand on mutual understanding and clear expectations. It is time that we make a statement to the Government of Vietnam on the state of human rights in that country. I would hope that our support for the resolution would also carry the message that we will not stand for continued human rights abuses in Vietnam.

I would like to note that trade between nations implies a degree of mutual respect and acceptance. We as a nation have demonstrated goodwill in this endeavor and still have yet to see these efforts reciprocated in accord with the waiver's provisions. Vietnam's government has had adequate time to demonstrate its commitment towards improving its emigration policies since the President ended the U.S. trade embargo on Vietnam in 1994. Given the restrictions in emigration and political freedoms in Vietnam, I feel that we must voice our disapproval.

I am encouraged by the fact that many of my colleagues on both sides of the aisle have found the proposed waiver renewal to be ill-considered. Once we see concrete progress by the Vietnamese government—that real improvements are being made so far as human liberties are concerned—then I will be one of the first to say that waiving the Jackson-Vanik amendment and normalizing U.S.-Vietnamese trade relations would further the interests of civil liberty and freedoms. Until that time, however, we must send a clear message and vote in opposition to this bill. Please oppose House Joint Resolution 120.

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Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.

Mr. DOOLEY. California. Mr. Speaker, I am joining with what I think is one of America's greatest Vietnam war heroes, a former colleague and our present ambassador to Vietnam, in asking all my colleagues to vote in opposition to this bill. The reason for it, I think, is clear.

We have Vietnam now the 12th largest country in the world in terms of population. Almost 70 percent of those residents of Vietnam are under the age of 25, the vast majority of which were born after the Vietnam war.

I think, clearly, this country has demonstrated, by a policy of economic and social and cultural engagement, we have been able to have the greatest impact in improving the quality of lives of the people in which we reach out to. We make the greatest difference advancing human rights, the greatest difference in advancing the issue of religious freedom, the greatest impact in advancing the concept of democracy when we choose to economically and culturally and socially engage with a country. That is what it is all about, when we continue with the waiver for Jackson-Vanik.

I urge my colleagues to vote no on this motion.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA), a member of the Committee on International Relations.

Mr. BECERRA. Mr. Speaker, passage of House Joint Resolution 120 would not be a message, it would be a hammer. It would be a hammer because it sends the clear message to the people of Vietnam that we are not serious about trying to be constructive and open up our trade and open up our relations with this country.

If we believe that, by imposing these stricter standards of economic engagement with Vietnam, we are going to send the message and have some success; and if we are going to look at examples like South Africa, we have to remember that South Africa were multilateral sanctions where we had virtually an entire world behind those efforts to change South Africa.

We cannot say that about Vietnam. We know for a fact that the Europeans, Japan, other Asian countries, Latin America, they are all ready to go in and fill a void if the U.S. disengages. That will not just be at the expense of U.S. business, it will be at the expense of the U.S. government and the U.S. people.

We must engage. If no one has faith with the folks that are speaking here, please remember our former colleague, Pete Peterson, ambassador to Vietnam, a former POW who says it is right to do this. Please oppose House Joint Resolution 120.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I rise in support of the President’s waiver of the Jackson-Vanik trade restrictions on Vietnam.

I am a veteran myself. I have served almost 30 years with the National Guard. I have been on the Committee on Veterans’ Affairs, serve on the House Committee on International Relations. I realize that times come when we have to re-evaluate our relations with Vietnam. It was a terrible war. It was a terrible conflict. It was a war of containment. I would not call it a war that we won.

Our former colleague, now the U.S. ambassador to Vietnam, Pete Peterson has nothing but praise for the Vietnamese efforts to aid the U.S. in locating and identifying the remains of POWs and MIAs. The ambassador says that the two countries are cooperating at an unprecedented level for former combatants.

I say to the critics of the waiver, listen to the words of the VFW. They say, We believe that current U.S. trade policies may have resulted in both gradual improvement in U.S.-Vietnamese relations and general and proportional improvements. Oppose the resolution.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. ABERCROMBIE. Mr. Speaker, at this point I think we need to add little, but perhaps some other observations.

I consider the gentleman from California (Mr. ROHRABACHER) not only my colleague but my dear friend, and I would say that on almost everything we have been together where human rights are concerned. I feel that we just have a difference of view today, and I hope that his, in this instance, does not prevail. Not because of any argument about commitment to human rights but because we can do what we need to do to bring about a change.

I make a plea to all of my colleagues who know Pete Peterson, not just as I do, as a colleague and dear friend, but know what he went through as a POW. Surely, surely, as the first ambassador that the United States has to a war zone since we have had the opportunity to carry through on all of the elements that he thinks he can bring to bear to see not only human rights but the relationship between Vietnam and the United States of America.

If we can conduct trade with China, surely we can conduct trade, surely we can give Mr. Peterson the opportunity to conduct the business of the United States. Surely, if we have this opportunity to make a statement that individuals can make a difference, that the Vietnam war can be healed, that those of us who have been scarred in this country by everything that took place there can find a healing purpose in giving Mr. Peterson the opportunity to carry through on the program that he has put forward. If that is accomplished, I can assure Mr. ROHRABACHER and my colleagues here, all of whom stand united on behalf of human rights, that a great advancement will have taken place. We will have made a step today in that direction that we can all be proud of.

Mr. Speaker, I want to add to the comments that have been made this afternoon opposing the resolution because it will not accomplish goals we all seek, such as greater accounting for POWs/MIA’s and economic reforms.

I firmly believe that we are more likely to succeed in our foreign policy and human rights objectives by continuing and building on the work already begun by our ambassador, Pete Peterson, a former Member of Congress and a POW.

The purpose of the Jackson-Vanik amendment is to promote free emigration. As of July 30, 1998, 13,438 Vietnamese had departed for the United States under the Resettlement Opportunity agreement. Since the Jackson-Vanik waiver was granted, Vietnam has greatly reduced the red tape for prospective emigrants.
Both supporters and opponents must concede that progress is being made in emigration, business development, investment opportunities, and accounting for U.S. military personnel which are of vital interest and concern to America and the families of missing service men and women.

This bill will not only end the progress that has been made, but reverse the positive developments that have occurred. It will be a setback for our efforts to account for missing U.S. military personnel and other objectives.

I urge no "vote on the resolution.

Mr. CRANE. Mr. Speaker, I yield 1 1/2 minutes to the distinguished gentleman from Michigan (Mr. CAMP), my distinguished colleague from the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, there have been many references to our former colleague, now ambassador, Pete Peterson. I wish everyone could have heard his very powerful and compelling testimony before the Senate Trade and the House about recent reconciliation and engagement in Vietnam. This is not about MFN. I have heard some references to MFN or normal trade relations. That only occurs after a negotiated bilateral trade agreement. This is about allowing private overseas investment loan guarantees.

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We must talk about our relations with Vietnam and what kind of leverage we have if we do not engage Vietnam. We lose leverage in obtaining more information from the Vietnamese government on those POWs and MIAs that we are still not sure about.

The VFW in a statement released on July 28 said that disapproving the waiver would harm the prospects for the cooperation between our governments that is necessary for a successful resolution on Vietnamese POWs and MIAs. We also lose leverage in bringing Vietnam closer into the community of nations. We lose leverage in encouraging Vietnam to promote the freedom of immigration, the very point of the Jackson-Vanik amendment when it was passed back in 1974.

I urge the defeat of H.J. Res. 120.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from San Diego, CA (Mr. HUNTER) a Vietnam veteran and a man whose standards are very much respected in this body.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding time. A couple of facts here are incontrovertible. One is that we have over 1,500 Americans still missing in Vietnam, including all 448 American pilots who were shot down in Vietnam-controlled Laos. That can mean only one thing. Not one of those pilots came home out of that 448. It means the North Vietnamese and others had a policy of execution of the pilots that went down in that area. That is a war crime. There should be war trials for the criminals, for the Vietnamese communist leaders who propagated that policy of execution, if we could find them, if we could apprehend them, if we could lay hands on them. If we had treated Himmler and Goering like we are treating the Vietnamese communist dictatorship, they would have been brought before the World War II Nuremberg war trials.

I think if we keep denying the sacrifices of our veterans like we are doing with this bill, someday we are going to have a war and there are going to be POWs and MIAs to come. Support Rohrabacher.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES). Mr. REYES asked and was given permission to revise and extend his remarks.

Mr. REYES. Mr. Speaker, I rise in opposition to House Joint Resolution 120. I believe that this resolution is counter educational to the national interests of the United States and to the continued improvement in the bilateral relationship between our Nation and Vietnam.

I did not have the privilege of serving in this House with Ambassador Pete Peterson, but over the course of the last 2 weeks I have had an opportunity to sit with him on several occasions and talk to him about his experience as ambassador to Vietnam from this country. Ambassador Peterson, I think, more than anyone else understands the problems and the complex nature of the issue as we transition from a very negative relationship with Vietnam to hopefully a better and more understanding relationship.

Ambassador Peterson tells me that Vietnam is a country in transition. It is a country in transition culturally, philosophically, economically, socially and educationally. He also tells me that it is important, it is vital that we remain engaged with Vietnam and that we assist Vietnam and provide the leadership to help with that assistance to that country so that they can transition from dictatorship to ultimately a democracy. I had an opportunity this morning to again be with Ambassador Peterson in the Cannon Building where there is an exhibition and it is simply titled "Vietnam, The Land That We Never Knew."

Mr. Speaker, I was in Vietnam 30 years ago. I spent 13 months there in the United States Army. I told Ambassador Peterson that I really did not have any interest in going back, but he has convinced me that with the policy of engagement, it is our obligation and duty to go back and see the Vietnam that we never knew.

I am opposed to this resolution and urge my colleagues to revise it as well.

Mr. CRANE. Mr. Speaker, I yield 1 1/2 minutes to distinguished gentleman from Arizona (Mr. KOLBE), a combat veteran who served in southeast Asia.

Mr. KOLBE asked and was given permission to revise and extend his remarks.

Mr. KOLBE. Mr. Speaker, I rise in opposition to this resolution. As the gentleman from Illinois said, I did serve in the Vietnam War. I was a Navy officer on swift boats patrolling rivers and canals down in the delta region. But let me make it very clear that in my view having served in Vietnam does not give me any qualification to have an opinion on this issue. Maybe it gives me some background on which to draw in making a decision. And I would use it to draw on a historical perspective.

In 1991, it was President Bush that proposed a road map, and I was very much involved in the Congress at the time that was being considered, for improving our relations with Vietnam. To follow the road map, Vietnam had to take steps to help us account for our missing servicemen. In return for the cooperation, the United States was to move incrementally towards normalized relations.

Progress was made, and in 1994 a second step was taken when President Clinton lifted the trade embargo against Vietnam. In 1995, formal diplomatic relations were established between the United States and Vietnam.

Today's vote is just one more step along this road. As Ambassador Pete Peterson has said, if we grant this waiver today, he will have some of the tools he needs to convince Vietnam's leaders to improve human rights conditions, to continue support for the resolution of our POW and MIA cases that are still unresolved, and to maintain their commitment to liberalizing their economic and political institutions.

Mr. Speaker, our Nation has always recognized a clear distinction between being at peace and being at war. We cannot, we must not forget the pain and suffering of war. But by granting this waiver and advocating for even greater liberalization of Vietnamese society, we can say to Americans who served in Vietnam that their commitment is vindicated as economic and political freedom takes root in that country.

I urge my colleagues to defeat this resolution.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. EVANS), a Vietnam veteran, the ranking member of the Committee on Veterans' Affairs.

The SPEAKER pro tempore (Mr. SHIMkus). The gentleman from Illinois is recognized for 3 minutes.

Mr. EVANS. Mr. Speaker, this is really a vote on whether we are truly dedicated to resolve the full accounting of our missing from the Vietnam War. As the Veterans of Foreign Wars have said, passing this resolution of disapproval will only hurt our efforts at a time when we are receiving the access that we need from the Vietnamese to determine the fate of our POWs/MIAs.

Many of the speakers have said, there is no more authoritative voice on this issue than our former colleague and now Ambassador to Vietnam, Pete Peterson. He supports the Jackson-
Vanik waiver. As a prisoner of war who underwent years of imprisonment in the notorious Hanoi Hilton, Ambassador Peterson should have every reason to be skeptical and harbor bitterness towards the Vietnamese. Yet he believes that the best course is to further develop relations between our two nations.

He knows this because it is in our Nation's best interest. We have achieved progress on the POW/MIA issue because of our evolving relationship with Vietnam, not despite it. He also knows that without access to the jungle and the rice paddies, without access to the archival information and documents, and to the witnesses of these tragic incidents, we cannot give the families of the missing in action the answers they deserve.

Our Nation is making progress on providing these answers. Much of this is due to the Joint Task Force on Full Accounting, our military presence in Vietnam tasked with searching for our missing. I have visited these young men and women and they are among the bravest and most gung ho group of soldiers I have ever met. Every day, from the searches of battle sites and jungles or the excavation of crash sites on the sides of mountains, they put themselves in harm's way to perform a mission they deeply believe in. It is truly touching to these men and women, some of whom were not even born when our missing served, so dedicated to a mission that they see as a sacred duty.

They told me time and time again, allow us to remain here so we can complete this mission, so that we can do this job. If we pass this resolution today, we risk all the progress we have made.

I ask my colleagues to please vote against the resolution.

Ms. LOFgren. Mr. Speaker, I yield myself up to the House as I may consume. Today's debate is not about whether we respect our wonderful former colleague and now ambassador, Mr. Peterson. We do, although we note there are others who were prisoners of War in Vietnam who feel that we should support this resolution. This debate is about whether we use this tool available to us to get Vietnam to do the right thing, to allow for free emigration. If they were doing the right thing, we would not need to have this waiver before us at all.

And these accomplishments have come about because of the Jackson-Vanik waiver. The Jackson-Vanik waiver has been our diplomatic leverage—without it, we threaten America's interests.

And these accomplishments have come about because of the Jackson-Vanik waiver. The Jackson-Vanik waiver has strengthened US-Vietnam cooperation by establishing the Joint Document Center in Hanoi. The Trilateral Recovery Operations of the U.S., Laos and Vietnam. And the Vietnam governments have publicized accomplishments related to missing Americans. These are concrete results and real outcomes.

And these accomplishments have come about because of the Jackson-Vanik waiver. The Jackson-Vanik waiver has been our diplomatic leverage—without it, we threaten America's interests.
Mr. SOLOMON. Mr. Speaker, I rise in strong support of H.J. Res. 120. The full story of how the President and his senior advisors made decisions on Vietnam has never been told.

I am very concerned that the American people do not know the complete story on what influenced the decision to extend normal Diplomatic relations to the People's Republic of Vietnam.

Now we have to once again look at the President's actions and challenge why, in spite of evidence to the contrary, he is giving a waiver to Vietnam on an important human rights issue.

In October 1996 I began an inquiry of the current Administration and the potential impact foreign money might have had on our Foreign and Defense Policy.

My goal was to acquire all information from the President and other senior members of his Administration about their connections with John Huang and the Lippo Group.

From 1996 to this day I believe the administration has improperly assisted the Lippo Group in developing business in the People's Republic of Vietnam.

My fear was (and still is) that campaign contributions by Mochtar and James Riady and John Huang all improperly influenced our Foreign policy on Vietnam.

And to this day I feel the American people have not been given the truth on all the activities undertaken by the President, John Huang and the Lippo Group.

In 1992 the Riadys were the largest single campaign donors to then Presidential candidate Clinton.

Now all Americans are finally finding out that for the last five and a half years Foreign money may have corrupted our Foreign and Defense Policy, especially in Asia.

It was shocking to find, as early as November 1992, the late Ron Brown was meeting with Vietnamese government officials about lifting the U.S. embargo while Presidential candidate Clinton was taking a much harder line on our POW--MIA.

Then, after being appointed Secretary of Commerce, Ron Brown met with John Huang, who at that time was the senior Lippo official in America, to discuss Vietnam.

It took years for the truth to come out.

Years later the Wall Street Journal reported that soon after he was first elected President, Mr. Clinton received a personal letter from Mochtar Riady, Chairman of the Lippo Group.

In his letter to the President, Riady was strongly lobbying for the immediate U.S. diplomatic recognition of Vietnam.

Riady's letter was very clear—not only should America move to quickly recognize Vietnam, but Mochter brazenly informed the President that he had employees on the ground in Vietnam ready to do business.

While Riady's letter was kept secret there were important and serious debates by well meaning members on both sides of the aisle as to the merits of recognizing Vietnam.

Issues such as full accounting for POW-Mias, religious freedom for Vietnamese citizens, free emigration and free speech were debated. But one has to ask if the fix was in all along to help the Riadys.

Now, today once again with a bipartisan spirit Congress is addressing what to do about assisting Vietnam.

It is my position that, because of previous bad faith in providing full disclosure to Congress, we cannot have a fair debate on the merits of the assisting Vietnam until we find out exactly what the Administration did to help the Lippo group.

The great tragedy of the ethical cloud hanging over our Foreign Policy is that we become uncertain as to the validity of the Administration's position on any economic issue.

Did the Administration sell out American business interests by improperly helping a foreign firm, the Lippo Group, with inside information about the timing of our recognition of Vietnam? This type of information could be worth millions at the expense of American Firms.

So I look with great skepticism at the President issuing a waiver. I am perplexed as to who will eventually benefit. On the merits of the case I don't think the average Vietnamese will benefit, since the IMF has had up loans to Vietnam because the government has not made appropriate economic reforms.

The President's waiver is suspect as to why he continues to insist his action will substantially promote the freedom of emigration provisions.

In fact Congress has the names of hundreds of Vietnamese who have been denied emigration since 1975. This pattern of human rights abuse continues to this day.

Finally, as a practical matter, if Vietnamese leaders think that our Foreign Policy can be influenced by Lippo money they will have no incentive to continue on the process of an open and responsible exchange which is so important to our Foreign Policy.

Now is the time to send a signal to the World that the Congress takes very seriously our oversight responsibilities and we pledge to bring sunlight on the Administration's actions.

Vote to support H.J. Res. 120 and show Vietnam and the world that Congress will not allow our Foreign Policy to be sold for campaign contributions.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to urge my colleagues to join the Congressional Dialogue on Vietnam. This group facilitates an open exchange among Members of Congress, and the public on issues that affect those who have personal interests tied to Vietnam.

In particular, I wish to call attention to the grassroots campaign, "Adopt a Religious Prisoner in Vietnam". This group notifies its members on the current state of religious persecution in Vietnam as well as the plight of people who have been imprisoned for their religious beliefs.

The current Vietnamese government detains individuals for a variety of ideological reasons, including those discussing religious ideas. These prisoners of conscience are writers, philosophers, and artists who have never served in combat and yet some have been incarcerated since the Vietnam War.

This past January I had the unique opportunity to visit Vietnam. Despite the advancements our countries have made in diplomatic relations, we still differ on issues concerning religious prisoners. On my visit I was denied the opportunity to visit with prisoners of conscience, and what medical information I did receive was ambiguous.

In my opinion this underscores the value of the "Adopt a Religious Prisoner in Vietnam" campaign and its ties to overseas religious institutions. I want to take a moment to tell about my own adoptee. The Venerable Thich Tue Sy has been a Buddhist monk from the age of seven years. He taught himself several languages including Classical Chinese, English, and Sanskrit. A noted scholar and founder of the Free Vietnam Force, he was arrested by Vietnamese government authorities on national security charges and sentenced to death, but protests from the international community helped to commute his sentence to 20 years in a government "re-education" camp. He has been jailed for the past 14 years in a camp where nutrition and health conditions are typically poor.

The "Adopt a Religious Prisoner in Vietnam" campaign affords Members of Congress the opportunity to address two very important audiences. One is the world community, and the message is that as concerned legislators we decry the blatant oppression of individuals worldwide, especially when it is based solely on differing ideology. We also send a message to the adoptee, telling that person there is an advocate who is appealing for his or her release, and encouraging that individual to continue pursuing the goals of free speech and religious liberty.

Mr. Speaker, I again encourage my colleagues to join the Congressional Dialogue on Vietnam as well as the "Adopt a Religious Prisoner in Vietnam". The Congressional Dialogue was founded by the gentle-women from California, Ms. Loretta Sanchez and Ms. Zoe Lofgren and represents a committed bipartisan endeavor to support the progress of US-Vietnam relations. In defense of fundamental human rights and in the interest of our many Vietnamese-Americans who have ties to Vietnam, I hope that all of my colleagues will participate in these efforts.

Mr. UNDERWOOD. Mr. Speaker, I rise in opposition to H.J. Res. 120 and in support of waiving the Jackson-Vanik amendment for Vietnam.

Last August, I visited Vietnam as part of a Congressional delegation, although there was a certain level of economic and political interaction between the United States and Vietnam, there was still a sense of imbalance in this interaction. The Jackson-Vanik waiver, enacted for the first time on March of this year, is a tool for this interaction, for this engagement.

Not only has the Jackson-Vanik increased the freedom of emigration in Vietnam, our American businesses investing and exporting to Vietnam are benefitting from federal economic programs, such as those administered by the Export-Import Bank. Removing the waiver could mean job losses for workers in the United States.

It will be a great setback not to grant the waiver. Let us not use this issue to act as a referendum on our total relationship with Vietnam. I understand that we still have many issues with Vietnam which we are not satisfied, such as human rights and POW/MIA concerns. In fact there are separate vehicles for these other concerns. By waiving the Jackson-Vanik, we continue to increase our engagement with Vietnam and we will have even greater opportunities to discuss other issues such as human rights, issues which I agree are as important to the American people as they are.

We are linked to Vietnam economically, politically and even culturally. We should not move backwards by passing this resolution.
urge my colleagues to vote against H.J. Res. 120.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise in opposition to H.J. Res. 120 which denies President Clinton's waiver for Vietnam from the Jackson-Vanik freedom of emigration requirement of the Trade Act of 1974. On June 3, 1998, President Clinton notified Congress of his intention to extend Vietnam a Jackson-Vanik waiver for an additional year from July 3, 1998 to July 3, 1998.

Vietnam's trade status is subject to the Jackson-Vanik amendment to Title IV of the Trade Act of 1974. This provision of law governs the extension of normal trade relations, as well as access to U.S. government credits or credit or investment guarantees, to nonmarket economy countries ineligible for normal trade relations tariff treatment. A country subject to the provisions may gain MFN treatment and coverage by U.S. trade financing programs by complying with the freedom of emigration provisions of the Trade Act. The Trade Act authorizes the President to waive the freedom of emigration requirements with respect to a particular country if he determines that such a waiver will substantially promote the freedom of emigration provisions.

Extending the Jackson-Vanik waiver for Vietnam gives Vietnam access to U.S. government credits or credit or investment guarantees such as those provided by Overseas Private Investment Corporation (OPIC) and Export-Import Bank support for U.S. businesses in Vietnam. Vietnam has not yet concluded a bilateral commercial agreement with the United States and therefore, Vietnam is ineligible to receive normal trade relations tariff treatment.

Recently, the Subcommittee on Trade held a hearing on Vietnam. U.S. Ambassador Pete Peterson and Senator John Kerry eloquently testified about the importance of having a policy of engagement with Vietnam. Both of these men heroically served our country during the Vietnam War and they strongly believe that we should work with the Vietnamese government and form a stable, fruitful relationship between the two countries.

Vietnam has made consistent progress on its commitments under the Resettlement Opportunity for Vietnamese Refugees agreement. The United States government has made it its highest priority to obtain the fullest possible accounting of missing U.S. citizens from the Vietnam War. The Vietnamese government has been extremely cooperative. Human rights in Vietnam need to be improved and hopefully, engagement will do this.

I urge my colleagues to vote against this resolution. We should not forget about the past or the dedication of our servicemen who fought in Vietnam, but we should move forward. If those who were prisoners of war in Vietnam believe that it is time to engage Vietnam and normalize relations with Vietnam, we should listen to their advice. It is time to move forward with Vietnam and build a relationship that benefits both the United States and Vietnam.

Mr. RANGEL. Mr. Speaker, I rise in opposition to House Joint Resolution 120. This resolution would disapprove the President's determination that a waiver of the so-called Jackson-Vanik requirements would substantially promote freedom of emigration objectives with respect to Vietnam. This waiver permits U.S. Government financial support for American businesses to invest and trade with Vietnam and is a precondition for concluding a commercial agreement to establish normal trading relations.

By passing this resolution, Congress would disapprove and reverse the most recent step taken by the United States to normalize relations with Vietnam. This policy of gradual engagement after trying to isolate Vietnam began in the early 1990s with the lifting of the trade embargo and the establishment of full diplomatic relations in 1995.

Since the normalization process began the Vietnamese government has cooperated in POW/MIA accounting, made progress on its emigration practices, and is now undertaking market-oriented reforms of its state-controlled economy.

It is also true that Vietnam violates human rights and denies religious and political freedoms to its citizens. But as is the case with China, we cannot isolate Vietnam unilaterally in a global economy. Continued exposure of the Vietnamese people to American values through increased trade and investment and continued engagement with the Vietnam government provides the best means to achieve fullest possible POW/MIA accounting and to promote political and economic reforms.

Disapproving the waiver will signal a return to a previous policy of isolation which failed. I urge my colleagues to vote "no" on H.J. Res. 120.

The SPEAKER pro tempore (Mr. SHIMKUS). All time for debate has expired.

The joint resolution is considered read for amendment.

Pursuant to the order of the House of Wednesday, July 29, 1998, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

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

Mr. ROHRABACHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidence a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yes 163, nays 260, not voting 11, as follows:

[Nay No. 356]

| Brown (OH) | Hill | Peterson (PA) |
| Bryant | Hcircle | Pitts |
| Buyung | Haddon | Pombo |
| Hoekstra | Holden | Porter |
| Canady | Hileman | Quinn |
| Chabot | Huntsman | Radanovich |
| Coburn | Hyde | Regula |
| Collins | Inglis | Rile |
| Cooksey | jacksen (IL) | Rivers |
| Cox | jacksen (TX) | Rohrabacher |
| Crapo | Johnson (CT) | Rosemجن
| Culberson | Kelly (NY) | Royce |
| Cummings (VA) | McNulty | Ryan |
| Deal | Menendez | Sanchez |
| DelAya | Metcalf | Sanders |
| Dbazalart | Miller (FL) | Saxton |
| Dickey | Myrick | Schroeder |
| Dodd | Nadler | Scott |
| Doolittle | Neumann | Sessions |
| Duncan | Newt | Shadegg |
| Ehrlisch | Ney | Shuster |
| Emerson | Northup | Smither |
| English | Norwood | Snowbarger |
| Farr | Packard | Souder |
| Forbes | Papas | Spence |
| Fossella | Paschel | Stearns |
| Fox | Paul | Strickland |
| Francis (NJ) | Pappas | Stump |
| Frelinghuysen | Pat | Stupak |
| Gakas | Pelosi | Talent |
| Gibbons | Pendleton | Thompson |
| Goode | Perry | Thune |
| Goodling | Petri | Tiahrt |
| Graham | Pickard | Torres |
| Green | Pipkin | Tran |
| Gutierrez | Poe | Upson |
| Halleck | Ponce de Leon | Vento |
| Hagedorn | Portman | Wamp |
| Hansen | Posey | Watters |
| Hefley | Powell | Walden (FL) |
| Higgins | Poe (VA) | Weldon (FL) |
| Hinojosa | Pombo | Whitfield |
| Pomeroy | Pombo | Wolf |
| Pupke | Polewarczyk | Wolford |
| Quick | Poison | Wolford |
| Rangel | Poe | Wolford |
| Rogers | Roe | Wolford |
| Rogers | Rogers (NY) | Wolcott |
| Rogers | Rogers (TX) | Worley |
| Rogers | Rogers (CT) | W� |
| Rogers | Rogers (NC) | W� |
| Rogers | Rogers (OH) | W� |
| Rogers | Rogers (SD) | W� |
| Rogers | Rogers (VA) | W� |

[Nay—260]

Abandame | Clayton | Gephardt |
| Ackerman | Clyburn | Gilchrist |
| Allen | Combs | Goodlatte |
| Altmire | Conyers | Gordon |
| Armey | Conrail | Goode |
| Blass | Costello | Granger |
| Baxley | Creamer | Greenwood |
| Barcia | Cummings (IN) | Gutierrez |
| Barrett (WI) | Cummings (MI) | Hall (OH) |
| Bass | Davis (FL) | Hamilton |
| Balduzzi | Davis (IL) | Hamilton (IL) |
| Bercera | DeGette | Hastings (FL) |
| Beshe | Delahunt | Hastings (WA) |
| Berman | Delahunt | Hefner |
| Berry | Deleo | Herger |
| Berry | Dicks | Hillard |
| Besh | Dingell | Hirota |
| Bishop | Dixon | Hooley |
| Broun | Dooley | Houston (WI) |
| Brown (GA) | Doyle | Hoyer |
| Brouneir | Doyle | Hughes (MA) |
| Brouneir | Ehlers | Hulseh |
| Brouneir | Eiseng | Jeffords |
| Brouneir | Eshoo | Johnson (CT) |
| Brown (IL) | Etheridge | Johnson (WI) |
| Brown (PA) | Evans | Johnson, E. B. |
| Boyd (NY) | Evans | Jorgensen |
| Brady (TX) | Evans | Kapito |
| Brown (CA) | Evans | Kaschik |
| Barcara | Evins | Kennedy (FL) |
| Calahan | Fattah | Kennedy (MA) |
| Calvan | Fawell | Kilpatrick |
| Camp | Fink | King (CA) |
| Campbell | Finkler | King (GA) |
| Cannon | Finkley | King (NY) |
| Capito | Filer | Kinkle |
| Cannon | Filer | Kinkaid |
| Capito | Filer | Klapka |
| Cardin | Filer | Kloecker |
| Carson | Foard | Kingston |
| Castle | Fong | Kolbe |
| Cassels | Foreman | Laffalce |
| Chambless | Furse | Lammers |
| Chapurn | Ganske | Lantos |
| Dain | Ganske | Lantos |
| Dalby | Ganske | Lantos |
| DeFazio | Ganske | Lantos |
| Deal | Ganske | Lantos |
| Deke | Ganske | Lantos |
| DelAya | Ganske | Lantos |
| Delpon | Ganske | Lantos |
| Depp | Ganske | Lantos |

YEA—163

| Aden | Barr | Blunt |
| Anderson | Bartlett | Bonilla |
| Bachus | Barton | Bonior |
| Baker | Bilirakis | Bono |
The vote was taken by electronic device, and there were—ayeys 222, noes 200, as follows: [Roll No. 357]

AYES—222

Aderhold
Archer
Ashcroft
Bachus
Barr
Bartlett
Barton
Bilirakis
Bliley
Boehner
Bonilla
Brower
Bryant
Bunning
Busby
Byrkit
Campbell
Chabot
Chambliss
Checowen
Christensen
Coburn
Collins
Comstock
Cook
Copeland
Craig
Crapo
Cunningham
Davis (VA)
Deal
Diaz-Balart
Dickey
Dodd
Dreier
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fox
Frank (NJ)
Frehlinghuesy
Gallegly
Goss
Gibbons
Gibson

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldassare
Baucus
Barrett (WI)
Bentsen
Berman
Bishop
Bilirakis
Bilirakis
Bonior

Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon

H. RES. 308

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause (b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies appropriation act, FY 1999.

Mr. McINNIS, Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 508 and ask for its consideration.

The Clerk read the resolution, as follows:

Providing for consideration of H.R. 4276, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, FY 1999.

Mr. McMINIS, Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 508 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Providing for consideration of H.R. 4276, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, FY 1999.

Recorded vote

Mr. HALL of Ohio, Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Providing special investigative authority for the Committee on Education and the Workforce

The SPEAKER pro tempore (Mr. SHIMkus). The pending business is the vote de novo on agreeing to the resolution, House Resolution 507, as amended, on which further proceedings were postponed.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the amended version.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
related agencies for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(g) of rule X, clause 7 of rule XXI, or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall be limited to one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule X are waived. The amendments considered in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against amendments printed in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the report of the Committee on Rules, which may only be offered by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified, and shall not be subject to further amendment or to a demand for a division of the question. The rule also waives all points of order against amendments printed in the Rules Committee report.

The rule also accords priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and allows the Chairman to postpone recorded votes for any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments printed in the report equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

Mr. Speaker, House Resolution 508 is an open rule providing for consideration of H.R. 4276, the Commerce, Justice, State, and Related Agencies Appropriations bill for fiscal year 1999. The rule waives points of order against consideration of the bill for failure to comply with clause 2(1)(g) of rule X, requiring 3 days prior to the consideration of a general appropriations bill. The rule has been available for the required time, but a printing mistake necessitates the rules waivers.

The rule also waives section 401(a) of the Budget Act, prohibiting consideration of legislation, as required, providing new contract borrowing or a credit authority that is not limited to amounts provided in the appropriations acts. This is simply a technical waiver. House Resolution 508 provides for one hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule 21, prohibiting unauthorized appropriations and legislative provisions in an appropriations bill, and clause 6 of rule 21, prohibiting reappropriations in a general appropriations bill.

House Resolution 508 provides for the consideration of the amendments printed in the report of the Committee on Rules, which may only be offered by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified, and shall not be subject to further amendment or to a demand for a division of the question. The rule also waives all points of order against amendments printed in the Rules Committee report.

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H.R. 4276 was favorably reported out of the Committee on Appropriations, as was the open rule by the Committee on Rules. I urge my colleagues to support the rule so we may proceed directly to the general debate.

Mr. Speaker, I rise in support of the gentleman from Texas (Mr. MOLLOHAN), who has just inserted a resolution of thanks to the American people who have contributed to our victory. The resolution expresses appreciation that we may fly the American flag in peace, that we may go about our daily lives without fear of enemy attack, and that we may again focus our attention on the other great issues that the American people face.

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Mr. Speaker, as I stated on June 16, 1998, in debate on H.R. 4276, the bill on the floor today is a mixed bag. While it provides for the hiring of 76,771 police officers to be hired. COPS is a successful program, and has played a large part in the reduction of violent crime in this country. Its funding should not be jeopardized.

Mr. Speaker, this bill also includes an important earmark of $20 million for the COPS program, to be used for grants to policing agencies and schools for programs aimed at preventing violence in our public schools. This is a fine beginning as we struggle with the issue of violence in our schools. I commend the committee for including these funds.

In June I met with about 30 school administrators and schoolteachers in my congressional district to talk about what can and should be done to instill discipline in the classroom and to combat violence. The times have changed since I grew up in Fort Worth. Listening to these dedicated educators drove home that point.

Mr. Speaker, I was shocked to learn that more than 6,000 students were expelled from schools across the country last year for bringing a firearm to school, just as I had been shocked and deeply saddened by the violence that has taken the lives of 14 students and teachers and injured 47 others since last October.

But I came away from that meeting with a concrete idea of what we can do here in Washington to help schools in our home towns deal with disruptive students, gangs, drugs, and guns, because those concerned educators told me that one of their most pressing needs was more uniformed police officers in schools. They told me that having law enforcement officers in a school not only cuts down on crime, but also gives the students the opportunity to talk to an authority figure about what is happening on campus.

I have introduced H.R. 4224, the Safe Schools Act of 1998, as a follow-up to this forum. My bill would provide $175 million in funding to allow local communities to hire more police officers to patrol in and around their schools. This money will allow up to 7,500 police to be hired, in addition to the 100,000 new police who have been or will be hired under the COPS program.

While these funds are not part of this bill, it is my intention to work to see them included in next year’s appropriation.

Mr. Speaker, some schools already have uniformed law enforcement officers. In fact, a number of school districts in my own congressional district already do. I would like to quote Sergeant James Hawthorne of the Arlington Texas Police Department, who has endorsed the continuation and expansion of this idea.

“IT is worth every penny. You cannot put a price on a child's life. And above and beyond that, you hope to be a positive influence on kids throughout their lives.” I could not agree more, Mr. Speaker.
Mr. Speaker, I reserve the balance of my time.

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

Mr. ROGERS. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of the rule specifically because it includes an amendment to restore full, uninterrupted funding for the 2000 Census preparations.

Opponents of the Census Bureau's plans for 2000 say that we ought to take the same way we have for the last 200 years. They call the plan a "radical new approach to conducting the census." Nothing could be further from the truth.

The truth is that the census has changed immensely throughout its history because it has had to keep pace with a Nation that itself is changing. Counting the population in 2000 the same way we did in 1960, much less the way we did in 1790, would be simple folly.

In 1970, U.S. Marshals, 600 of them, went out on horseback and counted and tabulated information for about 4 million Americans in the new Nation. They missed about 100,000. They added enumerators over the year, but by 1850, the number of Americans had quadrupled, far too much information for census takers to add up on their own. So, for the first time, they sent the forms to Washington to count.

Thousands of clerks in hot, sticky rooms leafed through millions of forms by hand, while the population doubled again. By then it took 8 years to tabulate the 1880 census. Fortunately, the punch card arrived in 1980, allowing for automated tabulation. A radical new approach, but it saved time and money.

Our population would nearly triple over the next 50 years. By 1940, punch cards could not keep up and by 1950, crude computers took over the job. In Americans' impatience with the growing response burden, the Bureau developed sampling techniques to gather vital data on everything from education to veterans status. But compiling the numbers was not the only problem. There were too many people in too many households spread out across four times more land area than in 1790. Workers knocking on every door were making more mistakes than the machines could tolerate.

So, in 1970, the census underwent perhaps the most radical change in its history: counting people by mail, not by enumerator. That worked fairly well for a while. In 1970, 80 percent of the people returned their forms, but by 1990, only 65 percent did. That meant a half a million census workers had to knock on 35 million doors. The cost of the census skyrocketed, while the results, we believe, did not.

The 1990 census missed more than 8 million Americans, counting 4 million people twice and millions more in the wrong place; not because the Census Bureau does not know how to do a better job, but because the methods it developed to count the country in previous decades were outdated by 1990.

So once again in 2000, the Census Bureau will make changes. It will make forms more widely available, pay for first-class advertising, and use widely accepted scientific methods to include all Americans this time around.

Take the same way we have done for 200 years? There is no "same way." The census has been changing from its beginning, just as the country has.

A radical new approach in 2000? Nope, just trying to keep up with a growing, changing, and moving Nation, the same way they always have.

Mr. MCINNIS. Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS) who is not only chairman of the committee, but also the sponsor of the bill.

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Colorado (Mr. MCINNIS) for yielding me this time.

Mr. Speaker, I rise in support, obviously, of this rule. It is an open rule, as is usual with appropriations bills. It waives all points of order against the bill as reported.

The important fact, I think I need to say, is that we need to take action on this bill. This is the bill that provides the funding for our Federal law enforcement agencies: all of the Justice Department agencies, the FBI, the Drug Enforcement Administration, most all of the law enforcement agencies of the Federal Government.

We provide funding to our State and local law enforcement agencies; all of our sheriffs, all of our police departments, all of our local law enforcement folk out there who need the Federal assistance is in this bill.

We fund, of course, the Federal courts, from the Supreme Court all the way down, and most of the agencies that work with the courts, such as the Marshals Service.

We provide the funding for the National Weather Service and the modernization and nationalization of the National Weather Radar System that is increasingly providing advanced warning to our constituents of dangerous weather.

We provide, of course, in the State Department portion of the bill, all of our diplomacy operations around the globe. We provide assistance to small businesses in our communities and a host of other vital and necessary functions.

So, Mr. Speaker, it is important that this bill proceed and be passed and be signed and become law.

There are some controversial matters in the bill, but let us not lose sight of the fact, Mr. Speaker, that this bill is vitally necessary in so many areas of our national life.

We set one priority in this bill, it is to provide increased funding for the fight against crime and to empower Federal, State, and local law enforcement with the resources they need to enforce our laws and prevent crime.

Mr. Speaker, thanks to this Congress and to our Judiciary Committee and the full Committee on Appropriations, but most importantly the Congress, over the last several years we have fundamentally increased the funding for the law enforcement agencies, which I think is having a major impact on crime. We are seeing reductions of crime for the first time in many years in this Nation, a lot of which I think can be attributable to the fact that we have increased the funding in this bill, not just for the Federal agencies, but perhaps more importantly for the local law enforcement agencies by the billions of dollars. Now, over the last couple of years, we have funded the fight against juvenile crime and juvenile delinquency and juvenile crime prevention in this bill.

We provide in the bill that is before us an increase of over a half billion dollars for the Department of Justice crime programs.

We provide $4.9 billion for State and local law enforcement, $400 million more than was requested by the White House and $47 million more than the current spending.

We restore the Local Law Enforcement Block Grant to give local law enforcement agencies monies to spend for their specific needs. We give them maximum flexibility to spend according to their requirements. That figure is $523 million.

Mr. Speaker, we provide also a juvenile crime block grant to allow States and localities for their needs to prevent juvenile crime, a quarter of a billion dollars. The President proposed to eliminate this in his budget request. We restore it to the bill.

We provide $283 million also for juvenile crime prevention, most important in this era, a $44 million increase over current levels. And for the first time, Mr. Speaker, the Congress passed a bill recently authorizing bulletproof vests for our local police. This bill for the first time provides the money to buy this essential piece of equipment that protect the lives of the people that protect us. That is in this bill.

We provide $104 million in new funding to help States and localities raise their level of preparedness for chemical and biological terrorism. First time funding, first time we have done this so that our local fire departments, rescue squads and local responders now have funds in this bill to train, to educate, to equip themselves to help fight off the awful things that may happen in our cities or localities that we would call terrorism. In this building, we know now what that really means.

We provide more than $8.4 billion for the war on drugs, including a $95 million increase for the Drug Enforcement Administration, $313 million more than they requested. We put $10 million more into the drug courts in localities which are doing wonderful work throughout the country, and $10 million for a new program to help small businesses create drug-free workplaces.

We provide a thousand new Border Patrol agents to guard the border, $216 million for a new program to help small businesses create drug-free workplaces.
million more than they have now for controlling illegal immigration. The bill provides a $47 million Interior enforcement initiative to force the INS to respond to State and local police in every State when they find suspected illegal aliens. Now, the INS simply does not answer the phone when the State police calls and says they have a vanload of illegals, and they are turned loose. We put money in here to respond to that, to give State and local police a way to make the INS assist in their removal of the illegal aliens they watch. This rule will allow us to move forward. I am very appreciative of the Committee on Rules. They have done a wonderful job.

Mr. Speaker, I urge adoption of the rule to allow us to move ahead with this vitally important bill, vitally important to every Member and every district in the country.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise in support of the rule. I would like to take this opportunity to thank the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for his fair consideration of our requests. I also want to thank my good friend, the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, for his guidance and advocacy of our interests in the development of the rule.

Mr. Speaker, let me first say that I am pleased that the Committee on Rules recommended an open rule for the consideration of this bill, for the same reasons our chairman, Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFFLEY).

Mr. HEFFLEY. Mr. Speaker, I rise in support of this rule, and I thank the committee for ruling this vitally important bill, vitally important to every Member and every district in the country.

Mr. Speaker, let me first say that I am pleased that the Committee on Rules recommended an open rule for the consideration of this bill, for the same reasons our chairman just mentioned. It allows for all Members on both sides of the aisle to debate the issues thoroughly.

Mr. Speaker, I am also pleased that this rule allows for consideration of the Mollohan amendment, the "Let's Count Everybody Amendment," and allows 2 hours of debate on the issue. It is a very complicated matter, and any less time would not have allowed for a meaningful debate.

First, the 2000 Census is just around the corner, and what does this bill do? It cuts off funding for the census preparation in the middle of the year, putting at risk funding for the census preparation for the rest of the year. That is no way to do business. We cannot plan for a professionally run census with that kind of a funding scheme. My amendment fixes that. It guarantees funding for the whole fiscal year.

Second, it is critical that we not only have a decennial census, but one that accurately reflects the population. The 1990 Census was not perfect. We ended up with a census that was not credible to anyone. I believe my amendment provides an equitable approach to this issue, and hope that it represents a compromise that, at the end of the day, everyone can support.

Our chairman, the distinguished gentleman from Kentucky (Mr. ROGERS) obviously disagrees with the merits of my amendment, but to his credit, he argued for my right to offer the amendment. The gentleman's friendship and bipartisan nature have made working on this subcommittee a pleasure and an honor and we thank him.

The open rule, of course, also allows for consideration of an additional amendment I am offering to increase funding for the Legal Services Corporation by $109 million. For the last 2 years, the subcommittee has recommended funding the Legal Services Corporation at $341 million. Consequently, the gentleman from Pennsylvania (Mr. FOX) and I have offered an amendment in each of the last 2 years to increase funding to $250 million. We again find ourselves in a similar situation and I urge my colleagues to vote for that amendment.

Finally, Mr. Speaker, I would like to express my disappointment that this rule makes in order the gentleman from Colorado (Mr. HEFFLEY). This amendment would in part prevent funds from being used to implement the order prohibiting employment discrimination based on sexual orientation.

Mr. Speaker, I think the gentleman's amendment is misguided. It plays to fears and prejudices, and I hope the debate on this amendment will not degenerate as it has on similar amendments in the past. In any event, this bill is certainly not the appropriate vehicle for this kind of an amendment.

Additionally, I would like to note that my colleague, the gentleman from Colorado (Mr. HEFFLEY), testified before the Committee on Rules on two separate and unrelated amendments, and I regret that the rule makes them in order together.

In conclusion, I think that this is a fair rule, and I urge its support.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

First of all, to respond to the previous speaker, this is a very fair rule. We appreciate his support. We have made it fair because we want open debate on this in regards to the Heffley amendment. This is not where that debate should take place. That debate should take place in the general debate. We are prepared to debate it, but the key here is openness and open debate by the Members of this body.

Mr. MCINNIS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Ms. MALONEY).

Ms. MALONEY. New York. Mr. Speaker, I rise in support of this rule, and I thank the committee for ruling the Mollohan amendment in order.

I would like to take this opportunity to thank the gentlewoman from New York (Ms. SLAUGHTER) for his extraordinary leadership in working towards achieving an accurate census for 2000. The Nation needs an accurate census of our population, one that includes every single American. The Census Bureau has a mandate to respond to the needs of that population and produce a more accurate census.

We should not be satisfied with a census which underrepresents working families across the United States. The Mollohan amendment allows the Census Bureau to move forward with the census by striking a provision in the bill that fences off half of the 1999 fiscal year appropriation. Americans in every community benefit from having a more accurate census. Census data help fund direct Federal spending for schools, health care. Programs for seniors and children, businesses, industry, local governments and local communities all rely on accurate census data to make decisions. Without an accurate census, local communities will not receive their fair share.

We need to fund the census for the whole fiscal year. We cannot cut off funding in the middle of the year. They will not be able to do their job. We owe it to our country to ensure that we have the most fair and accurate census of all of our people that we can produce.

Let us put politics aside and allow the professionals at the Census Bureau to do their job. Let us fund it properly. Let us move forward. Let us support the Mollohan amendment.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of the rule for the Commerce, Justice, State appropriations bill. I most especially want to thank the gentleman from Kentucky (Mr.
Rogers) for his leadership in bringing forth a bill that is very beneficial to all of the agencies that are affected by this appropriations bill and a bill that is going to be positive for the country.

One of the aspects of the bill that I am proud of is that the Mollohan amendment (Mr. Rogers) has provided for Radio and TV Marti, especially TV Marti. Because year after year this program comes under attack by those who are grabbing at straws, trying to find anything that they can get their hands on to hide whether the standing history of supporting excessive government spending and wasting taxpayer funds, and they come and use this bill in order to hide from these attacks. And year after year their target, unfortunately and unfairly is TV Marti, which is one part of a two-prong strategy to reach the Cuban people, to inform them about the world outside their island prison, and to educate them about the democratic principles through the implementation of some of democracy's most important liberties, which is freedom of expression and freedom of the press, which are denied to them daily in Cuba.

TV and Radio Marti are reaching the Cuba people there. Were not, the Castro regime would not be obsessed with its demise. If it were not effective, Castro officials would not be roaming the halls of Congress lobbying for an end to these transmissions.

I ask members to remember the immortal words of a leader like Martin Luther King who said, "Let freedom ring. Let the Cuban people then hear and see TV and Radio Marti. Let the echoes of democracy reach the enslaved Cuban people. Let them witness firsthand what it means to be free. Through these transmissions they can see what is going on in our country and in other free countries.

The United States has the tools to accomplish our lofty goals, and one of those tools is Radio and TV Marti. If we are truly committed to bringing all of the countries in our hemisphere into our democratic fold, if we are truly committed to helping the Cuban people free themselves from the enslavement, then we must render our full support for the rule and the bill, Commerce, State, Justice appropriations.

Ms. Slaughter. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Menendez).

Mr. Menendez. Mr. Speaker, I want to commend the gentleman from West Virginia (Mr. Mollohan) for bringing forth this amendment and also the gentleman from Ohio (Mr. Sawyer) for his work on the census and my colleague, the gentleman from New York (Mrs. Maloney).

The fact of the matter is that the Mollohan amendment made in order by the rule will affect the future of everyone living in the United States. We need to do it. The decision that whether a board member, a city council person, ed officials in America are dependent on the census, whether it is a school board member, a city council person, State legislators and, yes, the House of Representatives, are going to be impacted by the census.

If we do not have a census we can not, and that meant to a bipartisan census, it has got to be done together, then we are not going to have one that is going to be trusted by the American people. We must work together to get a census that is not based on polling, that says this will work out best for me.

We have to do everything we can to count everybody, everyone. Let us put the resources into counting everyone, and we are committed to doing that, as the gentleman from Kentucky (Mr. Rogers) put over $100 million more into the appropriation for the Census Bureau this year alone.
We are moving towards failure. This idea of polling was attempted in the 1990 census. It was a failure in 1990. And now the administration says, we want to totally rely on this failed idea. That is irresponsible, in my opinion.

Mr. MILLER of Florida. Speaker, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I know the gentleman is chairman of the House Subcommittee on the Census, in charge of organizing and overseeing the census. Before he came to this body, did the gentleman have any expertise in this field? I know the gentleman does not like to brag. If I may say so, is the gentleman not a professor of statistics?

Mr. MILLER of Florida. Well, I taught at Georgia State University Atlanta, taught statistics for many years. It was the Department of Quantitative Methods up there. I taught at the graduate and undergraduate level, and the MBA. I have taught statistics for years at LSU, University of South Florida, Georgia State University.

I respect statistics. Polling has a relevant role. We all use polling all the time, especially if we do not have the time or money to do something else.

But statistics is a very dangerous thing. My first lecture, whenever I taught statistics, was based on a book, How to Lie with Statistics, because you need to use statistics to achieve your point. People use it all the time. The way graphs are designed, what base years are used, there is a whole variety of ways.

Mr. ROGERS. Mr. Speaker, if the gentleman will continue to yield, well, if the Constitution says, as it does, that we have to have an actual enumeration for the purposes of reapportionment of this body, for business decisions, not for finding out how many people have blue eyes on the third Sunday of every month, but for the reapportionment of the House of Representatives, as a doctor of statistics, what is your opinion that the drafters of the Constitution meant when they said, you must have an actual enumeration?

Mr. MILLER of Florida. We need to have actual counts. We should not use polling to work this out. We need to trust the system of government. It is too important to play politics with this issue. The President is playing politics with it. It is very clear. We need to count everybody. We need to put the resources in. There are a lot of good ideas, from paid advertising this time, and working in outreach programs, whether we need to use the WIC program. Why do we not use the WIC program to help count kids? Why do we not use road projects? We can provide the resources to do that. We can come together and get a good census.

Mr. ROGERS. Does the gentleman say we should do away with this vote board up here and just guess on how the vote is going to go?

Mr. MILLER of Florida. That is right.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from Kentucky (Mr. Davis).

Mr. BLAGOJEVICH. I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased that the Committee on Rules has brought forth an open rule for consideration of the Commerce, Justice, State appropriations bill and I am happy to say that I plan to support that bill. But as a member of the Subcommittee on Census, I would like to express some of my concerns about the portion of the bill which places restrictions on the funding for the Census Bureau.

Withholding or conditioning funds for the Census Bureau places the 2000 census at risk. An inaccurate census affects everyone. More than $100 billion in Federal aid is distributed annually to states and localities based on census data. And when it comes to the census, the fact is if you are not counted, you do not count. You do not count when it comes to Federal dollars for road repair and mass transit. You do not count when it comes to helping public housing. Federal dollars can fund programs to fight juvenile crime. Everyone has a stake in making sure that the 2000 census is counted in a way that is fair and accurate. Just as we do when we determine unemployment statistics andclasspath domestic product, just as we do when we determine labor statistics and statistics regarding our economy, we need to use the most modern statistics and methods possible. Let us put politics aside and let the professionals at the Census Bureau do their job. The Mollohan amendment helps us do this. I hope that my colleagues will join me in supporting the Mollohan amendment to remove these restrictions and fully fund the Census Bureau.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLER-MCDONALD).

Ms. MILLER-MCDONALD. I thank the gentleman for yielding time.

Mr. Speaker, I would like to thank the chairman of the Committee on Rules for making this rule in order and I would like to thank the gentleman from West Virginia (Mr. MOLLOHAHAN) for his leadership. Mr. Speaker, I rise to express my support for the rule which makes in order the Mollohan decennial census amendment. The debate on this amendment will say volumes about the People's House's desire to conduct the census in a fair, accurate, cost-effective and scientifically based way. It will also send a message to the low-income people living in socially and economically isolated urban and rural areas, especially people of color, children, elderly and poor, whose populations who are undercounted by 50 percent. They want to know where they stand and whether they count. If you support a census that is fair, that is accurate, and that is inclusive, then support the Mollohan census amendment. I urge its passage for the sake of all the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from Illinois (Mr. Davis).

Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman for yielding time.

My father used to tell us that half a loaf is better than none. I would say that that is all right, except we are not talking about bread, we are talking about the census. And we are talking about counting all of the people. I can tell Members when it comes to counting the people, one-half is not enough. Three-fifths is not enough. None is not enough. Somebody is going to be miscounted, disenfranchised and left out. I know who those people are going to be. It is already clear. They are going to be the poor, those in big urban centers, those in rural America, those who need every dime, every cent, every penny, those communities that are on the verge of collapse, who need all of their little resources, all of their entitlement programs, but even need representation more than they do anything else. We can cure this defect and we can cure it with the Mollohan amendment. We can cure it because we want to say to every American, we are all citizens and our citizenship rights does not need to be deferred.

I know what it means to be uncounted, three-fifths of a person. Women know what it means not to count, not to be able to vote, not to be looked at on the landscape. I would urge that we vote for the Mollohan amendment and count all of the American people so that they will know that they do indeed count.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from New Jersey (Mr. Pascrell).

Mr. PASCRELL. Mr. Speaker, this is a very important subject we are talking about. To set aside sampling and the science is to guess at what the population is.

Let me repeat. In Paterson, New Jersey, in 1995, with two other communities throughout the United States, $30 million was spent by this Congress, the money here, the money here, to absolutely do sampling and test other methodologies. Are you going to have us conclude, after the science has been supported by the National Academy of Sciences, that what the results were in those three tests are to be put aside so we can really go to the methodology that has been chosen by the other side, to guess?

You cannot count every nose in a census. You know it and everybody else knows it. Everybody else knows it. We need to come together on this issue. It is critical. There are too many people out there who do not respond to the census questionnaire as it is. What you
are going to do is establish even more questions and more anxiety. Do you want to have wasted $30 million? That is not including what we are spending right now to go through dress rehearsals. This is wrong. We need to accept the science and to understand that it was acceptable in 1995 where we prepared for the sampling, where we prepared for the testing and methodology. It was not done helter-skelter. Stop the guessing and support sampling.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, the test in Paterson, New Jersey is a good illustration of why polling does not work. We have got real problems with polling, especially when you get down to census block level. When you get down to census blocks and census tracks, the error rates are too great. We need to count everyone and we need to put the resources into it. It is hard work. You benefit the homeless people from 9 to 5 Monday through Friday. You may have to count them at 2 o'clock in the morning on a weekend. You work through homeless shelters. We are willing to put the resources into it so everyone should be counted. Everyone should be counted. We should do it in the best way possible, working together. There are a lot of good ideas that have come out of past census tests and we can do that. But polling or sampling is the dangerous one and it will not be trusted by American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, the National Academy of Sciences just turned over to compare sampling with guessing or to compare sampling with any other methodology, they each are very different. It does not mean polling, polling is a very different kind of situation. Sampling is science. Polling is not. You show me the definition where they both mean the same thing. What you have done is confused those definitions, on purpose, so that we in arguing sampling are going to fall into your trap about guessing and polling. They are very different.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, polling is based on sampling. We use polling all the time as based on sampling. President Clinton was down in Houston here a couple of months ago saying how great polling is for the purposes of the census. He is the one that used the comparison in Houston, Texas and some of your colleagues were right there in Houston when President Clinton specifically used the analogy of polling. Polling is based on sampling. Sampling is not where you do not have the time and money to go out and do an actual count. This is a $4 billion thing. This should not be the largest statistical experiment in history. That is what we are talking about, the largest statistical experiment in history. This is not an experiment we should test.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I rise today in strong support of the Mollohan amendment which provides full funding for the 2000 census, including the use of statistical sampling. Fundamental to our democracy is the notion that everyone counts. In 1990 the census missed millions of people. The Bureau believes it missed 18 million Americans. Most of those who were not counted were low-income people living in cities, in rural communities, African-Americans, Latinos, Asian Americans, immigrants, and children. Almost 50 percent of the individuals not counted in the 1990 census were children. Are they not a part of this country? Funded for many of our school programs depends on an accurate count of our children. The goal of the Census Bureau is to achieve the most accurate count possible using the most up-to-date scientific methods and the best technology available. We are not talking about polling as you do in political campaigns. The use of statistical sampling will ensure that people who have historically been left out are counted and are included. Our responsibility is to ensure that every American counts. If you are not counted, you are irrelevant. No one in this country should be rendered irrelevant.

I urge passage of the Mollohan amendment.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. Addressing the previous speaker, I am a little surprised by her comments. She says fundamental to our democracy, and I am quoting, everyone counts. That is exactly why we are going out and counting everybody. That is exactly why we are going out and counting everybody. That is exactly why we are going out and counting everybody. That is what we are debating right here. We are going to have, and in fact the Committee on Rules was generous to allocate two full hours to this debate, so I think it is about time that we move rapidly to a vote on the rule. Let us get into the vote.

Mr. SAWYER. Mr. Speaker, we have heard a good deal of reference to polling. The fact is that the plan for this 2000 census is very different from a poll.

It starts with an effort to contact personally and count virtually every single person in every single household in the country. Sampling is then used to further improve the results, but with a far larger sample than is ever used in political polls.

Sampling would be used to supplement that basic count in two ways. One is in following up on households that do not respond; and, second, sampling would be used to help check on those who might still have been missed even with these new procedures.

A very large, scientifically-selected sample of blocks would be drawn, 125,000 of them across the country, with approximately 750,000 households. If a poll were taken this way, with a major effort to contact everyone in the district, followed by a very large sample to account for those who did not respond, followed by another large sample of the whole district to further account for nonresponsives and errors, the results would be extremely accurate indeed, vastly more accurate than the failed techniques employed in the 1990 census.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I rise today in strong support of the Mollohan amendment which provides full funding for the 2000 census, including the use of statistical sampling. Fundamental to our democracy is the notion that everyone counts. In 1990 the census missed millions of people. The Bureau believes it missed 18 million Americans. Most of those who were not counted were low-income people living in cities, in rural communities, African-Americans, Latinos, Asian Americans, immigrants, and children. Almost 50 percent of the individuals not counted in the 1990 census were children. Are they not a part of this country? Funded for many of our school programs...
Mr. MOLLOHAN. Mr. Speaker, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, let me correct what is being proposed this year by this polling plan of the President.

He is intentionally not going to count 10 percent of the people initially. He is not going to go out and count everyone.

In 1990, they tried to count everyone. They counted 90.4 percent of the people. And yes, we are not going to count everyone, we are going to miss a few people, but we need to do everything that we can to reach that 100 percent level.

But this time around they are only going to count 90 percent of the people intentionally. They are intentionally going to not count 10 percent of the people. Then they are going to do this second sample. That is correct. They are going to count 90 percent of the people.

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

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I appreciate the gentleman's courtesy. Every effort is going to be made to reach 100 percent of the people more times than ever done in the past.

Mr. MILLER of California. No, that is not true. Reclaiming my time, that is absolutely not true. They are intentionally going to not count 10 percent of the people and then use this ICM, this sample, to try to impute what the numbers are. That is where the problem of sampling is. They are going to have 60,000 separate samples to get to that 90 percent number. It is extremely complex. GAO, Inspector General are both saying it is a high-risk plan.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

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

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

Mr. MOLLOHAN. Mr. Speaker, I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, on the last gentlewoman's statement:

They can sample all they want on all of the issues. We just talked about, such as for Social Security, funding for States and localities—sample all they want. All we are talking about here is not sampling for purposes of the reapportionment of the House of Representatives. We are only talking about sampling on the apportionment of who represents whom in this body. We are not limiting sampling on all of the other aspects of the census. Only on the decennial census for the purposes of the apportionment of the House of Representatives do we require actual enumeration.

Mr. MCINNIS. Mr. Speaker, I reserve my time on that point, indeed I am sure we can get individual academicians and statisticians to come up with any view. The thing that impresses me so much is that these associations have come up with a consensus position supporting sampling.

I yield to the gentleman from Florida.

Mr. MILLER of Florida. The Academy of Sciences is a respected organization, but not beyond politics, and sadly I think they have been used.

The SPEAKER pro tempore. All time of the gentlewoman from New York (Ms. SLAUGHTER) has expired.

Ms. SLAUGHTER. Mr. Speaker, it is my understanding that I have about 4½ minutes remaining.

The SPEAKER pro tempore. The gentleman is correct.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, the Academy of Sciences is generally a respected organization, but it has been politically used. It was a hand-picked panel. For example, the chairman of the panel was a very partisan Democrat, Mr. Schultz, who, as my colleagues know, was head of the Council of Economic Advisors under Jimmy Carter and Lyndon Johnson.

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

Mr. MILLER of Florida. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Which organization is that?

Mr. MILLER of Florida. The Academy of Sciences study. It was a very partisan Democrat that led the study. There is a division within the academic community, and if I was a statistician looking at this, I would say, wow, the largest statistical experiment in history? Statisticians love to have experiments; statisticians love to play around with numbers. This is their opportunity, this is a golden opportunity for them to run some tests. That is why I am all for it.

But let us run a test and let us conduct a count of everyone to start with. At least use the model of 1990 as a minimum where we try, as the gentleman people look at this and conclude after the 1990 failed census, when the Congress asked the National Academy of Sciences to look at it and come up with a better technique and they recommended scientific sampling, how the gentleman's position can line up against the National Academy of Sciences' three panels and about six or seven scientific statistic organizations on the issue, all of whom recommended using this new science in trying to count everyone in this country.

Mr. MILLER of Florida. If the gentleman would yield further, I respond there is real division within the academic community, and we have had academics, prominent academics, before our committee, and we are going to have another hearing in September.

Mr. MOLLOHAN. Reclaiming my time on that point, indeed I am sure we can get individual academicians and statisticians to come up with any view. The thing that impresses me so much is that these associations have come up with a consensus position supporting sampling.
from Ohio (Mr. Sawyer) was saying, count everyone and then do a study on a statistical sample for test purposes or an ICM of some type.

So there are ways to do that, but we have to start basically with counting everyone first. The rule that yields result.

Mr. MOLLOHAN. The gentleman, Mr. Speaker, is suggesting that the one panel was compromised in some political way. Is he suggesting that the other two at the National Academy of Sciences was politically compromised? And what about all these other organizations?

Mr. MILLER of Florida. Reclaiming my time, they were a hand-picked panel. We can create a panel of prestigious academics, will come up with a different study.

Mr. MOLLOHAN. It is quite a conspiracy.

Mr. MILLER of Florida. I have the time, if I might say so, the thing is we need to trust the system. It has to be done by the people who work together, Republican and Democrats, and we should not delegate it. It is something we do not delegate to some hand-picked group of academics over at the Academy of Sciences. It is our responsibility, not their responsibility.

It is our responsibility to do that. We need the input and advice of all the sources, but it is not going to be trusted if we turn it over to a group of academics who want to have this great statistical experiment, and I think I am excited for them to have this great statistical experiment, but let us just count everyone.

Mr. McInnis. Mr. Speaker, I yield myself such time as I may consume.

That is exactly the point that the gentleman from Florida is making, and that is this is not the time for a census experiment. This is not the time to put experimental aircraft in the side of this whole aircraft has to fly for a long time. Let us do it, and let us do it right. Sure, it is going to cost a little more money, sure we have got to count everybody, but that is what the Constitution demands.

Mr. SHAYS. Right. Do we have that order available so that we could see what that order is?

I thought we were going from the Smith amendment to the Rohrabacher amendment, which is the amendment which eliminates the individual contribution limits. I thought that was the next amendment in order. Is there an order that we are following?

Mr. SHAYS. Right. Do we have that order available so that we could see what that order is?

The CHAIRMAN pro tempore. The Chairman of the Committee is following the order under the previous order of the House.

Mr. SHAYS. Mr. Chairman, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Connecticut may state his parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, I just need to know what list we are following in terms of order. I am not suggesting that the gentleman is out of order. I just do not know.

The CHAIRMAN pro tempore. The Speaker pro tempore. The gentleman from Arizona (Mr. SALMON) and a Member opposed each will control 5 minutes.

The Clerk read the title of the bill.

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 elections for Federal office, and for other purposes, with Mr. Shimkus (Chairman pro tempore) in the chair.

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

The text of the amendment is as follows:

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

TITLED—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET.

The amendment is as follows:

(a) In General.—The names made available through the Internet the name of any non-Government person who is a passenger on an aircraft designated as Air Force One or Air Force Two may not be identified more than 30 days after the date that the person is a passenger on such aircraft.

(b) Exception.—Subsection (a) shall not apply in a case in which the President determines that compliance with such subsection would be contrary to the national security interests of the United States. In any case, not later than 30 days after the date that the person whose name will not be made available through the Internet was a passenger on the aircraft, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives and of the Select Committee on Intelligence of the Senate the statement.

1) The name of the person; and
2) The justification for not making such name available through the Internet.

(c) Definition of Person.—As used in this Act, the term “non-Government person” means a person who is not an officer or employee of the United States, an officer or employee of the Armed Forces, or a Member of Congress.

The CHAIRMAN pro tempore. Pursuant to the previous order of the House, the gentleman from Arizona (Mr. SALMON) and a Member opposed each will control 5 minutes.
The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN) for 5 minutes.

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

Mr. CHAIRMAN. By way of explanation, what is the intent of the amendment? Because perhaps we can work out an agreement on it.

Mr. MEEHAN. Mr. Chairman, I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, the intent of the amendment is simply disclosure. It is not just for this administration, for any administration in the future. I have a concern that there are possibly people who are contributors to either of the parties or to candidates who may be rewarded by flying on Air Force One.

I am simply wanting to make sure that any nongovernmental person that flies aboard Air Force One or Air Force Two, those specified in the amendment, would be disclosed via the Internet so that we would have full disclosure of who those people might be.

If there is a national security concern which would preclude them from disclosing that information, then that would be handled, but we would waive them from that requirement.

Mr. MEEHAN. Reclaiming my time, right now the names of the people who fly on Air Force One would be of public record, is that correct?

Mr. SALMON. According to my understanding, not necessarily so, and not necessarily in a timely manner. I am asking that, through my amendment, that it be done within 30 days, just like we do in our campaigns. When we get contributions from special interests, we have to publish that information and fully disclose it to the public. I am simply asking that the White House live by the same standards when it comes to possible perks for contributors.

Mr. MEEHAN. Reclaiming my time, what specifically would be the provisions with regard to something that was in the national security interest not to disclose a name?

Mr. SALMON. That would be determined by members on the Committee on National Security. As I mentioned, they would be required to submit in writing to the chairman of the committee, the Permanent Select Committee on Intelligence, the names of any individuals that they believe should not be disclosed. If they concur there is a national security reason for not disclosing that information, then it is not disclosed.

Mr. MEEHAN. Reclaiming my time, the Pentagon would not be able to make those determinations, or the State Department would not be able to make those determinations?

Mr. SALMON. I am sure that they would work in tandem with those members. If they feel that there is a valid concern, absolutely, their input would be taken, as it always is. If they feel that there is a literal reason that national security might be compromised by disclosing those names, that would be a compelling reason enough to not have to disclose that information, and that is included in the amendment.

Mr. MEEHAN. Mr. Chairman, we would accept the amendment.

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

Mr. SHAYS. Mr. Chairman, will the gentleman from Arizona yield to me?

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

Mr. SHAYS. Mr. Chairman, I would like to agree that this is an amendment that we can accept, and I apologize to the gentleman, I thought he had withdrawn it, but I think this amendment does no harm to the bill.

Mr. SALMON. Mr. Chairman, I thank both gentlemen.

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

The CHAIRMAN pro tempore. The amendment in the nature of a substitute.

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

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

I offer an amendment to the amendment in the nature of a substitute. The amendment does no harm to the bill. The amendment that we can accept, and I apologize to the gentleman, I thought he had withdrawn it, but I think this amendment does no harm to the bill.

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

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

Amendment offered by Mr. ROHRABACHER 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. PARTIAL REMOVAL OF LIMITATIONS ON CONTRIBUTIONS TO CANDIDATES WHOSE USE OF LARGE AMOUNTS OF PERSONAL FUNDS.

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

"(i)(1) If a candidate for Federal office makes contributions or expenditures from the personal funds of the candidate totaling more than $1,000 with respect to an election, the candidate shall so notify the Commission and each other candidate in the election. The notification shall be made in writing within 48 hours after the contribution or expenditure involved is made."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to the House.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday,
Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise to introduce an amendment that will level the playing field of campaign finance. Currently, the campaign playing field is heavily weighted to the advantage of wealthy Americans. By lifting the $1,000 limit a candidate may raise when a candidate is being faced with a wealthy opponent, this cap will be raised, which will make it possible to match the amount his or her wealthy opponent contributes to his or her own campaign.

In other words, and I know this sounds a little complicated, if my amendment passes, if my wealthy competitor writes a $1 million check to his or her own campaign, I will no longer be facing the impossible task of raising the same amount of money that my opponent has donated to his or her campaign in $1,000 increments. Instead, the cap will be lifted so that it is possible for me to match the amount that my opponent has spent on his or her own campaign.

As current campaign law stands, wealthy candidates can spend an unlimited amount of their own money, while their unfortunate opponents are stuck with the impossible task of raising the same amount of money that their wealthy opponent has contributed to their own campaign. This has given the wealthy a tremendous advantage over their opponents.

It is the most glaring inequity of our current campaign finance system, and it has resulted in a spectacle that no one would have predicted. It is the unintended consequence of limiting contributions to political campaigns.

Instead of opening up our elections to the American people, today politics is becoming the arena of the rich, rich candidates who have wealthy opponents at a tremendous disadvantage. The rich pour resources into their own campaigns. This means most of us are in a position of getting steamrollered by a wealthy opponent.

So I urge my colleagues to level the playing field and to update our laws. Federal Election laws have given wealthy Americans a chance to be elected to Congress. Rather than having to worry and have the parties out always recruiting wealthy people, let us level this field so that someone is wealthy and pumps $1 million into their campaign. A wealthy opponent can raise an equal amount to have an equal race.

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

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

Mr. Chairman, I rise in strong opposition to this amendment which was, frankly, one of my amendments. I do think that Congress needs to deal with how we respond to those who have unlimited wealth, and one way is to do it the way the gentleman from California (Mr. ROHRABACHER) has suggested.

Unfortunately, his amendment, an amendment that's offered on another bill, would kill the coalition that exists for passing bipartisan reform.

Let me explain to my colleagues that the Meehan-Shays bill does three basic things. It bans soft money, the unlimited sums from unions, corporations, labor unions, and other interest groups that go to the political parties and then get rerouted right back down to individual candidates.

It secondly calls the sham issue ads what they truly are, campaign ads, which means we cannot use corporate money or dues money from labor 60 days from an election. It means that we have to report our expenditures.

The third thing we do is we have FEC enforcement, a commission enforcement, and disclosure by way of electronic means in the Internet.

This amendment seeks to do something beyond the scope of our basic bill. I will also say that our basic bill includes the commission bill, the commission bill brought forward on a bipartisan basis. We would suggest that the very issue that the gentleman is presenting to this Congress should be dealt with by the commission.

We have 37 amendments, if no more are withdrawn before we deal with the Meehan-Shays substitute and deal with the various amendments. Sixteen are poison pills, seven are "no" votes in our view, four are leaning "no", seven are neutral, three are "yes".

The bottom line to the amendment of the gentleman from California (Mr. ROHRABACHER), he is one of the 16 poets pill amendments that will kill our coalition. On that basis, I have to encourage defeat of it.

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

Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. MEEHAN). Mr. Chairman, the time is 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The time is 4 minutes.

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

I hope everyone is listening very closely to this argument. Supposedly, this will kill the amendments of this bill. That is a lot of baloney. If we are talking about campaign finance reform and we are going to leave the whole campaign arena to rich people, what good is that reform?

In fact, without any amendment, the good work of the gentleman from Connecticut (Mr. SHAYS) is going to do nothing but further give very wealthy Americans the leverage to take control of the political process in America. So what is all this reform about if we are not going to handle that problem?

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

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, the problem with this amendment is we are trying to find a way to reduce the influence of money; we are not trying to find a way to allow hundreds of thousands of dollars of additional money into the process.

This amendment would potentially create a huge loophole through which wealthy individuals could funnel hundreds of thousands of dollars in contributions to a single candidate through the hard money system. The reason why the Shays-Meehan bill bans soft money is to put an end to the noxious flows of contributions from private individuals.

This amendment would provide a new way for special interests to influence the legislative process. That is why I urge my colleagues to oppose this amendment. Even when we have a wealthy candidate putting his or her own money into it, that is an excuse for a private individual to then begin to funnel hundreds of thousands of dollars into a campaign.

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

Mr. SHAYS. Mr. Chairman, how much time remains for both individuals?

The CHAIRMAN pro tempore. The time is 41/2 minutes.

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

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) has 2 minutes remaining; the gentleman from Connecticut (Mr. SHAYS) has 3 minutes.

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

I hope everyone is listening very closely to this argument. Supposedly, this will kill the amendments of this bill. That is a lot of baloney. If we are talking about campaign finance reform and we are going to leave the whole campaign arena to rich people, what good is that reform?

In fact, without any amendment, the good work of the gentleman from Connecticut (Mr. SHAYS) is going to do nothing but further give very wealthy Americans the leverage to take control of the political process in America. So what is all this reform about if we are not going to handle that problem?

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

Mr. SHAYS. Mr. Chairman, how much time remains for both individuals?

The CHAIRMAN pro tempore. The time is 1 minute.

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

The CHAIRMAN pro tempore. The gentleman from Michigan (Ms. RIVERS), our distinguished colleague.

Ms. RIVERS. Mr. Chairman, there is nothing but further give very wealthy Americans a chance to be elected to Congress. Rather than having to worry and have the parties out always recruiting wealthy people, let us level this field so that someone is wealthy and pumps $1 million into their campaign. A wealthy opponent can raise an equal amount to have an equal race.

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

Mr. SHAYS. Mr. Chairman, I yield the balance of my time.
The law is very clear right now that if someone chooses to fund their campaign on their own dollars, they are allowed to do that, and a candidate who is running against them can raise money through a variety of ways to do it. They are not limited in how much money they can raise.

Nothing in Shays-Meehan limits the ability of people to raise money. So the argument that Shays-Meehan has to be amended to deal with a problem created by that proposal is ludicrous. It leaves the system exactly as it is.

Someone who is using their own money is free to use as much of that wealth as they would like to. Individuals who rely on contributions can raise as much as they wish, but this is not necessary.

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

Of course, anyone listening to this debate must wonder what bill we are really discussing after listening to that last statement.

The purpose of this bill, as we have heard from the authors of this bill, is to reduce the avenues of money coming into political campaigns. Let us restrict it.

What I am saying is that today, with an unintended consequence of similar legislation in the past, we have given a tremendous advantage to rich people. Both of our parties are going out and listing candidates who are running against wealthy individuals, in order to run for office, and more and more millionaires are coming here, because we are restricting the avenues in which ordinary Americans can raise money for political campaigns. My amendment would correct that unintended consequence of this legislation.

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

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

With the 1 minute I have remaining, I would just like to acknowledge the fact that the amendment that our colleague wants to offer is an amendment that would allow unlimited contributions from an individual; he can raise $1 million from one individual. This is contrary to the reform measure that we are bringing forward.

We ban soft money that goes to the political parties, the unlimited sums from individuals, corporations, labor unions and other interest groups. We call the sham issue ads what they truly are, campaign ads, and we have FEC disclosure and enforcement. We are against allowing unlimited sums from individuals, and that is why we oppose this bill. And in my amendment, I break apart the coalition that exists between Republicans and Democrats to pass this bill.

This amendment is offered in good faith.

The bottom line is, it will kill Meehan-Shays.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.
to qualify before the first major party national convention (Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, Wyoming). Thirteen States required additional signatures to list a nonmajor party candidate for Senate or Congress on the ballot with a party label (Alabama, Arizona, Arkansas, California, Idaho, Hawaii, Kansas, Louisiana, North Dakota, Nebraska, Ohio, Oregon, Tennessee). Two of these States (Ohio and Tennessee) required 2,500 signatures and 13 times more signatures than the 54,250 required of Republican Party candidates. To be listed on the ballot in all 50 States and the District of Columbia—28 times more signatures—was required, and to run with a party label, 651,475 petition signatures were required, and to run with a party label, 651,475 petition signatures were required.

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(8) Under present law, in 1996, nonmajor party candidates for President were required to obtain at least 701,089 petition signatures to be listed on the ballots of all 50 States in the District of Columbia—28 times more signatures than the 25,500 required of Democratic Party candidates and 13 times more signatures than the 54,250 required of Republican Party candidates. To be listed on the ballot in all 50 States and the District of Columbia—28 times more signatures—was required, and to run with a party label, nonmajor party candidates for President were required to obtain approximately 651,475 petition signatures and 89,186 registrants. Thirty-two of the 41 States that hold Presidential primaries required no signatures of major party candidates for President (Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for President (Alaska). Two of these States required signatures to list a nonmajor party candidate for President on the ballot in all 50 States and the District of Columbia—28 times more signatures—was required, and to run with a party label, 651,475 petition signatures were required.

(9) Under present law, the number of petition signatures required by the States to list a major party candidate for Senate on the ballot in all 50 States and the District of Columbia—28 times more signatures—was required, and to run with a party label, 651,475 petition signatures were required.

(10) Under present law, the number of petition signatures required by the States to list a major party candidate for Congress on the ballot in all 50 States and the District of Columbia—28 times more signatures—was required, and to run with a party label, 651,475 petition signatures were required.

(11) Under present law, in 1996, eight States required 13 times more signatures to list a nonmajor party candidate for President on the ballot with a party label (Alabama, Arizona, California, Colorado, Idaho, Kansas, Nebraska, North Dakota, Ohio, Tennessee). Thirteen States required additional signatures to list a nonmajor party candidate for Senate or Congress on the ballot with a party label (Alabama, Arizona, Arkansas, California, Idaho, Hawaii, Kansas, Louisiana, North Dakota, Nebraska, Ohio, Oregon, Tennessee). Two of these States (Ohio and Tennessee) required 2,500 signatures and 13 times more signatures than the 54,250 required of Republican Party candidates. To be listed on the ballot in all 50 States and the District of Columbia—28 times more signatures—was required, and to run with a party label, nonmajor party candidates for President were required to obtain approximately 651,475 petition signatures and 89,186 registrants. Thirty-two of the 41 States that hold Presidential primaries required no signatures of major party candidates for President (Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for President (Alaska). Two of these States required signatures to list a nonmajor party candidate for President on the ballot in all 50 States and the District of Columbia—28 times more signatures—was required, and to run with a party label, 651,475 petition signatures were required.

(12) Under present law, in 1996 one State (California) required nonmajor party candidates for President or Senate to obtain 147,238 signatures in 105 days, but required major party candidates for Senate to obtain only 65 signatures in 105 days, and required no signatures of major party candidates for President. Another State (Texas) required nonmajor party candidates for President or Senate to obtain 43,862 signatures in 75 days, and required no signatures of major party candidates for President or Senate.

(13) Under present law, in 1996, seven States required the nonmajor party candidates for President or Senate to collect a certain number or percentage of their petition signatures in each congressional district or in a specified number of congressional districts (Michigan, Minnesota, Nebraska, New Hampshire, New York, North Carolina, Virginia). Only three of these States impose a like requirement on major party candidates for President or Senate (Michigan, New York, Virginia).

(14) Under present law, in 1996, 20 States restricted the circulation of petitions for nonmajor party candidates for President or Senate to collect a certain number or percentage of their petition signatures, respectively, to list the candidate on the ballot with his or her party label. One State (California) required a nonmajor party to have 89,061 registrants in order to have its candidate for President listed on the ballot with a party label.

(15) Under present law, in 1996, three States prohibited people who voted in a primary election from signing petitions for nonmajor party candidates (Nebraska, New York, Texas). Seven States required individuals who signed petitions for nonmajor party candidates for President or Senate to register 111,121 persons to have their signatures counted. This requirement was 2,481 times more than the 45,200 signatures required under paragraph (3).

(16) In two States (Louisiana and Maryland), nonmajor party candidates for Senate or Congress must provide evidence of signatures from persons qualified to vote in the most recent Federal election for such office, or, if no such period was established, from the most recent previous Federal election for such office, if there was no previous Federal election for such office, 1,000 signatures, whichever is greater.

(17) With respect to a Federal election for the office of President, Vice President, or Senator, such petition has a number of signatures of persons qualified to vote for such office equal to one-tenth of one percent of the number of persons who voted in the most recent previous Federal election for such office, or, if there was no previous Federal election for such office, 1,000 signatures, whichever is greater.

(18) With respect to a Federal election the date of which was fixed 345 or more days in advance, such petition was circulated during a period beginning on the 345th day and ending on the 75th day before the date of the election; and

(19) With respect to a Federal election the date of which was fixed less than 345 days in advance, such petition was circulated during a period established by the State holding the election, or, if no such period was established, during a period beginning on the day after the date the election was scheduled and ending on the tenth day before the date of the election, provided, however, that the number of signatures required under paragraph (2) or (3) shall be reduced by $\frac{1}{2}$ for each day less than 270 in such period.

(b) SPECIAL RULE.—An individual shall have the right to be placed as a candidate on, and to run with the name of, a political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar voting materials to be used in a Federal election if

(1) such individual presents a petition stating in substance that its signers desire such individual’s name and political party, body, or group affiliation, if applicable, to be placed on the ballot or other similar voting materials to be used in the Federal election with respect to which such rights are to be exercised;

(2) with respect to a Federal election for the office of President, Vice President, or Senator, such petition has a number of signatures of persons qualified to vote for such office equal to one-tenth of one percent of the number of persons who voted in the most recent previous Federal election for such office, or, if there was no previous Federal election for such office, 1,000 signatures, whichever is greater;

(3) with respect to a Federal election for the office of Representative of a Delegate or Resident Commissioner to the Congress, such petition has a number of signatures of persons qualified to vote for such office equal to one-half of one percent of the number of persons who voted in the most recent previous Federal election for such office, or, if there was no previous Federal election for such office, 1,000 signatures, whichever is greater.

(4) With respect to a Federal election the date of which was fixed 345 or more days in advance, such petition was circulated during a period beginning on the 345th day and ending on the 75th day before the date of the election; and

(5) with respect to a Federal election the date of which was fixed less than 345 days in advance, such petition was circulated during a period established by the State holding the election, or, if no such period was established, during a period beginning on the day after the date the election was scheduled and ending on the tenth day before the date of the election, provided, however, that the number of signatures required under paragraph (2) or (3) shall be reduced by $\frac{1}{2}$ for each day less than 270 in such period.
The gentleman is amending the Shays-Meehan amendment in the nature of a substitute. The gentleman believes that this is an amendment of fairness and equity and should be accepted.

Mr. PAUL. I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I request the time in opposition to the amendment.

Mr. PAUL. I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment, but the real purpose is to focus my remarks on the need for the Shays-Meehan substitute rather than the specifics of this particular amendment, which are not the real issue.

The reason we need Shays-Meehan is quite simple and quite stark. The legitimacy of the American political process is being undermined.

I do not use these words lightly or as a mere rhetorical flourish. We can try to convince ourselves that all is well, salving ourselves with polls showing the American public as surprisingly well disposed towards our political system.

Some people have said that the side effects of this cure are so severe that we should just let the disease take its course, but that is simply wrong. The cure is as mild as sunshine, ensuring that everyone can see who is spending money to influence the political system. Shays-Meehan is, quite literally, the first step.

Let us look at some of the concerns of opponents of this bill raise. They say that, like previous efforts at reform, it
has many loopholes and unintended consequences. Yet, their solution is to have no system at all; in short, to get rid of individual loopholes by having a regime that is one giant void. That hardly seems like a positive alternative.

Opponents also raise the specter of a system overrun by Federal bureaucrats, their favored bugaboo, but this is really another way of saying that they do not want any limits on the flow of money into the political system.

Mr. Chairman, George Bernard Shaw once said, “A society’s morals are like its teeth; the more decayed they are, the more it hurts to touch them.” It is no accident that it hurts so much to discuss our political morality. It is time to correct it at its roots. I urge my colleagues to vote down this amendment and to support the Shays-Meehan substitute.

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

My amendment, once again, lowers and standardizes the required signatures to get Federal candidates on the ballot. There is a great deal of inequity among the States, and it works against the minor candidates and prevents many from even participating in the process.

For this reason, many individuals have lost interest in politics. They are disinterested, and every year it seems that the turnout goes down. This year is no exception. Forty-two percent of the American people do not align themselves with a political party. Twenty-six percent, approximately, align themselves with Republicans and Democrats. Yet, the rules and the laws are written by the major party for the sole purpose of making it very expensive and very difficult, and sometimes impossible, to get on the ballot.

If we had more competition and more openness, we would get more people out to vote. It would not clutter the ballot, it would not have overcrowding, but it would be fair, and it would be beneficial to the process.

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

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

Mr. Chairman, my problem with this amendment is that it would prohibit States from erecting excessive ballot access barriers to candidates for Federal office. It would set ballot petition signature limits for the President, the Vice President, United States Senator, and House candidates. In addition, it would set ballot petition time limitations.

Protections are important, but individual States should be allowed to control their own campaign laws. Assuring there are no undue barriers to prevent individuals from running for Federal office is imperative to keeping our political process fair, but I am concerned with the Federal Government imposing limitations on the States for how they govern ballot access.

This deals with an important set of issues, and should be dealt with not solely with this amendment, but rather, should be fully debated in the House after the Shays-Meehan substitute has passed.

One of the things that the Shays-Meehan bill does is to provide for an expedited system of discussion through the Commission. This is an issue that I think there should be hearings on, I think we should have a dialogue about. But I just do not think that an amendment to the Shays-Meehan bill is an appropriate place to deal with this issue.

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

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

The gentleman suggests we should leave this to the States. I quoted and cited the constitutional authority for this. It is explicit. We have the authority to do this. There are many, many unfair laws.

Dealing with the President, for instance, the minor candidates, on average, to get on the ballot, are required to get 70,000 signatures. A major candidate gets less than 50,000. To get on the average Senate, 196,000 signatures are required for the Senate, 15,000 for the major candidates. In the House, on the average for the minor candidate, it is more than 13,000, where it is 2,000 for a major candidate.

There is something distinctly unfair about this. This is un-American. We have the authority to do it. This is the precise time to do it. We are dealing with campaign reform, and they are forcing these minor candidates to spend unbelievable amounts of money. They are being excluded. They are 42 percent of the people in this country. They are the majority, when we divide the electorate up. They deserve representation, too.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

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

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

The CHAIRMAN. Pursuant to the recording of the vote.

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

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

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, this amendment is very simple. The major candidates receive a lot, a million dollars, to run their campaigns. Then they have national debates, and then they can purposely exclude other candidates. I am not talking about 10 or 20 or 30 very minor candidates, I am talking about candidates who spend weeks, months, years, hundreds of thousands of dollars, just to get on the ballot. Some will not even take the money, but some qualify for 40 and 50 ballots, and they are purposely excluded.

This amendment does not dictate to those who hold debates, but it would require that those major party candidates who take the taxpayers’ money, they take it with the agreement that anybody else who qualifies for taxpayers’ funding, campaign funds, or gets on 40 ballots, would be allowed in the debate.

I cannot think of anything that could boost the interest in those debates more. Fewer and fewer people are watching debates. There was the lowest turnout, the lowest listening audience to the debates in the last-go around. It was the
lowest since we have had these debates on television.

Forty-two percent of the people turned out and were interested in the debates prior to the election in 1992, and we had a major candidate, Ross Perot, who ran. But only 25 percent was able to achieve a significant amount of attention was because he happened to be a billionaire. That is not fair. In 1996, they did a poll right before the election to find out who was paying attention. We were getting ready to kick the President of the United States. It dropped to 24 percent.

If we want people to be civic-minded, interested in what we are doing, feeling like they have something to say about their government, we ought to allow them in. We should not exclude this 42 percent that have been excluded. I think opening up the debates in this way would only be fair and proper. It would be the American way to do it. I strongly urge my colleagues to support this amendment.

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

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to take the 5 minutes in opposition to this amendment. There is no objection.

Mr. MEEHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR), who has been a leader in our efforts to find a way to pass real campaign finance reform.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding time to me. The gentleman is doing a wonderful job on his bill, along with his colleague, the gentleman from Connecticut (Mr. SHAYS).

Mr. Chairman, I rise on this amendment in deep concern and in opposition to the amendment. I think the sincerity of the author is true, but I think this is the wrong place. This whole bill is about congressional campaign finance reform. It is how we regulate the money that controls our elections, to get elected to this House. It is not about presidential elections.

There might be a great debate about how to do that, but as the gentleman knows, the presidential election process is controlled by each of the 50 States. We have no national primary in the United States. I think there is room for that kind of debate, whether we ought to move in that direction, whether the process for qualifying for a ballot ought to be more uniform, as the gentleman suggests.

But to take the gentleman’s ideas about presidential debates and move them into this bill is, I think, the wrong way to go; the wrong place, the wrong time, and frankly, the wrong issue. So I strongly oppose this amendment. I think the gentleman is going to try to confuse what the underlying bill is all about.

We have to keep that in focus. We have to keep it limited to that issue. We cannot build the coalition that we need to build if we try to put everything in. If we put the Christmas tree on all of the bills about lack of voting in America, lack of enough debate for those who wish to run for President of the United States from minor parties.

With all due respect for the gentleman’s sincerity, I strongly oppose this amendment, and recommend that all my colleagues oppose the amendment, because it is probably technically germane, but it is not politically germane to what we are trying to accomplish.

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

It is always interesting when we have an appropriate amendment that seems to catch the attention of the members. This is probably the appropriate time to bring it up, and that we should hold hearings and do it some other day.

We have been spending months, and I believe both sides of the aisle have been very sincere in their efforts to clarify and to improve the election process. I think this would be a tremendous benefit to the congressional candidates as well, because there would be more interest. People are not even listening to these debates. If they are not even willing to listen to the presidential debates, how can they get interested in Senate races and in House races?

The rating of the debates in 1996 was the lowest in 36 years. The Vice-Presidential debate, if a candidate who takes matching funds cannot participate in the debate, if a candidate who takes matching funds cannot participate in the debate.

Furthermore, Mr. Chairman, it seems to me that the Commission on Presidential Debates was established in 1987 to ensure debates are a permanent part of every general election.

It handles the rules of who participates and how the presidential debates will take place. I am concerned with the fact that if this amendment were to pass, Congress would essentially be setting the rules for who can and who cannot participate in presidential debates. I believe that that decision should remain with the independent commission.

Certainly, this is an item that in another forum that we could discuss, have hearings on, and I think that would be in our interest. But in any event, I feel, Mr. Chairman, that we should vote “no” on this amendment and take it up at another point in time.

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

Mr. CASTLE. Mr. Chairman, I agree with the gentleman from Massachusetts (Mr. MEEHAN) on this. And in a way I have a lot of sympathy for the amendment, because I am one who feels that everyone should have a right to participate in these debates and opportunities.

But, Mr. Chairman, there are times in almost any election, particularly at the presidential level, in which we need to focus on the candidates who are going to be the major candidates who the majority of people by far in this country are going to vote on.

I think it should be up to the independent commission to make that decision so that they can formulate it, come forward with it, and make absolutely sure that everyone in this country who is going to be voting for the
most important person in the United States has the opportunity to focus on how well those individuals know the issues, can handle themselves and deal with one another. So, I rise with some reluctance in opposition to this, but I do feel good about it.

In addition, I would just like to take this moment to thank the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) for the extraordinary work which they have done on this piece of legislation. It really has been an exceptional effort by them, and I think that they deserve all the credit we can possibly give them.

Indeed, at some later point perhaps an amendment like this should be considered, but I think in the context of this particular bill, and with the language which is in this amendment, we should rise in opposition to it and I would encourage us all to oppose it.

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

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

The CHAIRMAN pro tempore. It is recorded vote.

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

The CHAIRMAN. Pursuant to the rule, further proceeding on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

Mr. DELAY. Mr. Chairman, I ask unanimous consent that amendments Nos. 27 and 28 be withdrawn, and my amendments Nos. 25 and 26 be considered one after another, immediately after amendment No. 19, and the text of amendment No. 85 as submitted to the desk today be substituted for amendment No. 29.

Mr. SHAYS. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chairman cannot entertain the third element of the gentleman's request.

Is there objection?  
Mr. SHAYS. Mr. Chairman, reserving the right to object. I first did not understand what the Chair cannot entertain.

The CHAIRMAN. The request had three parts.

Mr. SHAYS. Mr. Chairman, I would respectfully request that we have an understanding. We are eager to try to comply with the distinguished gentleman from Texas (Mr. DELAY), the majority whip, and also to welcome him back into the Chamber, because he has had some very difficult things to deal with with the death of our two colleagues who guard this place. But I would like to take each of those items so we can see what does not remain.

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

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

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's questions. What I am attempting to do is to group three amendments together. The first amendment would deal with what we call issue alerts, or what I call issue alerts. The second amendment deals with background music. And the third amendment deals with coordination.

And in order to do that, in my unambiguous consent request I am withdrawing completely amendments Nos. 27 and 28. Then I am taking Nos. 25 and 26 and moving them up to this point in time that amendments Nos. 25 and 26 are the background music and the coordination amendment.

I am taking the text of an amendment down below, No. 85 as pointed out in the rules, and submitting that language substituting that language for amendment No. 29, which was my limit express advocacy communications. So, I would take out the limit advocacy communications amendment completely and substitute the amendment that deals with issue alerts, if that makes any sense.

Mr. MEEHAN. Mr. Chairman, what is No. 85?

Mr. SHAYS. Mr. Chairman, I yield to the gentleman.

Mr. MEEHAN. We would need to know—

The CHAIRMAN. The gentleman will sustain. The Committee of the Whole cannot entertain a request to change the form of one of the amendments.

Mr. SHAYS. Then there be two unanimous consent motions?

The CHAIRMAN. If the gentleman would offer amendment 19, maybe the staff—

Mr. DELAY. Mr. Chairman, if I could withdraw my unanimous consent request and make a new one. That would be that I would ask unanimous consent that amendments 27 and 28 be withdrawn completely, and 25 and 26 be considered one after another immediately after amendment 19.

To save confusion, I will go on to amendment 19 and we will work it out with the Parliamentarian.

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

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

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

The text of the amendment is as follows:

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

Add at the end of section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(b) of the substitute, the following:

(C) Exception for legislative alerts: The term "express advocacy" does not include any communication which—

(i) is solely with respect to an issue or legislation which is or may be the subject of a vote in the Senate or House of Representatives; and

(ii) encourages an individual to contact an elector or other representative in order to exercise the right protected under the first amendment of the Constitution to inform the representative of the individual's views on such issue or legislation.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. DELAY), and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY). Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I apologize for confusing the Committee of the Whole. I am offering this amendment in order to ensure issue-oriented citizens groups their first amendment right to urge like-minded citizens to contact their elected representatives about upcoming votes in Congress.

The Shays-Meehan substitute, in my opinion, would restrict communications that express viewpoints to incumbent lawmakers during the period of time that this House could be in session. Now, these citizens groups are intended to encourage like-minded citizens to express themselves regarding upcoming votes on the floor of the House. My amendment makes a distinction between communications that address upcoming votes and communications that endorse candidates for elections, two very real differences.

Due to the time limit, I will concentrate on just one of these restrictions. Under section 201 of Shays-Meehan, if a group sends out a communication at any time of the year, this would include flyers or newspaper ads or any other printed communications, that explains that Congressman Doe, for instance, voted incorrectly on a given issue the last time it came up and the same issue is coming up, say, again the next week. And if voters are interested in Congressman Doe reconsidering his vote, they should give him a call.

Under the onerous provisions of Shays-Meehan, it is clear that Mr. Doe would regard this as an attack on him and, therefore, an example of impermissible express advocacy. Congressman Doe's reason would lie in section 201 of the bill which states a given communication is express advocacy if it contains words that can have no reasonable meaning other than to advocate support or defeat, or if it contains words that express unmistakable and unambiguous opposition. These are the words in the bill.
birth abortion procedures and has repeatedly described partial-birth abortion as a godsend.

Maybe the words are, and I quote, “Congressman Jones voted to strip women of their constitutional right to choose; and that’s a great stride for mankind,” closed quote.

It does not matter what the issue is. It does not matter what side of the issue a group is on. These groups have a right, a constitutionally protected right, a right for like-minded constituents to contact their representative, to let their representative know how his constituents may feel.

Simply put, issue-oriented citizens' groups have a first amendment right to express their opinions. These citizens deserve an unfettered, unobstructed right, not only to be informed of political issues but also to enjoy freedom of political speech.

I think that section 201 of Shays-Meehan prohibits any citizen group, other than a Federal PAC, from even mentioning the name of a Member of Congress in a broadcast communication for 60 days before a primary election and again for 60 days before a general election, easily the most critical periods in the American electoral process. These are the times during which citizens are frantically seeking to inform and educate themselves as to what candidates stand for and against.

My amendment, I think, is a necessary measure to protect and secure free speech and the integrity of our electoral process and allow citizens' groups to participate in the legislative process. So I ask support for my amendment and support for freedom of speech.

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

Mr. BLUNT. I thank the gentleman from Missouri (Mr. BLUNT).

Mr. LEVIN. Mr. Chairman, this amendment is once again an effort to reduce the right of citizens and the rights of members of Congress to express their views about political candidates in a clear campaign manner and does not say “defeats so and so,” but says, after attacking him, after vilifying him or her, after making it clear that that person should be defeated, does not use the term “defeat” but says, contact so and so.

So, the amendment of the gentleman from Texas (Mr. DELAY) goes far beyond the instigation of an issue that may be a sham amendment. The way it is drafted, it refers to all of these provisions. That is number one.

It does not matter what the issue is. It does not matter what side of the issue a group is on. These groups have a right, a constitutionally protected right, a right for like-minded constituents to contact their representative, to let their representative know how his constituents may feel.

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

Mr. LEVIN. My point is not that the Delay amendment is in there. The way it is drafted, it refers to all of these provisions, whenever an ad is produced, whether 60 days in advance or not. If you read section C, it applies to subsections B and A and all the provisions therein.

Mr. BLUNT. Mr. Chairman, if the gentleman would help me here for a minute, figure this out, if you cannot use the name of a Member of Congress on anything you pay for, including a postcard, within 60 days of the election, how do you alert others who feel the same way you do about an issue to contact a given Congressman who may be, a given Member of Congress who may be thinking about which way they want to vote on that issue?

Mr. LEVIN. Mr. Chairman, if the gentleman will continue to yield, first of all, again, I urge that anyone who is thinking of supporting this amendment read it. It applies to all of the provisions on express advocacy, whenever an ad would be launched, whether it is 60 days, 90 days, 120 days or whatever. It destroys the entire issue advocacy provisions. That is number one.

Mr. BLUNT. Reclaiming my time, the amendment says that this deals solely with an issue or legislation which is or may be the subject of a vote in the Senate or House of Representatives.

Mr. LEVIN. But, if the gentleman will continue to yield, that could be 120 days before, it could be any time and something that is subject to a vote that could be a year away. So I just urge that the gentleman read the amendment.

Number two, in relation to the 60-day provision, that only relates to paid advertisements transmitted through radio or television 60 days preceding an election. If it is general or it is seen through paid media that is truly not an effort to influence a vote but influence an election, then it should come under the same rules and regulations as all
other methods of communication relating to elections and candidates.
Mr. BLUNT. Reclaiming my time, Mr. Chairman, I would just say that if we begin to say that we cannot, with a radio ad or some other communication, somehow get a message out, that becomes a justification to encourage that specific Members of the Congress be contacted, we are a long way down, I think, the wrong road.
Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).
Mr. PASCRELL. Mr. Chairman, if we are going to maintain the express advocacy standard championed by the Shays-Meehan legislation, and we need to do that, we cannot go halfway on this. The distinguished whip, the distinguished leader from the other side, the gentleman from Texas (Mr. DELAY) knows that quite well. This is a complex issue. Folks listening and watching are trying to still figure out what is the difference between soft and hard money. Are we going to have some Members. But there is a very, very severe distinction here.
We are not saying in Shays-Meehan that the candidate or dollars cannot be spent on behalf of the candidate by other groups. What we are saying is it must be hard money or else it is wrong and it is banned. The whole purpose of this legislation is to ban soft money. We know how that has grown. We are talking about two political parties that have raised over a million between them in the first 3 months of this year.
So we can really boil this down into two very basic things. There are those of us on both sides of the aisle who believe there is too much money in politics, too much money in our campaigns.
Mr. DELAY. Mr. Chairman, will the gentleman yield?
Mr. PASCRELL. I yield to the gentleman from Texas.
Mr. DELAY. Mr. Chairman, could the gentleman tell me how much money is enough money in politics? Could the gentleman tell me how much money is enough? The gentleman said there is too much money in it. How much money is enough?
Mr. PASCRELL. If the average, Mr. Chairman, if the average campaign costs $660,000, we know that we cannot put a cap on it due to a Supreme Court decision, but working together I am sure we can come to specific advocacy issues of ourselves, such as banning soft money. Because if you have $10 to spend in your campaign and not $660,000, and third-party advocacy groups can spend whatever they wish, that is not controlling expenditures in a campaign. The gentleman knows it, and I know it.
So I believe this Shays-Meehan is simply attempting to ban soft money so that all of the hard money that is spent must be disclosed. That is a critical issue, Mr. Chairman.
We want the dollars, we want the names and the addresses of people who contributed to our campaigns. That is a very underlying argument within Shays-Meehan, disclosure, the banning of soft money. And the sooner we do it, the better.
I think that this is what this is all about, what we are going to open up if we do not look hard in this direction. What are we going to open up is more advocacy, more issue advocacy, more spending of money, not only 6 months or 6 weeks but 6 days before a campaign.
I believe Shays-Meehan is on target. I believe we cannot equivocate. This amendment is a poison pill.
Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. WHITFIELD).
Mr. WHITFIELD. Mr. Chairman, the discussion that we are having right now goes to the very crux of this entire issue of campaign finance reform. Those who have been advocating reform talk about special interest money. One thing is pretty clear, special interest money is the money of any group you do not agree with.
Second of all, too much money, no one has been able to define what is too much money. Third of all, sham ads. What is a sham ad? It is an ad that you do not like. Then fourth of all, disclosure.
Now, I find it ironic that I am up here this evening speaking in favor of the majority whip's amendment to allow groups to take out ads in the newspaper or radio or whatever to express their concern about issues before the Congress; and you all want to stop that, in essence.
Yet a group called Public Campaign ran ads in every newspaper in my district 2 days ago saying that Ed Whitfield does not think politicians are hooked on special interest money so he wants to triple the dose.
Now, I did not like this. It made me feel bad to read this, every newspaper in my district. But I think this group has a constitutional right to run this ad if they want to run it.
But in your definition of express advocacy, you expand it so far that you are going to eliminate and curtail the rights of groups like Public Campaign to talk about these issues.
In fact, the third way you expand express advocacy, it says, express advocacy is expressing unmistakable and unambiguous support for or opposition to a clearly identified Federal candidate or candidate campaign.
Mr. WHITFIELD. Does not think politicians are hooked on special interest money so he wants to triple the dose.
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In fact, the third way you expand express advocacy, it says, express advocacy is expressing unmistakable and unambiguous support for or opposition to a clearly identified Federal candidate or candidate campaign. Right to Life, has declared that specific language, not approximate language, but specific language unconstitutional.
Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume. First off, we do not ban anything. This is just totally a misstatement. The issue is whether it is an issue ad or a campaign ad. The issue is whether you come under campaign rules or do not come under campaign rules.
First and foremost, Mr. Chairman, we ban soft money. I do not think that there is any amendment to try to deal with that, so that is off the table. The issue is dealing with sham issue ads that are truly campaign ads. It is not that they do not have a right to do it, but they are campaign ads and should come under the campaign rules. Organizations and labor unions and other interest groups have tried to get around the campaign laws by simply pretending that they are issue ads, by not saying vote for or vote against, but mentioning the name of the candidate and showing a picture. We have the bright line test expanded by the name of the candidate or picture of the candidate. That is for radio and TV.
This is not radio or TV. This does not ban it based on the issue of 60 days before an election.
Now, there is the issue of unambiguous and unmistakable support for or opposition to a clearly identified Federal candidate or candidate campaign. Telling an individual that he should vote for something or vote against me does not meet that test at all. It does not meet the unambiguous and unmistakable test that would affect this paper.
So the bottom line is radio and TV, yes. Name or the picture of the candidate 60 days to an election, that is right. We are trying to get at these campaign ads so people do not get away with disclosure, and we are not able to use corporate and dues money. That is the purpose of it.
The bottom line to the gentleman's amendment is it is an exemption that totally swallows the rule. He basically abolishes by this amendment any attempt to deal with the whole issue of not dealing with the recognition of sham issue ads. It basically allows for this loophole because all you have to do is say, 'Contact your representative and then two days before the election you can then say, "Contact your representative and say whatever you want,"' which is the reason why I have objection to it.
Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?
Mr. SHAYS. I yield to the gentleman from Kentucky.
Mr. WHITFIELD. I would just say to the gentleman that I think he has confused discourse with his third method of expanding express advocacy can be by newspaper, radio, television or whatever. Reasonable minds can disagree about what is unmistakable and
what is unambiguous, and that is the reason that the court has adopted a bright line test. Your expansion of ex-
press advocacy is going to end up right back in the courts.

Mr. SHAYS. The bright line test is emphatically what we do have, and the name or the picture of the candidate has been what is expanded to it.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, the previous speaker said that this issue goes to the crux of what this bill is about and it does.

A couple of weeks ago I very face-
tiously read a little poem by Dr. Seuss or in a Dr. Seuss like manner and I said that what this bill was about was about calling what waddles and quacks a duck, and that is what this bill is about. It is about ending the ability of some individuals and some groups to do an end run around the laws that we have in place for electing candidates.

This seems like a very innocent pro-
posal. But frankly to pass it would allow some very pernicious political behavior to continue. This proposal in-
cluded, and then the gentleman from Michigan did mention this to some extent. But I want to be very clear. The provision that the majority whip proposes would include not just issues that are scheduled to come up in front of the legislative body but issues that might or may be scheduled in the future. This is a huge issue. This means that any issue, any issue that conceiv-
ably could be put in front of a legisla-
tive body should fall within this par-
ticular exemption.

A couple of weeks ago when I spoke on issue advocacy, I read from the New York Times and other newspapers the express script of a campaign ad, really a whole series of campaign ads that ran in Staten Island. But they had similar gists to them. They went like this. Be-
cause one of the candidates was a mem-
er of the New York legislature, the ads ran talking about the number of times that that legislator had raised taxes, a number of things that he had done as a State legislator, they fin-
ished up by saying, even though there was no vote scheduled in the New York legislature on taxes, “Call Representa-
tive A and tell him to stop raising your taxes.”

Would that fit within the exemption that the majority whip is proposing? Absolutely. Are we dealing with an ex-
press attempt to influence the election or defeat of a particular candidate? Yes. Are we talking about a legislative issue that just might at some time be in front of the legislative body that this individual belongs to? Yes. But this is the sort of behavior we are try-
ing to stop. We are trying to make the rules clear and we are trying to make sure that people follow them. If you are attempting to elect or defeat a can-
didate, there are clear laws with which you must comply. What the majority whip tries to do is to blur those rules
and to continue to provide an end run opportunity for those people who do not wish to follow the laws.

Please do not accept this. Let us do what I said a couple of weeks ago. Let us make sure that we call what waddles 
and quacks a duck, and that is what this bill is about. It is about ending the ability of some individuals and some groups to do an end run around the laws that we have in place for electing candidates.

This is exposing Shays-Meehan for what it is. The opposition to my amendment is trying to confuse the issue. Members in one faction of 200 they do talk about 60 days before an election. But in other sections in 202, they talk about other parts of the year. And 60 days it is radio or television commu-
nication. But in other parts of the year it could be the kind of ad that the gent-
leman from Kentucky was talking about.

My amendment is very, very simple. It simply states that an exemption to the express advocacy part of their bill that deals solely with an issue or legis-
lative body, and this is clear. I think the proponents of Shays-Meehan are scared to death to have ads run against them dealing with issues while we are in ses-
sion or the next week of the session.

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

Mr. DELAY. I yield to the gentle-
man from Kentucky.

Mr. WHITFIELD. Mr. Chairman, there is one thing that I did want to make clear. You did not file an an-
ad that is running and under the new defini-
tion of express advocacy of Shays-
Meehan that ad is included and, as I 
said, I think it is so broad and so am-
biguous and subject to so many inter-
pretations, the Supreme Court has al-
ready declared part of this language unconstitutional. But obviously you can run those ads. The gentleman was correct. You can run the ads, but the group would have to form a PAC, the group would have to have an attorney, they would have to file all those reports with the FEC and that is pre-
cisely the type of chilling effect that the Supreme Court has repeatedly said you cannot require.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) and the gentle-
man from Massachusetts (Mr. Mee-
han) for their extraordinary commit-
tment to this issue and their hard work on it for many years.

Many of the amendments that come before us tonight collectively serve only one purpose, and, that is, to side-
track reform. We have the power to pro-
tect the process of change that today by passing and vot-
ing for Shays-Meehan, voting down ab-
solutely every single amendment. We have a commission that is attached to 
it that can review all of these. The Shays-Meehan has had bans on soft money and it also prevents the so-
called independent groups from run-
ning sham issue advocacy ads whose true aim is to elect or defeat a particu-
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lative alert. Whether it is a sham issue 
avocacy ad or a sham legislative alert, all we are saying is disclose who is paying for it. Let the American public 
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ticipate in the campaign and they go

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vote. Instead, immediately out rushes Planned Parenthood, out rushes the Family Research Council, out rushes the AFL-CIO, out rushes the business organizations, term limits, every organization in America rushes out and starts dumping millions and millions of dollars into these sham ads which are just sham ads. They are sham ads not because, as my friend from Kentucky said, we do not agree with them, because they masquerade as something they are not. They masquerade as information when in fact they are the most clever and deceptive and nonproductive and nonsubstantive attacks on character and the record of the candidates, and they need to be managed as free speech does throughout our society.

I ask for a negative vote on the DeLay amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN), a distinguished freshman Member of Congress.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, this amendment like others is a poison pill. It is designed to undermine campaign reform. It is designed to change the Shays-Meehan bill in a way to reduce its support. I simply want to raise a couple of things, go back to a couple of things that have been said here. This is not about denying any group its right to speak in American politics. This is not about preventing groups from sending postcards. It is not about preventing people from communicating about their representatives. What it is about is saying, if you are going to communicate in a way that pretends to be about an issue but in fact is motivated and well intentioned in this debate, in your sense of an effort to persuade someone on an issue or to influence an election, we need to know who is paying for the ads. We need to get disclosure. That is what this is about.

There are those on the other side who preach disclosure, disclosure, disclosure as one approach to the abuses of this campaign season, except when it comes to outside groups running ads. And then they say, "Oh, no, we can't have disclosure." We need disclosure when it comes to issue advocacy. That is why I think this is an amendment that needs to be defeated.

The second point I will make is just this. It was asked earlier how much money goes into money in politics. Well, this is not about free speech. It is about big money. It is not about protecting the free speech of a constituent. It is about preserving big money in this system. Too much money is unlimited to the national parties to run ads. Too much money in politics is unlimited money with no disclosure of who it is that is spending that money by outside groups.

The Shays-Meehan bill is a good approach to campaign reform. I believe there are other approaches.

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

Mr. ALLEN. I yield to the gentleman from Missouri.

Mr. BLUNT. I would just like to ask the gentleman whom I think is well motivated and well intentioned in this debate, in your sense of an effort to persuade someone on an issue to encourage a vote on the issue but you said that masquerades as that when it is really something else, who decides that is I think really my concern. Who draws the line between what masquerades as an ad or what is really clearly encouraging a result on an issue?

Mr. ALLEN. The gentleman from Pennsylvania substitutes bans soft money, and then he recognizes that the sham issue ads are truly campaign ads, and that is the key point. They are not sham in the sense that they do not have a right to speak, but they are not issue ads, they are campaign ads, and we call them such. One of our provisions is obviously already in existing law. Vote for or vote against it; it makes it a campaign ad. And people get around the sham issue ads by not saying vote for or vote against, but they might as well just say what they say. When they mention the name or show a picture of a candidate by radio or TV, we call them campaign ads; that is true. The fact is, though, that these voter alerts, we do not impact the voter process through that process of the picture or the name.

The bottom line is, this is an amendment that is an exemption that truly does swallow the rule. It abolishes any attempt whatsoever to deal with sham issue ads. It is a gigantic loophole that is intended to be used with something that is not a problem.

Now my colleague used the word "manage." I do not agree it is managed. I think it is simply saying playing by the same rules. People have a right to speak. They can do their legislative alerts. But if they are on radio or TV 60 days to an election, it is going to be a campaign ad and they come under the campaign rules with all the voice that is allowed under that process.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

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

Mr. ALLEN. I think the opponents to my amendment are very upset with this amendment because this amendment may pass, and they are upset for one reason: They fear this amendment because it exposes the biggest part of the Shays-Meehan bill that we object to, and that is the part that manages free speech.

The gentleman from Pennsylvania used the term we need to "manage" free speech. To me, that is an oxymoron. We cannot manage free speech, particularly in the part of political advocacy and political participation that my amendment addresses.

My amendment is very simple. It just exempts from the section of the bill any ads or alerts sent out by groups that deal solely with an issue or legislation which is or may be subject to a vote in the Senate or the House of Representatives. How would they be afraid of issue ads that express opposition for or support for a vote in the House of Representatives or the Senate?

And it also exempts and communicates which is essential to contact an elected representative in Congress in order to exercise the right protected under the first amendment of the Constitution to inform the representative of the individual's views on such an issue of a law.

Now, if we look at some of the opponents and what they have actually been saying, I am going to dissect a little of it. Number one, they confuse the whole issue by talking about bigger issues, smaller issues, loopholes, sham ads. In fact, the gentlwoman from New York has turned a new term of art in addition to the term of art "sham ads" that has been started by the Shays-Meehan. Now we have sham issue ads.

Can my colleagues imagine in this country of free speech, free speech guaranteed by the Constitution of the United States, we are talking about sham issue alerts in the House of Representatives? We want to manage the free speech of groups that may want to tell the American people how we vote? This is what we have been talking about all along. The proponents of Shays-Meehan are proponents, number one, that are incumbents, and they are sick and tired of people around America revealing, using our communication services in this country to reveal how they vote, and so they want to get rid of these sham ads. Or they want to manage them in such a way as to discourage them.

The gentleman from New Jersey was talking about capping spending. The gentleman from Maine was talking about we need to know who these subversive people are that are writing ads that may tell the American people how we vote. And we need to know who is we? Who decides? Is we the big-brother government at the Federal Election Commission? Of course it is. They want
big-brother government to manage free speech, if we put all the opponents' speech together. That is why they have been saying here.

What we are saying is very simple: As the gentleman from Connecticut has said, we take care of issue alerts in our bill. It is no problem. Of course, we cannot find it in their bill, but they just arbitrarily say we take care of it. Well, if they take care of it, why are they afraid of my amendment? They are afraid of my amendment because they fear other people to gather together, raise some money, send out an ad, do a radio spot that tells the American people and District 22 of Texas how the gentleman from Texas (Mr. Tom DeLay) votes.

Mr. Chairman, I am not afraid of how I vote, and I am not afraid to stand up and stand toe-to-toe and debate those groups that are against the way that I vote. That is the American process. What Shayes-Meehan does in its limitation of the amendment's now-management of free speech is wants to shut down organizations' abilities and rights to freely express themselves in the political process because in their bill they say communications, radio and television ads that groups run, and they want to be comfortable sometimes by some of the floor of this House, and they are uncomfortable by the Federal Election Commission, an organization could come under attack and they are afraid of my amendment because "Mr. Chairman, I ask unanimous consent that Amendments 27 and 28 offered by me be withdrawn."

Mr. Chairman, I withdraw the unanimous consent, and I have Amendment No. 25 at the desk. The CHAIRMAN pro tempore. Does the gentleman intend to offer Amendment No. 20?

Mr. DELAY. No, Mr. Chairman. No. 25, I ask unanimous consent to take No. 25 out of order and consider it.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment in the nature of a substitute offered by Mr. Shayes.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment in the nature of a substitute offered by Mr. Shayes:

Add at the end the following new title:

**CONFIRMATION PROGRAM**

(1) **TITLE**

**VOTER ELIGIBILITY CONFIRMATION PROGRAM.**

(2) **SEC. 601 VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.**

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(i) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship status of an individual who submitted a voter registration application, and

(ii) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative confirmation or nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, the secondary verification process to confirm the validity of the information provided and to provide for a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of Alabama, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to inquiries concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use with content that insulates and protects the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (i), to respond to all inquiries made by authorized persons in a uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin, citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against those maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the individual is eligible to vote in an election for Federal, State, or local office, and whether the individual is a citizen of the United States on the records maintained by the Commissioner (including those records which show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation information).
The Chair recognizes the gentleman from Pennsylvania (Mr. Peters).

Mr. Peters. Mr. Chairman, I seek to take the time in opposition to the amendment.

The Chair recognizes the gentleman from Pennsylvania (Mr. Peters).

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

Mr. Chairman, the amendment that I offer today is an amendment that is a pilot program. It would allow the Attorney General, in consultation with the Commissioner of Social Security and the Immigration and Naturalization Service, to establish a pilot program to test a confirmation system through which they respond to inquiries made by State and local officials, including local voting registrars, with responsibility for determining an individual's qualification to vote in a Federal or State or local election, to verify the citizenship of an individual who has submitted a voter registration application and maintain such record of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

This is a pilot project that would expire in 2001. It would give State and local authorities the option, only an option if they want to use it, to verify the citizenship of voters using Social Security and INS records. It is totally voluntary. It is not a State mandate. It is a pilot program to be used in five States that already are testing an employee verification program for non-citizens: California, Florida, Illinois, New York and Texas. And this expires in the year 2001, and then a report would be written on how this system worked and if it was effective.

Currently, the law requires citizenship to vote. The Federal law requires it. All 50 States require it. I guess the question is, should we enforce the law? Or should we repeal the law and not require citizenship if one does not agree.
with this pilot? Currently, I would ask the question: Do we have the ability to enforce this law? And the answer is no.

Can local election officials currently stop the fraud that is far too common? Not often enough. So why do we have the requirement for citizenship? Elections are the very lifeblood of democracy. Fraud in election poisons our election system and undermines the trust that is essential to democracy.

Under this amendment we are introducing today, state and local election officials would be able to make inquiries to the Social Security Administration, which has a record of citizenship when they assign a Social Security number, and to the Immigration Naturalization Service which can also help verify people who have submitted to naturalization and citizenship. This would be set up by the Attorney General.

Voting, as I suggested, is the most fundamental act of citizenship. The people who administer our elections ought to have the access to the information they need to ensure integrity at the ballot box.

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

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. FAZIO). Mr. FAZIO of California. Mr. Chairman, I rise in strong opposition to this amendment. It is perhaps the most significant poison pill amendment that has been offered to the underlying Shays-Meehan reform bill.

The motor voter law which passed this Congress in the early 1990s has proven to be a helpful way of bringing new people to the political process. If there is a need in this country, it is to engage people in the public debate, to bring them on to the voter rolls and to get them to participate.

People across the country have chronicled the decline in voter participation in primary elections and general elections. The public interest is not served when less than a third of the American people take the opportunity to participate in the elections that keep this representative form of democracy vibrant.

The motor voter law was established with broad bipartisan support so that we would remove impediments to becoming registered voters. By all accounts, it is working. In fact, there are even those who would argue that it is probably working far more to the benefit of Members of the other party than many who participated when Republicans lead the opposition to this law.

This amendment would take on motor voter by setting up a very difficult and unworkable voter eligibility system using Social Security and the INS. The amendment would have, I think, a chilling effect on the effort to bring more people into the political process and would, as well, raise serious questions, not only of individual privacy, but of administrative workability. All it would take would be a brief recollection of the difficulty we had in the case of my colleague from California Rep. LORETTA SANCHEZ, attempting to get a Social Security pilot in any timely fashion to give Members an impression that this proposal is a recipe for potential disaster.

There is no need for us at the moment to make any significant change in the mobile voter law. There has been an outpouring of support for it from the League of Women Voters and many other groups who strive to introduce new participants to the American political process.

There has been no justification offered for this amendment. To the degree that we have people voting inappropriately, I know of no reason why our district attorneys, our State election officials, and others responsible at the State and local level do not have the authority already to step in and eliminate whatever minor amount of voter fraud may exist.

So this is really a solution in search of a problem. But in real terms, it threatens the passage of reform in this Congress and it is only, I know, far more important than tinkering with the motor voter law that, by all odds, has been implemented successfully.

If we were to take this amendment today, as in this bill, we would destroy the coalition, the bipartisan coalition that is on the verge of enacting one of the most significant reforms in the last 25 years and under the guise of doing something to solve a problem that I believe no one can attest to in terms of the reality of its existence in any significant way anywhere in the country, including my home State of California.

It goes far beyond the scope of campaign finance reform. It would override the very important anti-discrimination safeguards which must remain in the law to make sure that all Americans, regardless of birth place or appearance, ethnicity, race, creed, have equal access to the voter rolls.

Mr. Chairman, I am in strong opposition to the Peterson amendment. I would hope Members who care about the enactment of Shays-Meehan, who want to go right at the heart of the dilemma we face today, and that is that voters are opting out of the process because they do not believe that they can impact it. They think it is only for those with money who control our political system.

The Shays-Meehan campaign reform bill will do more to instill confidence in the average American that it still matters if they bother to vote. That is something that we ought to be working on, not this fictitious problem, which I know some people on the other side of the aisle are fixated on, that hell, if there are some sore losers determining the outcome of the elections.

If we really want to make sure that elections are fought fair and square, we ought to be encouraging more people to vote, not suppressing their interest, as this amendment does.

Mr. PETE of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

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

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield 10 seconds to me?

Mr. BLUNT. Mr. Chairman, I yield 10 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I am most grateful. I would simply ask that, at some point, the author might give me 30 seconds to ask a question, and that could come after the gentleman’s prepared remarks.

Mr. BLUNT. Mr. Chairman, I would be pleased to hear the gentleman’s question.

Mr. CAMPBELL. Mr. Chairman, that is very polite. I just wanted to ask about the bill’s provision of what is called a final confirmation. If the Social Security or the INS does not have a record of you, as, for example, if you do not have Social Security card, or you are born here so you do not have a record, or you are not a citizen, or you do not have a Social Security number, it is very polite. I just wanted to ask some questions of the gentleman from Pennsylvania is getting that answer for the gentleman from California (Mr. CAMPBELL).

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I rise in strong opposition to this amendment today. I yield 10 seconds to the gentleman from Pennsylvania for yielding to me.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield 10 seconds to me?

Mr. BLUNT. Mr. Chairman, I yield 10 seconds to the gentleman from Missouri (Mr. BLUNT).

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Let me also say that I think this is essentially the same kind of campaign reform that the House voted for on February 12, a bill that the gentleman from California (Mr. HORN) introduced, a bill that the chief election official from California said he thought was an improvement and an important addition to the ability of States to be able to, once again, manage the election process.

Until motor voter, with the exception of establishing age qualifications for voting for Federal office, which almost always is, then, for reasons of practicality required the States to adopt that same age, we have left election administration to the States. This just simply allows the States to look at the facts and see if, in their State, this would work.

A majority of Members of this body said just a few months ago, on February 12, that this kind of something was a good idea. It was a good addition to campaign reform, too.

I rise in support of the concept of the gentleman from Pennsylvania (Mr. PETERSON), that if we are going to reform campaigns, let us reach campaigns. A number of States already require that citizens give the Social Security number for registration.

So in Georgia, in Hawaii, in Kentucky, in New Mexico, in South Carolina, and Tennessee and Virginia, the
only change in this law would be that we also would have access to INS records. We would only have access to those records until 2001 to see if this concept is helpful or harmful. It allows a pilot project for the States to do it. It does not require a single State to do a single thing. It was approved by a majority of voters that voted on the floor of this House in February.

The gentleman from Pennsylvania (Mr. PETERSON) brings it as an additional element of campaign reform. It is not a mandate. It is a pilot program. I would suggest it is the kind of thing that we ought to return back to the States while we are talking about election reform.

Mr. Chairman, I yield back my time to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield to the gentleman from California (Mr. CAMPBELL) to answer his question.

Mr. CAMPBELL. Mr. Chairman, I would be so grateful. Of course it is the gentleman's time. If he would yield to me, I have a follow-up.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I heard the gentleman's question is my understanding that, if the INS records and the Social Security records did not prove one to be a citizen, then the body requiring that information could, if they choose, remove one from the rolls or refuse to enroll one as a voter.

Mr. CAMPBELL. Mr. Chairman, would the gentleman yield to me just a second longer?

Mr. PETERSON of Pennsylvania. Sure.

Mr. CAMPBELL. Mr. Chairman, let me say at the start, the gentleman has been very courteous to me and also my good friend, the gentleman from Missouri (Mr. BLUNT). The gentleman says, at least as I read it, that if one is not going to be picked up by INS, which is going to be the case for those of us born in the United States, and for some reason, one is not picked up by Social Security, which might be the case if one has not worked yet, it may be true for an 18 year old, then it says the Attorney General shall specify a secondary verification process to confirm the validity of information provided and to provide final confirmation or nonconfirmation.

So my question, if someone does not have a Social Security card because that person has not started working, and is born in this country, so there is no INS record, what would the secondary verification process be?

Mr. PETERSON of Pennsylvania. Well, I think, one, if one has some record as a person to prove that one is a citizen, and one should have if one is, then one would provide that; and that serves the bill. Or the Attorney General could come forth with other means that he felt was ample proof.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield just for two seconds further?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Missouri.

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman's answer. I will not use his time to make a comment about it.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I reserve the remainder of my time.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, 5 years ago, as a new Member of the House of Representatives, I was so proud to support the motor voter bill, a bill which made it easier for people to vote. It made it easier by allowing more convenient access to voter registration for new voters or for voters who had moved to a new area.

The motor voter bill is a symbol of our country's belief that it is every citizen's right to have access to the ballot box, every citizen's right, not just some citizens.

Today, I am ashamed that some in this body would turn the clock back, back to a time when the Federal Government would make it more difficult, not less difficult, for every person to vote in this country, every legitimate person.

For example, the amendment by the gentleman from Pennsylvania (Mr. PETERSON) would unreasonably burden some would-be voters by requiring them to show proof of citizenship at the polls on election day. Because of what? Their appearance? The color of their skin? That they have an accent? I would ask my colleagues, at a time when voter turnout is embarrassingly low in this democratic country of ours, do we really want to make it more difficult for citizens to exercise the right to vote? Of course the answer is no, which is exactly how we should vote on this ill-conceived amendment: "No" on the Peterson amendment, "yes" on the Shays-Meehan bill.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself what time is needed to respond.

It is interesting. A few moments ago, we were told that this was the most significant poison that is being attempted to be added to this bill. That is a great statement, that it is poison to try to eliminate fraud. I have a hard time understanding that.

I am going to say it again. It has been said that this is the most significant poison that will be offered to this bill that only has a pilot program that allows States, if they choose, to try to eliminate fraud. I find that hard to understand.

Someone else just said that it was unthinkable to amend motor voter. Motor voter has had some problems and someone is the opinion that there is no system of verification. I could register my dog "Ralph" by calling him Ralph Peterson, and he would be registered. I could register my cat. I do not happen to have one, but I could.

Motor voter has opened the registration process to fraud. That is one of the weaknesses of motor voter. I just to share with you, a Committee on House Oversight task force uncovered serious voter fraud in California during the 1996 election.

They conducted an exhaustive year-long examination and found 820 individuals who were not citizens at the time of registration that likely voted. In 1996 the California Secretary of State found over 700 noncitizens on the California voter rolls and invalidated their registrations, and he would like this legislation to help him do that more effectively.

Texas Deputy Assistant Secretary of State Tom Harrison reports that 750 resident aliens from Guadalupe, Texas filed applications for absentee ballots in November of 1994 elections, after campaign workers told them that their green cards enabled them to vote by mail.

The Los Angeles Times reported in May of 1994 that Jay McKama, an undocumented immigrant, was sentenced to 16 months in State prison for registering noncitizens to vote. The bounty hunter worked for Steve Martinez, a Los Angeles political activist who paid $1 per registration. The practice of paying bounty hunters to register individuals to vote has contributed to an increase in noncitizen voting. In some cases noncitizens have been targeted by those bounty hunters.

Every time someone votes illegally, they cancel our vote. They cancel a good vote.

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Chairman, I am glad the gentleman made that point, because our colleague from California just made the point that every legitimate voter, that is exactly the statement she made, should be allowed to register to vote and should be allowed to vote, and that is certainly right, and they should be allowed to do that with as little encumbrance as is reasonably possible. The least encumbrance would be no registration at all.

We tried that for generations in America, and finally we found out that that did not work, because people voted more than once, they voted at more than one location. We decided we had to have voter registration, every legitimate voter should be allowed to register, every legitimate voter should be allowed to vote. But every time we let someone cast a ballot who is not a legitimate voter, who does not meet the requirements to vote in that election or in this country, we do our citizens a disservice. Therefore, the amendment said; cancel out the vote of voters who had a right to vote. That is every bit as big a problem as
Mr. GREENWOOD. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. I yield to the gentleman from California.

Mr. MEEHAN. Mr. Chairman, I yield to the gentleman from California. Mr. BILBRAY, another leader in the bipartisan effort to pass campaign finance reform.

Mr. BILBRAY asked and was given permission to revise and extend his remarks.

Mr. BILBRAY. Mr. Chairman, I rise regretfully in opposition to this amendment. I do not rise in opposition to the intention and the spirit of the amendment.

I think that, quite appropriately, the gentlewoman from California pointed out that qualified voters should vote. I think that the gentleman from California who spoke in opposition to this motion probably made his point clear, by saying that it is poison. I want people to be able to vote. We want people to be able to register and vote.

In all fairness, I agree with the gentleman, that citizens of the United States should be able to vote. Qualified citizens, not just any person. I strongly support the intention of the gentleman's amendment.

I think that, sadly, as somebody who was a county supervisor and supervised the electoral process for over 2.7 million people, that too often we talk about quantity, and not the quality of the process. The fact is that the integrity of our electoral process needs to be defended.

But I must speak in opposition to this special vehicle, which is asking Shays-Meehan to carry this burden, while trying to keep enough votes together to be able to pass comprehensive campaign finance reform. There are people on both sides of the aisle who will use this as an excuse to oppose our campaign finance reform, Shays-Meehan, if we at this point require the system to require people to basically prove that they are qualified voters, that they are over 18, that they are a citizen of the United States.

I strongly support the intention that the gentleman is trying to make with his amendment. It is just that the vehicle, at this time, will kill campaign finance reform, because there are people in this Congress who will adamantly kill any piece of campaign finance legislation, no matter how good it is, if it means that we will address this problem of unqualified people being able to register and vote. So I have to oppose this, and I would ask the gentleman to join with those of us on both sides of the aisle that believe that the integrity of campaign finance reform and the integrity of our electoral process needs to be finally addressed one way or the other.

Campaign finance reform. We are trying to do it with this bill. I hope that, at the appropriate time in the future, Democrats will come across the aisle and join us in supporting the gentleman's thoughtful effort to ensure for the integrity of the electoral vote.

The CHAIRMAN pro tempore (Mr. WALKER). The gentleman from Massachusetts (Mr. MEEHAN) has 10½ minutes remaining; the gentleman from Pennsylvania (Mr. PETERSON) has 5½ minutes remaining and the right to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT asked and was given permission to revise and extend his remarks.

Mr. TRAFICANT. Mr. Chairman, if a national I.D. card is what we are concerned about, take some of those aspects out in conference. I heard some Members say this is good, but it is so general it is not helpful.

Bob Dole cannot write a check in a supermarket without proving his identity. One cannot get on a plane without proving some identity. One cannot get a driver's license in America without proving some identity.

What is more important, and I always hear, "This is good, but now, do not do it now." This is campaign finance reform. If we do not do it now, this turkey is dead in the future. If we are going to do it, do it now, if this thing is going to fly. I support it.

Citizens should vote. Noncitizens should not vote. We insult no one by ensuring that an illegal vote does not cancel out our legal votes. In America the people govern. There is nothing more important in this bill than foreign money influence, attempts to corrupt our foreign interests and illegal votes cast in elections.

Mr. Chairman. I took a lot of heat on the Democrat side, the only one who took a parliamentary stand in the matter of the Dornan-Sanchez race, and I think the gentlewoman has done a great job. But I think that should be straightened out, and we should have the facts before we certify anybody's election, especially when there is a taint of illegal votes.

So look, if Bob Dole cannot write a check in a supermarket without proving that check with some identification, if one cannot get a driver's license, if one cannot get on a plane, then by God, in America, one should be able to do some reasonable identification to prove one is a citizen. Citizens govern.

Mr. CAMPBELL's concerns are very important, and Mr. Chairman, let me say this. We keep making it easy for illegal citizens and illegal votes in campaigns, and we will have nothing but Democratic campaign finance reform. All we do is massage the politics of the American theater as far as politics is concerned.
Mr. CAMPBELL has a legitimate concern. He is a very astute man. That could be worked out in conference, but the concept of illegal votes not in elections must be determined. If we do not do it this way, how the hell do we do it?

Mr. MEEHAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this amendment has nothing to do with campaign finance reform, absolutely nothing to do with campaign finance reform. This bill, as we all know, is the verge of passing, is not an excuse for anyone who has any idea about anything to come into this House floor and try to defeat this bill. This has nothing to do with campaign finance reform. We are on the verge of making history with the most significant campaign finance reform bill in 20 years. Let us get on and pass this bill.

Mr. Chairman, I yield 4½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time. I thank him for all of his hard work on this issue.

Mr. Chairman, the gentleman from Ohio (Mr. TRAFICANT), my friend, says that in America, people govern, and that is true. All of the people govern, including those who have surnames such as mine, and who were born in this country. And they do not deserve the right to be discriminatorily applied against, which is in essence what this amendment does.

I heard before the suggestion of the fact that what is wrong with the pilot program? Well, nothing is wrong with a pilot program, but even abridging rights in a pilot program does not make it constitutionally firm, it makes it constitutionally infirm.

I also heard the discussion about canceling out of a vote, but what happens to the American citizen who, through your process, is denied the ability to vote? One problem with the INS, some problem with Social Security; is not their cancellation of their vote equal to the cancellation we are so worried about?

For members of my family who live in Cuba and others throughout the world who do not have the right to vote for this, basic freedom is only a cherished dream. Well, what the author of this amendment, however, forgot about is that in America, voting is not a dream. It is not just another government benefit or program to be means tested, it is a constitutional guarantee, what all who came to this Chamber were sworn to uphold.

Mr. Chairman, I rise in reluctant—and yet clear—opposition—to the amendment offered by my Colleague from Pennsylvania, Mr. PETERSON.

I want my Colleagues to know that I support the substance of this amendment. The events of the past several years have uncovered a disturbing trend in elections. Without referring to a specific election or a specific state or a specific region, there is more than anecdotal evidence that more than a few of our elections are being tainted. Tainted by voters who should not be voters. As Mr. PETERSON has reported—but this is not new. That's why we have had these legal actions.

Voters who have no right to participate in our electoral process.

My Colleagues, the very foundation of our representative democracy is "one man—one vote"—in this body, responsibility to preserve that foundation by protecting the integrity of the electoral process. In this regard, I think it is a worthwhile exercise that we test new methods to verify the eligibility of all voters in all elections. Indeed, I voted for Rep. HORN's pilot program back in March.

And I have never been an enthusiastic supporter of the various motor-voter programs. I think they present an engraved invitation for fraud and abuse.

So I would support this legislation. But not here. Not now. Not on this bill. The clear purpose of this amendment is to undermine and divide support for this major reform that goes to the heart of abuses.

As you know, I have been an original cosponsor of the Shays-Meehan campaign finance reform bill—in all of its various iterations. I think the lack of comprehensive campaign reform has been one of the most glaring failures of this Congress . . . the last Congress . . . the Congress before that . . . and several Congresses before that. It just reinforces the cynicism of the American people about our motives and our actions.

We have here in the Shays-Meehan substitute a golden opportunity to snatch victory from the jaws of defeat. We have a real opportunity to pass genuine campaign reform. Unfortunately, the Peterson amendment threatens our efforts here.

I support the goals of the Peterson amendment and would pledge to work with the gentleman from Pennsylvania to pass this amendment as a free-standing bill. But I cannot support it as an amendment to Shays-Meehan. Defeat the Peterson amendment.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I oppose this amendment on two grounds. I first oppose this amendment on the logic that says, because when you go to the

Americans should not be subjected to a government background check when they register to vote. But that is just what this amendment does, it turns the ballot box into an interrogation zone, where innocent people guilty until they have proven themselves innocent.

Imagine going to vote, myself going to vote, having been born in this country, a member of the United States Congress, and having to be interrogated at the ballot box to try to prove that I should be able to vote. Particularly, I would urge some of my colleagues to look at the history of what has happened in different States where ballot security squads were created to disenfranchise minority voters. The application at that table by those election judges will be discriminatorily applied, if they wish to do so.

What will we guarantee? How will Members ensure that my vote is not annulled, as the gentleman is concerned about his being annulled? And to show you they are citizens, Republicans want the Social Security Administration and the Immigration and Naturalization Service to run background checks and share private information on American voters.

If it is not to be discriminatorily applied, should not be subject to government intrusion, and I say specifically that Hispanic American voters will not forget Members' continuing persecution of their rights. Vote against the Peterson amendment and keep Shays-Meehan in one piece.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mrs. ROUKEMA), a leader in our bipartisan effort.

Mrs. ROUKEMA. Mr. Chairman, I yield permission to revise and extend her remarks.

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

Mr. Chairman, as a person who was one of the strong supporters of the pilot program of the gentleman from California (Mr. HORN), and I not only voted for it, I promoted it back in March, that would deal with the eligibility of people governed as the gentleman from New Jersey (Mr. MENENDEZ) was just referring to, and to the essence of the proposal of the gentleman from Pennsylvania (Mr. PETERSON), here, I have to say that this is only an effort to really sabotage this bill.

We are so close. I am not going to let us take victory from the jaws of defeat, or defeat from the jaws of victory, either way that you want to say it. We must stick with Shays-Meehan. This is the golden opportunity in this Congress to get genuine campaign finance reform. The other issue is entirely separate, and we can take that up in a separate matter. I will be strongly supportive of that. But for now, we cannot sabotage Shays-Meehan. We must defeat the Peterson amendment.
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ple who do not want to protect certain portions of the integrity of the election process in order to pass our own version. This is exactly what I fear about campaign finance reform, that we will pass laws that certain people will not want enforced, they will not pursue, they will not really protect the election process.

If they are not willing to protect the laws that say only citizens can vote, I would never want to be on their team to pass any other laws.

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

I would point out that the gentlewoman has no intentions of supporting campaign finance reform, Mr. Chairman.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. BECERRA).

The CHAIRMAN pro tempore. The gentleman from California (Mr. BECERRA) is recognized for 3½ minutes, the balance of the 5 minutes.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me, but more, I thank him for his efforts to get this to the floor and finally get it passed. I think we are going to get there.

Mr. Chairman, this is truly a poison pill, but it is a poison pill for a number of different reasons. Perhaps the most important to a number of people is the fact that it poisons the well to people who wish to become, or for the first time, participants in our democracy, because they have just become U.S. citizens.

Let us make no mistake, this is not an effort to try to make sure that only American citizens vote. This is an effort to try to exclude those who are our newest American citizens from participating. Because if it were an effort to try to address the issue of all of our citizens, all of the people who live in this country being eligible to vote, we would see States like those in the south, where the most new citizens happen to reside, States like mine in California. If we look at page 2 of the bill, there it is, States of California, New York, Texas, Florida, and Illinois. If I were to name the five States with the highest Latino population in the Nation, they would be States like California, New York, Texas, Florida, and Illinois. What a coincidence that this bill goes after those States where the most Hispanics happen to reside. That is where there are a lot of new Hispanic voters.

What else does this bill do? It tells us that somehow, through the Social Security Administration and the INS, we are going to be able to determine the citizenship of the 267 million people who reside in this country. It says right in the bill, to have reasonable safeguards against the pilot program resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of this pilot program.

Someone else said a national ID card. Well, we are not going to do that. Let us protect the integrity of the right to freedom. Let us protect the integrity of the right to privacy. Let us protect the integrity of the right to freedom. Let us protect the integrity of the right to freedom.

Let us not get involved in this whole debate about how we tell which of the 267 million people who reside in this country are or not citizens through a process that we know cannot work, because the Social Security Administration and the INS have told us they cannot give us that information.

Please defeat this amendment. This is not the way to do it, and certainly we send the wrong message to our newest citizens who are trying to live in this greatest of democracies.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

I want to respond to two issues first. Someone talked about safeguards. It says right in the bill, to have reasonable safeguards against the pilot program resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of this pilot program.

Someone else said a national ID card. Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards, or the establishment of a national identification card. Those are false, bogus arguments against this bill.

Is Shays-Meehan perfect? We are told today that it is perfect. I get mail every day that says it is not perfect. I get phone calls every day that says it is not perfect. It is not perfect. This is only a pilot program. If it works, we expand it. If it does not...
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work in 2001, we throw it away. Why are we afraid about stopping voter fraud?

In my view, the two worst problems we face about elections are illegal foreign money and noncitizen voting, and Shays says we don’t do anything about either of them. The States that we have listed, many of them are asking for help. Local registrars are asking for help. How do they know if people are citizens when they register them? If they are begging for us to help.

Mr. Chairman, this is an argument, and those who think we should not stop voter fraud, those who think we should not require citizenship, then should stand up and support a bill that does away with it, that you do not have to be a citizen to vote, that you just have to be here.

Mr. Chairman, this is a simple pilot project that makes sense, that can work. I urge all the Members to support it.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Peterson) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. Shays).

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

Mr. MEEHAN. 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 Pennsylvania (Mr. Peterson) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 9 offered by the gentleman from Virginia (Mr. Goodlatte); amendment No. 10 offered by the gentleman from Mississippi (Mr. Wicker); amendment No. 13 offered by the gentleman from California (Mr. Calvert); an amendment offered by the gentlewoman from Washington (Mrs. Linda Smith); amendment No. 16 offered by the gentleman from California (Mr. Rohrabacher); amendment No. 17 offered by the gentleman from Texas (Mr. Paul); amendment No. 18 offered by the gentleman from Texas (Mr. Paul); amendment No. 19 offered by the gentleman from Texas (Mr. Delay); amendment No. 21 offered by the gentleman from Pennsylvania (Mr. Peterson).

AMENDMENT NO. 9 OFFERED BY MR. GOODLATTE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE No. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. Goodlatte) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. Shays) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

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

Amendment No. 9 offered by Mr. Goodlatte to the amendment in the nature of a substitute No. 13 offered by Mr. Shays:

Add at the end of the amendment in the nature of a substitute No. 13 a title:

TITLE VOTER REGISTRATION REFORM

SEC. ___ 01. REPEAL OF REQUIREMENT FOR STATE AGENCY CERTIFICATION FOR VOTER REGISTRATION BY MAIL.

(a) In General.—Section 4(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2) is amended in section 4(a) by—

(1) in paragraph (1), by adding “and” at the end;

(2) by striking paragraph (2); and

(3) by redesigning paragraph (3) as paragraph (2).


(c) Other Conforming Amendments.—(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking “assistance—” and all that follows and inserting the following: “assistance a voter registration application form which meets the requirements described in section 5(c)(2)(A) other than subparagraph (A), unless the applicant, in writing, declines to register to vote.”

(2) Other Conforming Amendments.—(a) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended—

(2) by striking paragraph (2); and

(3) by inserting after paragraph (2) the following new paragraph:

“(A) At the option of the State, a State may remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence if—

(I) the registrant has not voted or appeared to vote (and, if necessary, correct the registrant’s record of the registrant’s address) in an election during the period beginning on the day after the date of the second previous general election for Federal office held prior to the date the confirmation notice described in subparagraph (B) is sent and ending on the date of such notice; and

(II) the registrant has not voted or appeared to vote (and, if necessary, correct the registrant’s record of the registrant’s address) in an election during the period beginning on the day after the date of the second previous general election for Federal office held prior to the date the confirmation notice described in subparagraph (B) is sent and ending on the date of such notice; and

(III) during the period beginning on the date the confirmation notice described in subparagraph (B) is sent and ending on the date of the second general election for Federal office held after the date the notice is sent, the registrant has failed to notify the State in response to the notice that the registrant did not change his or her residence, and the registrant is not considered to remain in the registrar’s jurisdiction.

“(B) A confirmation notice described in this subparagraph is a postage prepaid and presorted first class mail notice, sent by forwardable mail, on which a registrant may state his or her current address, together with information concerning how the registrant can continue to be eligible to vote if the registrant has changed residence to a place outside the registrar’s jurisdiction and a statement that the registrant may be removed from the official list of eligible voters if the registrant does not respond to the notice (during the period described in subparagraph (A)(iii)) by stating that the registrant did not change his or her residence, or changed residence but remained in the registrar’s jurisdiction.

“(C) Conforming Amendment.—Section 8(a)(1) of such Act (42 U.S.C. 1973gg–6(d)(1)) is amended by inserting “or subsection (d)(3)” after “subsection (d)(2)”.

“(D) Other Conforming Amendments.—(a) Section 8(a)(1) of such Act (42 U.S.C. 1973gg–6(d)(1)) is amended by inserting “or subsection (d)(3)” after “subsection (d)(2)”.

“SEC. ___ 02. REQUIRING APPLICANTS REGISTERING TO VOTE TO PROVIDE CERTAIN ADDITIONAL INFORMATION.

(a) Social Security Number.—(1) In General.—Section 5(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–3(c)(2)) is amended—

(A) by striking “and” at the end of subparagraph (D); and

(B) by adding at the end of each such subparagraph the following:

“(E) before the date on which Federal office held after the date such notice is sent, the registrant has failed to notify the State in response to the notice that the registrant did not change his or her residence, or changed residence but remained in the registrar’s jurisdiction.

“(B) A confirmation notice described in this subparagraph is a postage prepaid and presorted first class mail notice, sent by forwardable mail, on which a registrant may state his or her current address, together with information concerning how the registrant can continue to be eligible to vote if the registrant has changed residence to a place outside the registrar’s jurisdiction and a statement that the registrant may be removed from the official list of eligible voters if the registrant does not respond to the notice (during the period described in subparagraph (A)(iii)) by stating that the registrant did not change his or her residence, or changed residence but remained in the registrar’s jurisdiction.

“(C) Conforming Amendment.—Section 8(a)(1) of such Act (42 U.S.C. 1973gg–6(d)(1)) is amended by inserting “or subsection (d)(3)” after “subsection (d)(2)”.
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MESSRS. CRAPO, LAZO, JOYEL, WAXMAN, MCGOVERN, AND HALL OF TEXAS CHANGED THEIR VOTE FROM “AYE” TO “NO.”

MESSRS. HILLEARY, WAMP, AND LEWIS OF CALIFORNIA CHANGED THEIR VOTE FROM “NO” TO “AYE.”

SO THE AMENDMENT WAS REJECTED.

THE RESULT OF THE VOTE WAS AS ABOVE RECORDED.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

THE CHAIRMAN OF THE HOUSE, PRO TEMPORE, PURSUANT TO HOUSE RULE 442, THE CHAIR ANNOUNCES THAT HE WILL REDUCE TO A MINIMUM OF 5 MINUTES THE PERIOD OF TIME WITHIN WHICH A VOTE BY ELECTRONIC DEVICE WILL BE TAKEN ON EACH AMENDMENT ON WHICH THE CHAIR HAS POSTPONED FURTHER PROCEEDINGS. THE CHAIR WILL REQUEST THAT MEMBERS REMAIN IN THE CHAMBER AND VOTE IN THE ALLOTTED TIME.

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

THE CHAIRMAN OF THE HOUSE, PRO TEMPORE, PURSUANT TO HOUSE RULE 442, THE CHAIR ANNOUNCES THAT HE WILL REDUCE TO A MINIMUM OF 5 MINUTES THE PERIOD OF TIME WITHIN WHICH A VOTE BY ELECTRONIC DEVICE WILL BE TAKEN ON EACH AMENDMENT ON WHICH THE CHAIR HAS POSTPONED FURTHER PROCEEDINGS. THE CHAIR WILL REQUEST THAT MEMBERS REMAIN IN THE CHAMBER AND VOTE IN THE ALLOTTED TIME.

THE UNFINISHED BUSINESS IS THE DEMAND FOR A RECORDED VOTE ON THE AMENDMENT OFFERED BY THE GENTLEMAN FROM MISSISSIPPI (MR. WICKER) TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE, NO. 13 OFFERED BY MR. SHAYS.

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

ADD AT THE END THE FOLLOWING NEW TITLE:

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

The result of the vote was announced as above recorded.
Amendment offered by Mrs. Linda Smith of Washington to the amendment of a substitute No. 13 offered by Mr. Shays: In Section 301(20) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, strike paragraph (b) and add the following:

``(B) Voting Record and Voting Guide Exception—The term ``express advocacy'' does not include a communication which is in printed form or posted on the Internet that—

(i) is not made in connection with an election or made to candidates about their position on issues, and that does not include a communication which is in printed form or posted on the Internet that—

(ii) is not made in connection with an election or made to candidates about their position on issues, and that does not include a communication which is in printed form or posted on the Internet that—

(iii) does not contain a phrase such as ‘‘vote for,’ ‘‘vote against,’’ ‘‘support,’’ ‘‘ oppose,’’ ‘‘elect,’’ ‘‘endorse’’ (name of candidate) in 1997.’

``(c) P ENALTY FOR VIOLATION OF LIMITS.ÐAny candidate who knowingly and willfully accepts contributions in excess of any limitation provided under section 315(i) shall be fined an amount equal to the greater of 200 percent of the amount accepted in excess of the applicable limitation or (if applicable) the amount provided in paragraph (1)(A).

``(d) the term ‘‘express advocacy’’ does not include a communication which is in printed form or posted on the Internet that—

``(i) is not made in connection with an election or made to candidates about their position on issues, and that does not include a communication which is in printed form or posted on the Internet that—

``(ii) is not made in connection with an election or made to candidates about their position on issues, and that does not include a communication which is in printed form or posted on the Internet that—

``(iii) does not contain a phrase such as ‘‘vote for,’’ ‘‘vote against,’’ ‘‘support,’’ ‘‘ oppose,’’ ‘‘elect,’’ ‘‘endorse’’ (name of candidate) in 1997.’

``(4)(A) Any candidate who knowingly and willfully accepts contributions in excess of any limitation provided under section 315(i) shall be fined an amount equal to the greater of 200 percent of the amount accepted in excess of the applicable limitation or (if applicable) the amount provided in paragraph (1)(A).

``(B) Interest shall be assessed against any portion of a fine imposed under subparagraph (1)(A).``
Mr. KINGSTON, Mr. SCARBOROUGH and Mrs. NORTHPUP changed their vote from "aye" to "no".

Mr. BLAGOJEVICH EVICH changed his vote from "no" to "aye".

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

The result of the vote was announced above recorded.

AMENDMENT OFFERED BY MR. ROHRABACHER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE No. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending demand is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will re designate the amendment.

The Clerk redesignated the amendment.

Mr. BONINNI, Mr. MCCONNELL, Mr. LAMM, Mr. TAMI and Mr. REED changed their vote from "no" to "aye".

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

The result of the vote was announced above recorded.

AMENDMENT OFFERED BY MR. ROHRABACHER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE No. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending demand is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will re designate the amendment.

The Clerk redesignated the amendment.
The CONGRESSIONAL RECORD – HOUSE

July 30, 1998

H6815

The CHAIRMAN pro tempore (Mr. BLUNT). A recorded vote has been requested.

A recorded vote was ordered.

The vote was taken by electronic device, and there were yeses 62, noes 363, not voting 9, as follows:

[Vote Results]

Mr. CONYERS changed his vote from "no" to "aye." So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. DICKEY, changed his vote from "aye" to "no." So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

RECORDED VOTE

Mr. DICKEY, changed his vote from "aye" to "no." So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.
Mr. KASICH and Mr. SCARBOROUGH changed their vote from “no” to “aye.”

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

The result of the vote was announced as above recorded.
So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION
Mr. FOX of Pennsylvania. Mr. Chairman, on roll call No. 366, I was inadvertently detained.

HAD I been present, I would have voted “no.” Mr. THOMAS. 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. LA HOOD) having assumed the chair, Mr. BURR of North Carolina, 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.

PERSONAL EXPLANATION
Mr. BURR of North Carolina. Mr. Speaker, earlier today, I missed roll call votes 356 and 357 because I was unavoidably detained in my district. Had I been present, I would have voted “no” on roll call votes 356 and “aye” on roll call vote 357.

So the amendment to the amendment in the nature of a substitute was rejected.
Incomplete record of House proceedings. Except for concluding business which follows, today’s House proceedings will be continued in the next issue of the Record.
10407. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Compensation for Collecting Resource Information [Docket No. 9805115-810-GDN (RIN: 0648-A136)] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10408. A letter from the Director, Office of Sustainable Development, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; TRI Limit Changes [Docket No. 971229312-7312-01; I.D. 00268A] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.


10410. A letter from the Secretary, National Sea Cadet Corps, transmitting the Annual Audit Report of the National Sea Cadet Corps for the fiscal year ending 31 December 1997, pursuant to 36 U.S.C. 1201(a) and 1103; to the Committee on Science.

10411. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the EPA’s final rule—Amendments to the Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Organic Pesticide Manufacturing Industry; Pesticide Chemicals Point Source Category [FRL–6126-6], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10412. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration’s final rule—Revisions to Part 1813 of the NASA FAR Supplement [48 CFR Parts 1801, 1812, 1813] received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10413. A letter from the Director, Office of Regularization, Department of Veterans Affairs, transmitting the Department’s final rule—Provision of Drugs and Medicines to Certain Veterans in State Homes [RIN: 2000–A3] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.


10416. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the report providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter, pursuant to Public Law 105–100, jointly to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 351 prescribing for consideration of the bill (H.R. 3796) to amend the Immigration and Nationality Act to make changes relating to H-1B nonimmigrants (Rept. 105–660). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 2921. A bill 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; with an amendment (Rept. 105–661, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2921. Reference to the Committee on the Judiciary extended for a period ending not later than September 11, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself and Mr. OXLEY):


By Mr. GINGRICH (for himself, Mr. ARMENY, Mr. DELAY, Mr. HASTERT, Mr. BOEHNER, Ms. DUNN of Washington, Ms. PRYE of Ohio, Mr. THOMAS, Mr. GEPHARDT, Mr. BONIOR, Mr. Fazio of California, Mrs. KENNELLY of Connecticut, Mr. GEIDTSON, Mr. DAVIS of Virginia, and Mr. WYNN):

H.R. 4534. A bill 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; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be specified by the Speaker, and in the case of consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mr. HORN, Mrs. MORELLA, Mr. DAVIS of Virginia, Mr. SANFORD, Mr. KUCINICH, Mr. WAXMAN, Mr. SENSENBERGER, Mr. BARR of Michigan, Mr. DINGELL, Mr. LEACH, Mr. LAFALCE, Mr. BOUCHER, Mr. GORDON, Ms. MCCARTHY of Missouri, Mr. BROWN of Ohio, Mr. BROWN of California, Ms. DELAURIE, Mr. CUMMINGS, Mr. MORAN of Virginia, Mrs. DEGETTE, Mrs. CAPPS, Mr. LOFGREN, Mr. DOYLE, and Mr. LAMPSHINE):

H.R. 4535. A bill to encourage the disclosure and exchange of information about computer processing problems and related matters connected with the transition to the Year 2000, to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania:

H.R. 4536. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to assure that the full amount deposited in the Abandoned Mine Reclamation Fund is spent for the purposes for which such funds were established; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 4537. A bill to establish the Fort Presque Isle National Historic Site in Erie, Pennsylvania; to the Committee on Resources.

By Mr. HOUGHTON (for himself and Ms. SLAUGHTER):

H.R. 4538. A bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. LAFALCE, Mr. CASE, and Mr. WATERS):

H.R. 4539. A bill to amend the Federal Reserve Act to broaden the range of discount windows which may be collateral for Federal reserve notes; to the Committee on Banking and Financial Services.

By Mr. POMBO (for himself and Mr. PETERSON of Minnesota):

H.R. 4540. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to establish a pilot program under which milk producers and cooperatives will be permitted to enter into forward price contracts with milk handlers; to the Committee on Agriculture.

By Mr. SHAW (for himself, Mr. BILARAXIS, Mr. BOYD, Mr. CANADY of Florida, Mr. DEUTCH, Mrs. FOWLER, Mr. GOSS, Mr. HASTINGS of Florida, Mr. MCCOLLUM, Mrs. MEEK of Florida, Mr. MICA, Mr. MILLER of Florida, Mr. RUS-LEHTINEN, Mr. STEARNS, Mrs. THURMAN, Mr. WELDON of Florida, and Mr. WELLER):

H.R. 4547. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 4532. A bill to authorize the Secretary of Veterans Affairs to conduct Stand Down events and to establish a pilot program that will provide for an annual Stand Down event in each State; to the Committee on Veterans’ Affairs.

By Mr. WATT of North Carolina (for himself and Mr. BERMAN):

H.R. 4533. A bill to provide for the restructuring of the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. KING of New York, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, Mrs. CAPPS, Ms. LOFGREN, Mr. DOYLE, and Mr. LAMPSHINE):

H.R. 4536. A bill to provide for the restructuring of the Immigration and Naturalization Service, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:
Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3736

OFFERED BY: MR. WATT OF NORTH CAROLINA

Amendment No. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Improvement and Protection Act of 1998".

SEC. 2. TEMPORARY INCREASE IN SKILLED FOREIGN WORKERS; TEMPORARY REDUCTION IN H-2B NONIMMIGRANTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184g) is amended—

(1) by amending paragraph (1)(A) to read as follows:

(A) under section 101(a)(15)(H)(ii)(b), subject to paragraph (9), the following:

(i) 95,000 in fiscal year 1998;

(ii) 105,000 in fiscal year 1999;

(iii) 115,000 in fiscal year 2000; and

(iv) 65,000 in fiscal year 2001 and any subsequent fiscal year; or;

(2) by amending paragraph (1)(B) to read as follows:

(B) under section 101(a)(15)(H)(ii)(b) may not exceed—

(i) 36,000 in fiscal year 1998;

(ii) 26,000 in fiscal year 1999;

(iii) 16,000 in fiscal year 2000; and

(iv) 66,000 in fiscal year 2001 and any subsequent fiscal year; and

(3) in paragraph (4), by striking "years" and inserting "year";

(4) by adding at the end the following:

(2) The total number of nonimmigrants described in section 212(a)(5)(C) who may be issued visas or otherwise provided nonimmigrant status during any fiscal year (beginning with fiscal year 1998, 1999, and 2000 in excess of 65,000 (per fiscal year), the period of authorized admission as such a nonimmigrant may not exceed 4 years.''; and

(5) The total number of nonimmigrants described in section 212(a)(5)(C) who may be issued visas or otherwise provided nonimmigrant status during any fiscal year (beginning with fiscal year 1998, 1999, and 2000 in excess of 65,000 (per fiscal year), the period of authorized admission as such a nonimmigrant may not exceed 4 years.''

SEC. 3. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS.

(a) In General—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following:

"(E) Except as provided in clause (iv), the employer has not laid off or otherwise displaced and will not lay off or otherwise displace, within the period beginning 6 months before and ending 90 days following the date of filing of the application or during the 90 days immediately preceding and following the date of filing of any visa petition supported by the application, any United States worker (as defined in paragraph (3)) (including a worker whose services are obtained by contract, employee leasing, temporary help agreement, or other similar means) who has substantially equivalent qualifications and experience in the specialty occupation, and in the area of employment for which the H-2B nonimmigrant is sought or in which they are employed.''

"(ii) Except as provided in clause (iii), in the case of an employer that employs an H-2B nonimmigrant, the employer may not displace the nonimmigrant with another employer where—

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

(Omitted from the Record of July 29, 1998)
``(i) the nonimmigrant performs his or her duties in whole or in part at one or more worksites owned, operated, or controlled by such other employer; and

``(ii) it has the indicia of an employment relationship between the nonimmigrant and such other employer.

``(iii) Clause (ii) shall not apply to an employer who is an H-1B nonimmigrant with another employer if the other employer has executed an attestation that it satisfies and will satisfy the conditions described in clause (ii) during the period described in such clause.

``(iv) This subparagraph shall not apply to an employer who is an employee of an institution of higher education, a related or affiliated non-profit entity, or a profit entity, if the application relates solely to aliens who—

``(I) the employer seeks to employ—

``(aa) a researcher on a project for which not less than 50 percent of the funding is provided, for a limited period of time, through a grant or contract with an entity other than the employer; or

``(bb) a person who as a professor or instructor under a contract that expires after a limited period of time; and

``(II) has attained a master's or higher degree (or its equivalent) in a specialty the specific knowledge of which is required for the intended employment.''

(b) Definitions.

``(1) In General.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended by adding at the end the following:

``(2) For purposes of this subsection—

``(A) The term 'H-1B nonimmigrant' means an alien admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b).

``(B) The term 'lay off or otherwise displace,' with respect to an employee—

``(i) means to cause the employee's loss of employment, other than through a discharge for cause, a voluntary departure, or a voluntary retirement; and

``(ii) does not include any situation in which employment is relocated to a different geographic area and the employee is offered a chance to move to the new location, with wages and benefits that are not less than those at the old location, but elects not to move to the new location.

``(C) The term 'United States worker' means—

``(i) a citizen or national of the United States;

``(ii) an alien lawfully admitted for permanent residence; or

``(iii) an alien authorized to be employed by this Act or by the Attorney General.''

(2) Conforming Amendments.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended by striking "a nonimmigrant described in section 101(a)(15)(H)(i)(b)" each place such term appears and inserting "an H-1B nonimmigrant'.

SEC. 4. RECRUITMENT OF UNITED STATES WORKERS TO REPLACE NON-IMMIGRANT WORKERS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by section 3, is further amended by inserting after subparagraph (E) the following:

``(F) The employer, prior to filing the application, has taken, in good faith, timely and significant steps to recruit and retain sufficient United States workers in the specialty occupation for which H-1B nonimmigrants are sought. Such steps shall have included recruitment in the United States, using procedures that meet industry-wide standards and offering compensation that is at least as great as that required to be offered to H-1B nonimmigrants under subparagraph (A), and offering employment to an employee who applies and who has the same qualifications as, or better qualifications than, any of the H-1B nonimmigrants sought.

``(G) The conditions described in clause (i) shall not apply to an employer with respect to the employment of an H-1B nonimmigrant who is described in subparagraph (A), (B), or (C) of section 203(b)(1).

SEC. 5. LIMITATION ON AUTHORITY TO INITIATE COMPLAINTS AND CONDUCT INVESTIGATIONS FOR NON-H-1B-DEPENDENT EMPLOYERS.

(a) In General.—Section 212(n)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

``(1) in the second sentence, by striking the period at the end and inserting the following: 

``(ii) that the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate; and

``(iii) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

``(ii) if the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an application, or a violation of clause (iv)—

``(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate; and

``(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

``(iii) if the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1) or a willful misrepresentation of material fact in an application, in the course of which failure (or misrepresentation) the employer also has failed to meet a condition of paragraph (1)(E)—

``(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate; and

``(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 2 years for aliens to be employed by the employer.

It is a violation of this clause for an employer who has filed an application under this subsection to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an employee (which term, for purposes of this clause, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection, or any provision of this Act, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employee's compliance with this Act, or any rule or regulation pertaining to this section.

(b) Placement of H-1B Nonimmigrant With Other Employer.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following:

``(E) Under regulations of the Secretary, the previous provisions of this paragraph shall apply to a failure of an other employer (including civil penalties in an amount not to exceed $1,000 per violation) as the Secretary determines to be appropriate; and

``(F) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.''

``(iii) if the Secretary finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B) or (1)(E), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(F), or a misrepresentation of material fact in an application, a willful misrepresentation of material fact in an application, or a violation of clause (iv)—

``(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate; and

``(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.''

``(iv) if the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an application, or a violation of clause (iv)—

``(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate; and

``(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 2 years for aliens to be employed by the employer.'"
118(n)(2), as amended by subsection (b), is further amended by adding at the end the following:

"(F) The Secretary may, on a case-by-case basis, subject the employer to random investigations for a period of up to 5 years, beginning on the date that the employer is found by the Secretary to have committed a willful failure to maintain the record required by paragraph (1) or to have made a misrepresentation of material fact in an application. The preceding sentence shall apply to an employer regardless of whether the employer is an H-1B-dependent employer or a non-H-1B-dependent employer. The authority of the Secretary under this subparagraph shall not be construed as limited by the requirements of subparagraph (A)."

SEC. 7. PROHIBITION ON IMPOSITION BY IMPELOYS OF EMPLOYMENT CONTRACT PROVISIONS VIOLATING PUBLIC POLICY.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1321(n)(2)), as amended by section (6), is further amended by adding at the end the following:

"(G) If the Secretary finds, after notice and opportunity for hearing that an employer who has submitted an application under paragraph (1) has requested or required an alien admitted or provided status as a nonimmigrant pursuant to the application, as a condition of the employment, to execute a contract containing a provision that would be considered void as against public policy in the State of intended employment—

(ii) the Secretary shall notify the Attorney General of such finding and may, in addition to such other administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate; and

(iii) the Attorney General shall not approve petitions filed by the employer under section 214(c) during a period of not more than 10 years for H-1B nonimmigrants to be employed by the employer.".

SEC. 8. COLLECTION AND USE OF H-1B NONIMMIGRANT FEES FOR STATE STUDENT INCENTIVE GRANT PROGRAMS AND JOB TRAINING OF UNITED STATES WORKERS.

(a) IMPOSITION OF FEE.—Section 214(c) (8 U.S.C. 1321(c)) is amended by adding at the end the following:

"(9)(A) The Attorney General shall impose a fee on an employer (excluding an employer described in subparagraph (A) or (B) of section 212(p)(1)) as a condition for the approval of a petition filed on or after October 1, 1999, and before October 1, 2002, under paragraph (1) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(i)(I), provided that the amount of the fee shall be $500 for each such nonimmigrant.

(B) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 8(a).

(C)(i) An employer may not require an alien who is the subject of the petition for which a fee is imposed under this paragraph to reimburse the employer or part of the cost of such fee.

(ii) Section 274A(g)(2) shall apply to a violation of subparagraph (i) in the same manner as it applies to a violation of section 274A(g)(1)."

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 (8 U.S.C. 1356) is amended by adding after the table:

"(t) H-1B NONIMMIGRANT PETITIONER ACCOUNT.—

(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account which shall be known as the 'H-1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)."

(2) USE OF FEE BY SECRETARY OF EDUCATION FOR HIGHER EDUCATION GRANTS.—Fifty percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall be deposited into the account established by the Secretary of Education for higher allotments to States and to institutions of higher education for the purpose of providing grants to eligible institutions of higher education for the purpose of providing grants to eligible institutions for the purpose of providing education for the purpose of providing grants for educational programs.

SEC. 9. IMPROVING COUNT OF H-1B AND H-2B NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Attorney General shall take such steps as are necessary to maintain an accurate account of the number of aliens subject to the numerical limitations of section 214(g)(1) of the Immigration and Nationality Act, who are issued visas or otherwise provided nonimmigrant status.

(b) USE OF PETITION FORMS.—The Attorney General shall take such steps as are necessary to revise the forms used for petition forms for nonimmigrants under section 101(a)(15)(H) of the Immigration and Nationality Act so as to ensure that the forms provide the Attorney General with sufficient information to permit the Attorney General accurately to count the number of aliens subject to the numerical limitations of section 214(g)(1) of the Immigration and Nationality Act who are issued visas or otherwise provided nonimmigrant status.

(c) REPORTS.—Beginning with fiscal year 1999, the Attorney General shall provide to the Congress not less than 4 times per year a report on—

(1) the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(i) of the Immigration and Nationality Act;

(2) the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(i) of such Act; and

(3) the countries of origin and occupations of, educational levels attained by, and total compensation (including the value of all wages, salary, bonuses, stock, stock options, or any other similar payments (generally referred to as 'employee benefits')) paid to, individuals issued visas or otherwise provided nonimmigrant status under such sections during such period.

SEC. 10. GAO STUDY AND REPORT ON AGE DISCRIMINATION IN THE INFORMATION TECHNOLOGY FIELD.

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing age discrimination in the information technology field. The study shall consider the following:

(1) The prevalence of age discrimination in the information technology workplace.

(2) The extent to which there is a difference, based on age, in promotion and advancement; working hours; telecommuting; salary; and stock options, bonuses, or other benefits.

(b) REPORT.—Not later than October 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a). The report shall include any recommendations of the Comptroller General concerning age discrimination in the information technology field.

SEC. 11. GAO LABOR MARKET STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a labor market study. The study shall include the following:

(1) The overall shortage of available workers in the high-technology, rapid-growth industries.

(2) The multiplier effect of growth of high-technology industry on low-technology employment.

(3) The relative achievement rates of United States and foreign students in secondary school in a variety of subjects, including math, science, computer science, English, and history.

(4) The relative performance, by subject area, of United States and foreign students...
in postsecondary and graduate schools as compared to secondary schools.

(5) The labor market need for workers with information technology skills and the extent of the deficit of such workers to fill high-technology jobs during the 10-year period beginning on the date of the enactment of this Act.

(6) Future training and education needs of companies in the high-technology sector.

(7) Future training and education needs of United States students to ensure that their skills at various levels match the needs of the high-technology and information technology sectors.

(8) An analysis of which particular skill sets are in demand.

(9) The needs of the high-technology sector for foreign workers with specific skills.

(10) The potential benefits of postsecondary educational institutions, employers, and the United States economy from the entry of skilled professionals in the fields of engineering and science.

(11) The effect on the high-technology labor market of the downsizing of the defense sector, the increase in productivity in the computer industry, and the deployment of workers dedicated to the Year 2000 Project.

(b) REPORT.—Not later than October 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a).

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to applications filed with the Secretary of Labor on or after 30 days after the date of the enactment of this Act, except that the amendments made by section 2 shall apply to applications filed with such Secretary before, on, or after the date of the enactment of this Act.

H.R. 4276
OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 36: Page 52, line 13, after the dollar amount, insert the following: "(reduced by $29,000,000)".

Page 52, line 25, after the dollar amount, insert the following: "(reduced by $29,000,000)".

Page 53, line 1, after the dollar amount, insert the following: "(reduced by $29,000,000)".

Page 53, line 6, after the dollar amount, insert the following: "(reduced by $29,000,000)".

H.R. 4276
OFFERED BY: MR. SANDERS

AMENDMENT NO. 37: Page 101, line 21 insert "(increased by $4,000,000)" after the dollar amount.

Page 76, line 3 insert "(decreased by $4,000,000)" after the dollar amount.
The Senate met at 9 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER
The Chaplain, the Rev. Lloyd John Ogilvie, offered the following prayer:
   Gracious Lord, You have loved, forgiven, and cared for us. In Your holy presence, any self-sufficiency fades like a candlelight before the rising sun. Awaken us again to the wonder of Your unqualified grace. May the radiance of Your Spirit invade our hearts, vanishing all the gloom and darkness of worry and fear and anxiety.
   Father, set us free to do our work today with joy and gladness. The people in our lives desperately need Your love. Liberate us with the sure knowledge of Your unflagging love so that we will be able to be free to love unselfishly. Speak to us now so that we may be energized with new life and new power. We claim this in the assurance of Your love divine, all loves excelling! Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDENT pro tempore. The able acting majority leader is recognized.
Mr. THOMAS. Thank you, Mr. President.

SCHEDULE
Mr. THOMAS. Mr. President, on behalf of the majority leader, I will lay out the plan for today.
This morning, the Senate will be in a period for morning business until 9:30 a.m. Following morning business, under a previous order, the Senate will begin consideration of the Department of Defense appropriations bill. All Members are encouraged to come to the floor early during today’s session to offer and debate any amendments to the defense bill. The first votes of today’s session will occur in a stacked series beginning at approximately 2 p.m. These votes will include any remaining amendments to the Treasury appropriations bill and possibly several amendments to the defense bill. Members should expect votes late into the evening during today’s session, as the Senate attempts to complete action on the defense bill.
I thank my colleagues for their attention.
Mr. President, I suggest the absence of a quorum.
The PRESIDENT pro tempore. The clerk will call the roll.
The assistant legislative clerk proceeded to call the roll.
Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered. The Senator is recognized.
Mr. GRASSLEY. I thank the Chair.
(The remarks of Mr. GRASSLEY and Mr. HAGEL pertaining to the introduction of S. 2371 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)
Mr. HAGEL. Mr. President, I yield the floor and suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.
The assistant legislative clerk proceeded to call the roll.
Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.
(The remarks of Mr. THOMAS, Mr. CRAIG and Mr. ROBERTS pertaining to the introduction of S. 2371 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999
The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the defense appropriations bill, which the clerk will report.
The assistant legislative clerk read as follows:
A bill (S. 2132) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.
The Senate proceeded to consider the bill.
Mr. STEVENS addressed the Chair.
The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR
Mr. STEVENS. Mr. President, I have given the clerk a list of staff members. I ask unanimous consent that these staff members associated with our presentation of the bill be allowed the privilege of the floor during consideration of the defense bill.
The PRESIDING OFFICER. Without objection, it is so ordered.
The list is as follows:
Sid Ashworth, Tom Hawkins, Susan Hogan, Mary Marshall, Gary Reese, John Young, James Hayes, Justin Weddle, Carolyn Willis, Jennifer Stiefel, Frank Barca, and Kristin Isett.
Mr. STEVENS. Mr. President, the Senate begins consideration today of the 1999 Defense appropriations bill, to fund the military activities of the Department of Defense for the upcoming fiscal year.
This bill provides $250.5 billion in new budget authority for 1999, an increase of $2.3 billion over the amount appropriated in 1998.
The committee reported this bill on June 4th. Unforeseen circumstances delayed the consideration of the bill, but I believe it is vital that we pass the Defense funding bill prior to the recess.
The military must know how much money it will have to meet critical needs.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
The changes adopted by Congress in 1986 reflected the cold war priority of attracting men and women to serve a full 30 year career in the Armed Forces. Our victory in the cold war led to a wrenching realignment of the force, and radically altered our military priorities. There is great pressure today for individuals to spend only 20 years in active service. The revised retirement plan puts them at an unfair, and unacceptable disadvantage, as compared to serving a full 30 years.

It is my intention to work with the leaders here in Congress, and with the Secretary of Defense, to put us on a track to fix the retirement system—in my mind, there is no higher defense funding priority, for it has led to a series of decisions by men and women in the services, not to continue because of their feeling about the unfairness of the retirement policies.

The considerable operational demands on our Armed Forces dictate that we improve the welfare and quality of life for those on active duty now.

Based on the committee’s recent trip to Bosnia and Southwest Asia, a new $50 million MWR and retention initiatives is included in this bill.

These funds will provide added resources and flexibility to address the though living conditions and family separation challenges of deployments to Bosnia and Southwest Asia.

In 1998, the recommendation adds for quality of life enhancements in the service O&M accounts, to upgrade barracks, dormitories, and other personnel support facilities.

Our second focus, maintaining readiness, has been stressed by overseas deployments during the past three years.

For 1999, this committee succeeded in providing needed contingency funds as an emergency, without disrupting other Defense programs.

For 1999, the recommendation adds funds for flying hours, depot maintenance, training, and base operations.

We recommend savings resulting from changed economic factors, such as fuel costs, foreign currency, and inflation—but restore all those amounts to the O&M appropriations.

There is no option to trade near term readiness for future modernization. As long as our Armed Forces face the range of missions overseas underway today, the O&M accounts at least at the levels provided in this bill, and the House bill.

No sector of Defense has suffered more the past few years than acquisition. We must invest more to protect the technological superiority that our smaller, more aggressive rivals on.

These recommendations fully fund the combat priorities advocated by the Joint Chiefs: F-22, the Crusader, F-18, new attack submarine, the JASSM missile, V-22, and national missile defense.

In many instances, the recommendations add funds for technology development programs, to look even further down the road, past the systems we will deploy over the next ten years—out for the next thirty years.

Achieving these three priorities was especially challenging given our fixed budget caps.

The dollar shifted among programs came from a reduction to an item in the budget request—there were no additional dollars to spend this year for Defense.

Senator Inouye and I sought to allocate the resources well available to the subcommittee as equitably as possible, and consistent with the military needs identified by the Chiefs.

In most cases, we could not provide large increases in existing procurement programs, or to restore programs already terminated.

No member of this committee, or the Senate, secured every priority which he or she advocated to the committee. On the other hand, we reviewed all of them, and have done our best to believe the recommendations are fair and achieve a balance between the budget and the priorities of Congress. It is my intention to do everything we can to work with all of our colleagues to meet the needs they have brought to this Committee.

Finally, there is one notable change from the bill reported last year by this Committee—in the area of medical research.

In the bill we reported last year, we provided $176 million for medical research. Coming out of conference, that total grew to $344 million, almost twice the level of the Senate.

In the context of adding $6 billion to the budget, that total was manageable. Let me explain that again. Last year, we had an additional $6 billion by the time we came out of the conference, and it was possible to increase that amount. This year, we have no top line margin to allocate. Whatever is added to the bill will disrupt either readiness, or future acquisition, or the quality of life concepts that I have discussed.

For 1999, Senator Inouye and I recommended a new appropriations of $250 million in the defense health program for medical research grants.

This increase over last year’s appropriation provides adequate resources to sustain growth in the breast cancer and prostate cancer programs, while enabling the Department of Defense to review other research programs and opportunities. The report lists all the programs seeking funding this year.

The bill establishes a floor for breast cancer and prostate cancer research at the minimum; at least they must be provided at the level that we finally agreed to in conference in 1998.

The bill also seeks to address the funding priorities of the National Guard. In testimony before the subcommittee, the Army Guard identified the shortfall for 1999 $634 million for their operational requirements—not for future involvement for just their operational requirements.
The bill reported by the committee provides an additional $20 million for the Guard counterdrug operation, $225 million for the Army Guard O&M account, and $95 million for Army Guard personnel account.

A total of $775 million will be added to the National Guard and Reserve equipment. That is a cut, however, of 25 percent from the level appropriated in 1998.

Finally, the bill reported by the committee did not include the $1.9 billion requested by the President as emergency spending for Bosnia.

The Senate considered several amendments during debate on the defense authorization bill concerning our future force levels and operations in Bosnia.

Later this morning, I know Senator HUTCHISON, Senator Byrd, and others will raise at least one amendment related to our presence in Bosnia. At the time we considered this bill in the Appropriations Committee, it was premature for this committee to consider funding for that mission for 1999. Romania, Slovakia, and Hungary, along with the United States, have come to the Senate jointly to conferece with the House, and we have approximates the level authorized in 1998.

I should point out to my colleagues that this bill does not provide any funding for Bosnia. The President submitted a budget amendment to the Congress requesting an appropriation of $1.29 billion in emergency funding to maintain our troops in Bosnia.

When the committee marked up this bill, it was unclear what action the Senate would take on Bosnia. It is my hope that this matter will be resolved in conference or through a supplemental spending measure at a later date.

Let me assure my colleagues that the committee will not shirk from our responsibility to support funding for our forces assigned overseas, no matter where they are located. This matter will be addressed at a later date.

Mr. President, I want to commend our chairman and his staff for the fine work that they have done putting this bill together. As many of you recognize, this is a huge bill. Nearly half of our Government’s discretionary resources are contained in this one appropriations bill.

There are an enormous number of programs that must be reviewed and recommended by the Congress and the Appropriations Committee.

This is the tenth year that the two of us have come to the Senate jointly to present and recommend the defense appropriations bills. Six of those years Senator INOUYE served as chairman, and I have enjoyed that privilege for the past four.

It is a pleasure and a privilege to work with the Senator from Hawaii on defense matters and other matters. I enjoy our personal friendship. And the opportunity to bring this bill to the Senate on a full bipartisan basis is one that I think comes from the tie between us that we enjoy.

Mr. President, I rise in strong support of the Department of Defense appropriations bill for fiscal year 1999, S. 2132, as reported from the Committee on Appropriations.

This bill contains funding for the Department of Defense for the upcoming fiscal year, excluding amounts for military construction.

The total recommended is $230.5 billion. This is about $440 million less than was requested by the administration, but about $2.8 billion more than was funded for fiscal year 1998.

Within these amounts, the committee has recommended full funding to support our men and women in uniform.

This includes a 3.1-percent pay raise as requested by the President. Later today, the chairman will offer an amendment to increase that to 3.6 percent, the amount authorized by the Senate last month. I strongly support this amendment.

Also at the chairman’s initiative, the committee is recommending $50 million to initiate a new fund for morale, welfare, and recreation.

This new appropriation account will support the personnel support needs of our men and women serving in contingency deployments in Bosnia and Southwest Asia.

Last May, Senator STEVENS led a delegation of members from the Armed Services and Appropriations Committees to Bosnia and Southwest Asia.

It was apparent in our discussions with these units that the deployments for these contingencies were beginning to impair the retention of critically skilled individuals and that morale was starting to suffer.

The delegation unanimously concluded that we needed to do more to support our troops serving in these areas.

The chairman’s initiative will help ease the burden of these long overseas deployments and show our men and women in uniform that the Congress has not forgotten them.

Mr. President, this is a very good bill, which meets the national security needs of our Nation, but within the fiscal constraints that have been agreed upon in this balanced budget environment.
in harm’s way for us, to risk their lives for us. Some have suggested that this is too much spending. As far as I am concerned, if any person is willing to stand in harm’s way in my behalf, he or she gets the best.

There are programs that have been carried out at the chairman’s initiative that he is too humble to even mention. He has been in the forefront of medical research, and I am proud to say that, working with him, we have been able to come up with a breast cancer just being acclaimed worldwide—not just nationally. Scientists from all over the world come to work with the Army Research Center. It may not be evident to many of my colleagues, but some of the best research being done on AIDS is being done by the U.S. Army. The same can be said for prostate cancer and other tropical diseases.

I began my closing remarks by saying there were 16 million American men who served in the armed forces in World War II. It was at a time when our population was about 100 million. Today, our population is over 250 million, and we are asking 1.3 million to defend all of us.

I conclude with my chairman: This is the minimum, this meets the minimum needs of our military. If budgetary constraints were not placed upon us, I am certain we would come forth with something a bit more generous. After all, Mr. President, you and I want our children and our grandchildren to go to college, we want to be able to have a car in the garage, three meals a day. That is part of the American way of life. I believe that men and women in the service should also aspire to the American way of life, and I am sorry to say that this measure may not provide all that is necessary, but we are striving for the best.

I ask my colleagues to support this measure.

I thank the Chair.

Mr. STEVENS. Mr. President, I reiterate in thanking my good friend for his comments. It is interesting when we reflect back on World War II. We as a nation knew who we were, what we were doing, and we had unanimous support for what we were doing. Today, each of us faces comments from time to time about our commitment to defense and questions of whether we could afford it. I hope we can say, we should have a great deal more money. I shall speak to the Senate later about that during the consideration of this bill.

Let me point out to Members of the Senate that we have knowledge of 16 amendments on this bill. We have reviewed them with our staff and with the staff of those who will present those amendments, and 23 of them we are prepared to accept. Of the balance, 13 of them would be that seen. It would be very difficult if Members wished us to carry them their amendments to us so that we can look at them and determine whether or not we can work with the person who

wishes to present the amendment and accept it or modify it in a way that it becomes acceptable. I expect we will have some substantial votes today and into the night. But it will be much easier for all of us if we can see these amendments and we can try to find some way to accommodate the needs of the Senate and the demand of our defense spending with the individual desires of Members of the Senate.

AMENDMENT NO. 3391

(Purpose: To provide a 3.6 percent pay raise for military personnel during Fiscal Year 1999)

Mr. STEVENS. Mr. President, I mentioned in my statement that we have a 3.1 percent pay raise in this bill. I want to send to the desk, and do send to the desk, an amendment. It is sponsored by myself and my friend from Hawaii.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the amendment as follows:

The amendment is as follows: On page 99, in between lines 17 and 18, insert the following:

SEC. 8104(a) On page 34, line 24, strike out all after "$94,500,000" down to and including "1999" on page 33, line 7.

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

(c) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for "Military Personnel Army", $56,000,000; for "Military Personnel Navy", $43,000,000; for "Military Personnel, Marine Corps", $14,000,000; for "Military Personnel, Air Force", $43,000,000; 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", $1,000,000.

(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 $56,000,000; "Operation and Maintenance, Navy", by $53,000,000; "Operation and Maintenance, Marine Corps", by $14,000,000; and "Operation and Maintenance, Air Force", by $4,000,000.

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

Mr. STEVENS. Mr. President, this amendment will raise the military pay for the first time in two years. At a minimum, this meets the minimum needs of our military. If budgetary constraints were not placed upon us, I am certain our military pay would be as high as 13.5 percent. This amendment will, at a minimum, provide a fairer base for military pay raises in the future.

Some economists estimate that the pay gap between the private sector and the military may be as high as 13.5 percent. This amendment will, at a minimum, provide a fairer base for military pay raises in the future.

I ask if my friend has any comments to make in regard to this amendment. He is a co-sponsor.

Mr. INOUYE. Mr. President, my only comment is that I wish we could have provided much more than this.

Mr. STEVENS. I ask for adoption of the amendment. That is consistent with the authorization bill. Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3391) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3392

(Purpose: To provide additional funds for U.S. military operations in Bosnia as an emergency requirement)

Mr. STEVENS. Mr. President, we have tried to be consistent with the authorization bill. As this bill came out of committee, the authorization bill did not meet the contingency operations in Bosnia as requested by the President. I send to the desk an amendment and state to the Senate that, if it is adopted, it will conform the handling of the moneys in this bill for Bosnia with the authorization bill as it has been amended.

The PRESIDING OFFICER. The amendment is as follows:

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

SEC. 8104(a) On page 34, line 24, strike out all after "$94,500,000" down to and including "1999" on page 33, line 7.

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

(c) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for "Military Personnel Army", $56,000,000; for "Military Personnel Navy", $43,000,000; for "Military Personnel, Marine Corps", $14,000,000; for "Military Personnel, Air Force", $43,000,000; 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", $1,000,000.

(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 $56,000,000; "Operation and Maintenance, Navy", by $53,000,000; "Operation and Maintenance, Marine Corps", by $14,000,000; and "Operation and Maintenance, Air Force", by $4,000,000.

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

Mr. STEVENS. Mr. President, this amendment will raise the military pay to 3.6 percent. This pay raise will add $185 million to the Active Forces, Guard, and Reserve pay accounts. Over the last few years the last Congress has heard repeatedly in both hearings with the service chiefs and during field visits to Bosnia, Saudi Arabia, Kuwait, Alaska, and other places throughout the world that our military members perceive an erosion of existing benefits. This adjustment in pay matches the private sector wage growth at a time when many service members are questioning the value of continued service due to an increasing pace of deployments.

Some economists estimate that the pay gap between the private sector and the military may be as high as 13.5 percent. This amendment will, at a minimum, provide a fairer base for military pay raises in the future.

I ask if my friend has any comments to make in regard to this amendment. He is a co-sponsor.

Mr. INOUYE. Mr. President, my only comment is that I wish we could have provided much more than this.

Mr. STEVENS. I ask for adoption of the amendment. That is consistent with the authorization bill. Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3392) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.
July 30, 1998

CONGRESSIONAL RECORD — SENATE

further, That such amount is designated by this Act of Appropriations, 1993, as amended: Provided, That the amount so designated is made available in the several accounts, as follows:

SEC. 8105. (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 United States to Yugoslavia, Albania, or Macedonia unless and until the President, in 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, has submitted 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 by United States forces to Yugoslavia, Albania, or Macedonia unless and until the President agrees to:

1. The President’s certification that the presence of United States 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.

FURTHER RESOLUTION OF THE FLOOR

Mr. Roberts. Mr. President, I ask unanimous consent that Agent James Bynum, a Capitol Hill fellow serving on Senator Inouye’s request applied objection, it is so ordered.

Mr. Inouye. Mr. President, I move to reconsider the vote.

Mr. Roberts. Mr. President, I move to lay that motion on the table.

Mr. Inouye. I move to lay that motion on the table.

Mr. Roberts. Mr. President, I ask unanimous consent that Nancy Gilmore-Lee, a fellow assigned to my staff, be granted floor privileges during consideration of this bill.

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

Mr. Stevens. My previous request and Senator Inouye’s request applied to time during votes, Mr. President.

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

Mr. Stevens. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3393

(Purpose: To impose a limitation on deployment of United States forces to Yugoslavia, Albania, or Macedonia)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. Roberts) propose an amendment numbered 3393.

Mr. Roberts. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SEC. 8104. (a) None of the funds appropriated or otherwise made available under
The distinguished chairman of the Appropriations Committee, at a briefing when the Secretary of State briefed a bipartisan group of Senators on what was happening in regard to India and Pakistan, actually warned the Secretary of State and said we do not have the personnel, we do not have the means, we do not have the material to commit those kinds of troops, that kind of involvement with regard to Kosovo, without emergency funding, without certainly stepping up our support, both in terms of funds and in terms of troops.

The costs of involvement in Kosovo, both in dollars and the impact on an already-stressed military, are potentially devastating. The chairman indicated that in his discussion with the national security team and with the administration.

There are many unanswered questions of how this conflict in Kosovo is in our vital national interest. I think a good case can be made for our involvement last came back with the distinguished chairman of the Senate Intelligence Committee from taking a look at the three new NATO countries, what our intelligence assets are there and what the situation is there. Every official there, every foreign minister, every president indicated that Kosovo was in the interest of NATO and peace in Europe. But there are some very serious unanswered questions, and there are unexplained scenarios of the conflict in Kosovo leading to a larger war in Europe if this war is not ended now.

But my primary concern is that this whole business has yet to be addressed by the administration or, for that matter, to some degree, the Congress in any substantive way. He cannot, nor will he, commit the men and women of our Armed Forces without defining our national interests, the objectives, and the exit strategy for any involvement in Kosovo.

In the military, Mr. President, there is a term called a warning order, which is sort of a heads-up that some action is coming your way and, as the commander, you should start planning on how you would handle that action.

The amendment I offer today, which is consistent with the amendment that was accepted on a bipartisan basis during the last defense appropriations bill in regard to Bosnia, is a kind of a “warning order.” The intent is to let the administration know that before they decide to deploy the military to the region as a result of the conflict in Kosovo, we need to address some salient points before Congress will fund the deployment. It is that simple.

The Congress and, more importantly, the American people need to understand at least the following information, the information required by the amendment. They are as follows: No. 1, certification that such a deployment is necessary in the national security interests of the United States; No. 2, to explain the reasons why the deployment is in the national security interests of the United States; No. 3, to define the number of U.S. military forces to be deployed to each country; No. 4, to explain the mission and the objectives of the forces to be deployed; No. 5, to discuss the expected schedule for accomplishing the objectives of the deployment; No. 6, what is the exit strategy for U.S. forces engaged in deployment, if that is possible; No. 7, what are the expected costs associated with the deployment and the funding sources these costs. I am going to terminate my remarks very quickly, because I know the time schedule here. Let me point out that when Ambassador Gelbard and General Wesley Clark appeared before the Senate Armed Services Committee and reported again on Bosnia and again said that the mission had changed and again said that the objective or the end game could not be defined, I pointed out that it could be in our national interest that we are in Bosnia and that while it was ill-defined, while the mission was changed, my main complaint—and I think one of the complaints shared by the distinguished chairman—is that the administration’s position that there is a changing out of readiness and procurement and modernization, and that has to stop.

What are the expected costs associated with the deployment and the funding source? What are the anticipated effects of the deployment on the morale, retention, and effectiveness of U.S. forces? I think, Mr. President, that Bosnia is the perfect example of why such a warning order is necessary. We have expended over $10 billion in Bosnia. We have yet to answer most of the questions contained in this amendment: Why is it in our national interest to continue to be there? How many troops do we want and when do we get out? And how are we going to pay for it?

I am a strong believer, Mr. President, that once the U.S. flag—the U.S. credibility—is “planted,” that we must support the U.S. position rather than embarrass or put our troops at risk. My intent is simply to go on record now before we get involved in yet another entanglement in yet another region of the Balkans—before the flag is planted and the troops are deployed.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am concerned that he presented last year, which has had a salutary effect on the considerations involved in Bosnia. And we will soon have announced the basic reductions in forces in Bosnia, brought about in many ways because of the study that Senator Roberts’ amendment last year mandated.

I have reviewed this with my friend from Hawaii. And I note that he has put in even another provision this year that recognizes that there might be an emergency that would be such where the President would not have time to go and to the report that I listed. I think that is very wise to offer that flexibility to the administration.

I am prepared to accept this amendment. I ask the Senator from Hawaii what his views would be concerning Senator Roberts’ amendment?

Mr. INOUYE. Mr. President, I join my chairman in commending our dear friend. Once again, he has taken the initiative and leadership in this important area. Thank you very much.

Mr. STEVENS. Mr. President, I ask for the adoption of the amendment.

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

The amendment (No. 3933) was agreed to.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

Mr. GORTON. Mr. President, I thank you.

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

Mr. GORTON. Mr. President, I thank my friend from Alaska for the use of this time, and I appreciate the courtesy of the Senator from Texas, who is here with an important amendment, in granting me this time.

THE PILGRIM OF THE AMERICAN FARMER

Mr. GORTON. Mr. President, we have heard a large number of words and speeches on this floor, of course, in the last 2 or 3 months on the plight of the American farmer. Many called for a return to the policies of yesteryear. I am here this morning in contrast to talk about the impediments of indifference on the part of this administration to the farmers and the agricultural communities of the State of Washington, the Pacific Northwest, and all of America which can be solved simply by the administration’s willingness to care about those Americans who produce our food and fibers.

So in the classic way that we give lists of 10, I will start, Mr. President, with number 10, the Interior Columbia Basin Ecosystem Management Program. By the time this hearing was held 4 years ago, to have lasted 1 year would cost $5 million, which is now approaching $40 million in 4 years, and has antagonized
all of the private interests in the Interior Columbia Basin, all of the Members of Congress who represent any part of that basin, but the continuance of which is demanded by the President as the price of signing an appropriations bill for the Department of Interior.

I held a field hearing on this subject in Spokane, WA, with unanimous or near unanimous opposition to the program as it is being conducted at the present time. Both the bill that I am in charge of and the bill that has already passed the House of Representatives dramatically changes and minimizes that program.

At the behest of this administration, however, a Seattle Congressman put up an amendment to restore the program to its present pristine size. Every Member of the House of Representatives representing any part of the Columbia Basin voted against that amendment, and yet the administration continues to demand that all of the interference of private agriculture that it entails.

No. 9, the Department of Agriculture budget—welfare over farmers. Two-thirds of the Department of Agriculture earmarked for food and welfare programs. The essential research conservation and on-the-ground farmer programs get lost in the shuffle. Only when there is a crisis does the Secretary of Agriculture pay any attention to it.

For 3 consecutive years, the administration's request for farmer programs have decreased while the amount requested for food and nutrition programs has increased. No one disputes the importance of those food and nutrition programs, but we cannot very well feed America without providing the funding and infrastructure necessary to enhance the production of the most healthy, abundant, safe and inexpensive crops in the world.

No. 8, Columbia-Snake River dams. The President's Council on Environmental Policy of the Department of the Interior had made it quite clear that major dam removal is very high on their agenda of courses of action for the Columbia and Snake Rivers. The Columbia Basin in eastern Washington, in eastern Oregon, and in Idaho, was literally a dust bowl until the introduction of irrigation. Without it, those States would not lead the country in apple production, asparagus, and potato production.

The Columbia Basin is a cornucopia for the Nation's food supply. Dam drawdown or removal would shut down agriculture in the region. In addition, of course, the rivers provide the avenues of transportation to get those agricultural products to market, a transportation system that would be destroyed by dam removal.

No. 7, China's trade policy—Washington wheat farmers seem not worth helping by this administration. For more than 20 years, China has refused to import Pacific Northwest wheat because of unfounded, non-scientific phytosanitary reasons. They call it "TCK smut." TCK smut has never been detected in Washington wheat. It does exist; however, in the fields of our wheat-growing counterparts—Canada, France and Germany; but China import barriers are also put up and, of course, those rivers provide the avenues of transportation to get those agricultural products to market, a transportation system that would be destroyed by dam removal.

The administration seeks a new set of trade relations with China. The President went to China. The President, in order to keep peace with China, only, not seeming to mention trade barriers, ignores the plight of our wheat farmers in the Pacific Northwest. His first priority should be to get that barrier lifted.

No. 6, repeated efforts to eliminate agricultural research. For the past 2 years, the administration has recommended zeroing out all of the national regionally based agriculture research programs. These programs conduct research necessary to all food-producing regions of the country. The administration's insistence in minimizing these programs is ludicrous. Obviously, cotton research cannot and should not be conducted in eastern Washington; and red delicious apple research is not conducted in Mississippi.

These regional programs have bolstered our already strained land grant education university programs. They are absolutely essential, and yet the administration would wipe them out.

No. 5, no movement on fast-track trade with those who have the authority. Fast-track is essential to establishing trade relations with Chile. Currently, the United States exports face an 11-percent tariff in that country, giving our competitors an 11-percent advantage.

Yet, because of objections from members of his own party, the President has abandoned the cause of fast-track trade authority.

No. 4, the agricultural labor shortage—not our problem. The administration insists on ever more rigid environmental roadblocks and headaches for farmers from Washington State all across the United States to Florida.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Ed Fienga from my staff be allowed on the floor during the debate on the defense appropriations bill.

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 397

(Purpose: To achieve the near full funding of the Army National Guard operation and maintenance account that the Senate provided for in the concurrent resolution on the budget for fiscal year 1999 (H. Con. Res. 28), as agreed to by the Senate, and to offset that increase by reducing the amount provided for procurement for the F/A-18E/F aircraft program to the amount provided by the House of Representatives in H.R. 4163, as passed by the House of Representatives.

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.)
Mr. FEINGOLD. Mr. President, my amendment would allow the National Guard to almost fully fund its operation and maintenance, or O&M account, for the coming fiscal year. This year’s Defense Department budget request left the National Guard with a $634 million budget shortfall, including a $450 million shortfall in the Guard’s O&M account. This request fell on the heels of a $743 million shortfall for the current fiscal year. I think these shortfalls are理解e and unacceptable.

Fortunately, also, Houses of Congress have acted more responsibly in funding the National Guard. Even with the improvements from both Houses, though, the Senate appropriations bill we are currently considering leaves the Guard’s operation and maintenance account $225 million short. The House bill leaves an even greater gap of $317 million. My amendment would add $220 million to the National Guard’s O&M account, leaving just a $5 million shortfall to that account.

According to the National Guard, shortfalls in the operation and maintenance account compromise the Guard’s readiness levels, capabilities, force structure, and end strength. Failing to fully support these vital areas will have a direct and indirect effect. The shortfall puts the Guard’s personnel, schools, training, full-time support, and retention and recruitment at risk. Perhaps most importantly, however, I know firsthand that it is eroding the morale of our citizen-soldiers, as I have had the opportunity to visit some of the armories in Wisconsin and have heard this concern firsthand.

With that in mind, 26 State adjutants general—a majority of the adjutants general in this country—have contacted my office to voice their support for this amendment. The leaders of the National Guard units in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas’s 24, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wyoming, and my own home State of Wisconsin support my amendment. I would like to thank them for their dedication and support, and I hope we decide to heed their call for support of the National Guard.

Mr. President, in spite of the National Guard’s budget concerns, the administration continues to deliver insufficient budget requests given the National Guard’s duties; yet, the administration increasingly calls on the Guard to handle some very wide-ranging tasks. These shortfalls have an increasingly greater effect given the National Guard’s increased operations burden. This is as a result of new missions, increased deployments, and training requirements, including the missions in Bosnia, Iraq, and Afghanistan.

As I am sure my colleagues know by now, the Army National Guard represents a full 34 percent of total Army forces, including 55 percent of combat divisions and brigades, 40 percent of combat support, and 25 percent of combat service support; yet, the Guard only receives 9.5 percent of Army funds.

To offer a comparison with other Army components, the National Guard received just 23 percent of the funding, as opposed to the Active Army’s 80 percent and Army Reserve’s 81 percent. I think it is time we move toward giving the National Guard adequate and equal funding. This amendment would provide an equal set of funds for the National Guard, and the National Guard is the Nation’s only constitutionally mandated defense force.

Not only have we failed to invest fully in the National Guard, we have failed to achieve the bargain in the Defense Department. That should not come as a surprise, however. DOD has never been known as a frugal or practical department—from $436 billion to $634 billion were projected. That is unacceptable. The National Guard is the Nation’s only constitutionally mandated defense force.

In this regard, the National Guard fits the bill. According to a National Guard study, the average cost to train and equip an active duty soldier is $73,000 per year, while it costs only $17,000 per year to train and equip a National Guard soldier. The cost of maintaining Army National Guard units is just 23 percent of the cost of maintaining active Army units. It is time for the Pentagon to recognize this about lack of funding and begin using their money a little more wisely and efficiently.

Finally, my amendment doesn’t terminate any program, nor does it create unsupported cuts to existing programs. This amendment merely follows the recommendation of the other Chamber.

Early this year, the House overwhelmingly supported DOD authorization and appropriations bills that provided $33.6 billion to procure 27 Super Hornet aircraft. I think, and the General Accounting Office thinks, that is actually far too much money for a plane that provides only marginal benefits over the current, reliable Hornet. But it is better than the $2.8 billion for 30 Super Hornets that the bill contains. I think we should follow the prudent lead of our colleagues in the other body on this issue.

Mr. President, I ask unanimous consent that the text of the House National Security Committee’s report on its fiscal year 1999 DOD authorization bill, which specifically addresses the Super Hornet, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

F/A-18E/F

The budget request contained $2.78 billion for 30 F/A-18E/F aircraft and $104 million for advanced procurement of 36 aircraft in fiscal year 2000.

Based on the results of the Quadrennial Defense Review (QDR), the committee notes that the Department has reduced the total procurement objective from 1,000 to 548 aircraft and has also reduced procurement in the next three fiscal years. The committee notes that the Department plans to request increases of six aircraft per year for each of the next three fiscal years unless the production rate of 48 aircraft per year is attained in fiscal year 2002. However, for fiscal year 1999, the requested increase from fiscal year 1998 is six aircraft.

The committee is also aware that the Department has increased the number of low rate initial production (LRIP) aircraft in fiscal 1998 from 20 to 26. The Department’s Selected Acquisition Reports indicate that both its initial plan of 42 LRIP aircraft and its current plan of 62 LRIP aircraft were predicated on a procurement objective of 1,000 aircraft. The committee notes that the Department has reduced the total LRIP objective from 1,000 to 548 aircraft and has also reduced procurement in the next three fiscal years.

In this regard, the National Guard fits the bill. According to a National Guard study, the average cost to train and equip an active duty soldier is $73,000 per year, while it costs only $17,000 per year to train and equip a National Guard soldier. The cost of maintaining Army National Guard units is just 23 percent of the cost of maintaining active Army units. It is time for the Pentagon to recognize this about lack of funding and begin using their money a little more wisely and efficiently.

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Mr. FEINGOLD. Mr. President, I would like to quote the chairman of the House Military Procurement Subcommittee, DUNCAN HUNTER. Speaking of the National Security Committee's Super Hornet procurement decision, Representative HUNTER said, "We think it's a rational, responsible reduction, a balanced reduction."

Mr. President, it is time we prioritized this Nation's defense needs. The National Guard provides a wide range of services, from combat in foreign wars to domestic help within our communities in emergencies, all at a fraction of the cost of the Active Army. The National Guard needs and deserves our full support. And it is for that reason that I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second.

There are the yeas and nays ordered.

Mr. STEVENS. Mr. President, I intend to divide this amendment. Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I would like to commend the Senator from Wisconsin for presenting this amendment. I would have to speak against that.

It is true that the budget request submitted by the administration for the National Guard had a shortfall for O&M, the Guard operating and maintenance account. The amount of about $770 million. On our chairman's initiative, we placed an amount of $320 million to make up for part of the shortfall.

In addition to that, the administration had zero dollars for procurement of new equipment based upon the philosophy that if the regular services, the Regular Army, purchases equipment, some of the leftovers may go for the Guard. We did not concur with that. We appropriated $390 million for the Guard to get new equipment.

Having said that, Mr. President, I believe it should be noted that every service, every component of every service, is faced with shortfalls. There is a shortfall for the Navy, as Mr. Feingold has pointed out. We would like to have more steaming time. They want their ships to be out there for maneuvers. We can't do that. The Army Tank Corps would like to have more petroleum and gasoline so that the men who drive these tanks may get more training and be ready for combat, if such is necessary. Artillerymen would like to have more ammunition for firing range practice.

Mr. President, we have the sad chore of trying to balance all of the accounts and, at the same time, realizing that if this Nation is to continue being the superpower of the world and thereby deter any nation from any mischievous action, we have to provide funds to modernize. The amounts that may be affected by this amendment would stop the modernization program.

Mr. President, although I agree that the Guard should be receiving much more, I will have to concur with my chairman's action when he moves to table this.

Thank you.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have had a series of visits with the Joint Chiefs of Staff. I particularly recall the discussion I had with Secretary of the Navy John Dalton and with Admiral Johnson. There is no question that the Navy representatives have informed our committee that full F/A-18E/F funding is the administration's top appropriations priority for defense and the Navy.

This amendment would take these funds from that priority, the F/A-18E/F, and move it to the National Guard.

We have added, as I stated this morning, $95 million to augment the Guard and Reserve personnel accounts. We have added for the Guard and Reserve operation and maintenance funds an additional $225 million.

Finally, we added $450 million to the Guard and Reserve procurement account.

I have to tell the Senator we have exceeded the requests in many instances. We added almost $1 billion in the zero budget for the Guard and Reserve priorities.

Furthermore, the F/A-18E/F is just entering production. The Senator's amendment will seriously disrupt the production program, and substantially increase the unit cost, if the Senate approves this amendment. To me it does not make common sense to increase the cost of the F-18, the Navy's top priority plane, which we must buy to meet the Navy's previously approved program requirements. We have helped the Guard and Reserve. I do not think we should punish the Navy in order to help them any more.

If the Senator wishes to make any comments, I yield to him for those comments.

I intend to make a motion to table his amendment. But before I do that, I ask unanimous consent that, on any votes that are laid aside in order to join the priority list that is already in existence under the Guard and Reserve the common procedure of a minute on each side be the procedure for this bill: That there be 2 minutes equally divided on any vote that occurs on this bill to be held on the O&M account for a later time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me say that all of the Senators who have spoken in opposition to this amendment are not only very sincere in their support of the National Guard but they have demonstrated in committee a serious concern about invoking the yeas and nays. They have gone a long way to make sure that we have less of a shortfall than was originally occurring. That is encouraging. However, as was admitted by those opposed to this amendment, the Senate will still have a $225 million shortfall in the O&M account at the National Guard. This is a serious shortfall.

I am not suggesting that we remove this funding from vital areas, but this is about priorities within the defense budget that is not a dramatic reduction in those planes. I am simply saying we take what has already been passed in the House; that is, instead of having 30 of the Super Hornets, we procure 27—3 fewer. For three fewer of these planes, we could fully fund the National Guard O&M account.

This is not an attempt, as the Senator from Alaska, suggested, to seriously disrupt the production of the Super Hornet. Very candidly, Mr. President, if I were to do that, because the General Accounting Office has pointed out that the Super Hornet is not substantially better than the current plane, it is going to cost $17 billion more than the current plane. That is a huge amount of money, which is not what this amendment does. All this amendment does is say let's adopt what the House did, which is have 27 Super Hornets instead of 30, and use the money that is saved to fully fund the National Guard, or virtually fully fund the National Guard O&M account.

Mr. President, these shortfalls for the National Guard are serious. I have had the opportunity to visit armories in Oak Creek, Wisconsin, and Appleton, Wisconsin, and spend a fair amount of time speaking to the officers and the guardsmen and guardswomen who are trying so hard to do the job that they are expected to do, constituting 34 percent of our current Army's strengths and resources. They are having morale problems. Otherwise, why would 26 adjutant generals in this country write in support of this amendment? They are very concerned.

Mr. President, my amendment is simply about priorities. It is a modest reduction in the number of these Super Hornets that are going to be procured, and in return for something that is far more vital at this point. And that is by providing the O&M account for the National Guard.

Mr. President, in light of the fact there will be a motion to table at some
point. I strongly urge my colleagues to put these modest resources in the National Guard, which supports our Army and which exists in our communities in every one of our States, rather than three more airplanes that, frankly, have never been proven to be substantially better than the current planes that have done a good job in the Gulf war and other situations.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, if there is no further debate on this matter, I would like to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. STEVENS. I now ask that that amendment be set aside.

Is the standing order that all of the votes we ask for the yeas and nays on prior to 2 o'clock will be automatically set aside?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

AMENDMENT NO. 3398

(Purpose: To limit the use of funds pending establishment of the position of Deputy Under Secretary of Defense for Technology Security Policy)

Mr. KYL. Mr. President, if it is in order, I would like to send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. KYL. And ask for its immediate consideration.

The bill clerk reads as follows:

The Senator from Arizona (Mr. KYL) proposes an amendment numbered 3398.

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

The PRESIDING OFFICER. The amendment to the minority and other committees affected. He is at liberty to amend the amendment right of way. I will go ahead and describe the amendment but do it briefly and then, when the chairman is ready to proceed with other business, lay it aside and handle it in that fashion, if that is agreeable with the chairman.

Mr. STEVENS. Fine.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, in that event, let me first ask unanimous consent that two fellows from my office, John Rood and David Stephens, be granted floor privileges for the debate on this matter.

Mr. KYL. I thank the Chair.

Mr. President, I will describe this amendment briefly.

Frankly, this came out of the revelations concerning the alleged transfer of certain technology to the Chinese Government as part of the process of launching American satellites on Chinese rockets, the so-called Loral-Hughes matter. But it really goes beyond that. It is a question of whether or not the Defense Department has in process an adequate way of reviewing the requests for export licenses and the conditions attached to those licenses to ensure that national security is not jeopardized.

That role has in the past been played by an agency of the Defense Department called the Defense Technology Security Agency. It goes by the name of DTSA for the people who understand it. The point of this memorandum is to ensure that DSAT will continue to have a prominent role in the evaluation of export licenses and the kinds of conditions that would be attached to them.

In fact, we ensure as a result of this amendment that the role is prominent by restoring the position of the Deputy Under Secretary for Technology Security Policy within the Office of the Under Secretary of Defense for Policy, and thereby ensure, as I say, a prominent role for this agency. The Deputy Under Secretary would have access to both the Under Secretary of Policy and the Secretary of Defense himself.

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This is important, Mr. President, for the following reasons:

No. 1. DSAT is the single agency in the Government reviewing the national security implications of an item for export.

No. 2. DSAT coordinates input from the services, military branches, the Joint Chiefs and the defense agencies;
No. 3, DTSA routinely supports the Department of State in its investigations of these matters;

No. 4, creating a Deputy Secretary of Technology Security will ensure that the Department of Defense is represented at sufficiently high levels in the interagency meetings that occur to discuss these export licenses.

And, finally, providing the Deputy Under Secretary with the authority to interact directly with the Secretary of Defense will enable the Deputy Secretary to bring items of immediate concern directly to the Secretary to discuss with the Secretary of Commerce and the President.

The Department of Defense is the only agency with the expertise, the personnel, and the ability to assess the impact of exports on the national security of the United States, and this ought to be our No. 1 concern. The Persian Gulf, of commerce, could have proved to the United States maintaining a technical edge on the battlefield. Maintaining that edge in the future is dependent upon keeping sensitive technologies out of the hands of potential adversaries.

Questions regarding the appropriate role of the Department of Defense in considering exports of dual-use items have obviously been of concern for a number of years. But, as I said, the alleged transfer technology to the Chinese Government has really elevated this concern to the point that there are those of us in Congress who want to ensure that the Department of Defense continues to have an important role here.

Early in the 1990s, Congress examined the problems with export control and how it was possible that American companies, with the knowledge of the Department of Commerce, could have contributed to the Iraqi arms buildup, as we know occurred. We learned, for example, that between 1985 and the imposition of the U.N. embargo on Iraq in August of 1990, the Department of Commerce approved for sale to Iraq 771 export licenses for dual-use goods. Some of these sales involved technologies that very probably helped the Iraqis develop ballistic missile, nuclear, and chemical weapons. In some cases, Commerce approved the sale over strong objections from Defense or without even consulting the Department of Defense at all.

In 1994, the Export Administration Act of 1964 was dissolved, leaving no overarching legal forum to guide the export control policies of the United States. Export controls were at that point directed by Executive order. And this resulted in relaxed control over export of security-related equipment and technologies. The GAO has documented potential problems with changes that occurred in 1996 and with the Department of Commerce retaining the primary responsibility for oversight of important national security equipment or technology.

Let me just give a couple of examples here. On September 14, 1994, the Department of Commerce approved an export of machine tools to China. The tools had been used in a plant in Ohio that produced aircraft and missiles for the U.S. military. Some of the more sophisticated machine tools were diverted to a Chinese facility engaged in military production, possibly cruise missile production.

Under current referral practices, the majority of applications for the export of categories related to stealth are not sent to the Department of Defense or the Department of State for review. Without such referrals, it cannot be ensured that export licenses for militarily significant stealth technology are properly reviewed and controlled.

A third example: Commercial jet engine hot section technology was transferred to the Department of Commerce in 1996. Defense officials are concerned about the diffusion of technology and the availability of hot section components that could negatively affect the combat advantage of our aircraft and pose a threat to U.S. national security concerns. So the Defense Department must have an active role and a strong position in advising the President about the national security implications of expanded export of important dual-use technologies. In order to do this, the Secretary of Defense must have the best advice available. This amendment will ensure that Secretary Cohen and all subsequent Secretaries have that advice.

Mr. President, at the appropriate time I hope we can engage in further discussion of this to ensure that the national security of the United States is not impaired. At this time, unless there is anyone else who would like to discuss it, I am happy to have the chairman or the ranking member move to other business.

Mr. STEVENS. Mr. President, I ask this amendment be set aside for later consideration so we may have consultation with other committees and Members involved in this subject. We did not have this on our list and have not distributed it until just now. I ask unanimous consent that it be put aside until other Members have a chance to review it.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, we have had a brief debate. The manager of the bill, the chairman of the committee, has moved to table the Feingold amendment. I want to add my comments to the debate on that issue.

This is an amendment which I strongly oppose and I urge my colleagues on both sides of the aisle to oppose it. This is part of a continuing campaign of harassment against the Navy’s No. 1 program, the No. 1 program of the U.S. Navy, this campaign has had a long, and to date totally unsuccessful, history. We all know the problems in the court systems when individuals flood the courts with frivolous lawsuits. We, in providing procurement funds for the Navy, have had a string of what I consider to be less than good-faith, responsible amendments directed at this program.

The amendment before us purports to cut funds from a Navy procurement program and earmark them for the National Guard operations and maintenance fund. As a long-time and strong supporter of the National Guard, I recognize the limited funding the Guard has, and I have been advised by my colleagues, the chairman and the ranking member of the Defense Appropriations Committee, and the Senator from Kentucky, my cochairman of the National Guard, that the Guard component of the total force.

But I do not believe that pitting one service against the other, raiding the Navy’s No. 1 procurement program, is the way to fill that funding requirement. This amendment is not a step forward for good government. It has been proposed for no other reason than as a reckless assault on a program which has successfully cleared every production hurdle with room to spare. I have been advised by General Edward Philbin, Executive Director of the National Guard Association of the U.S., that NGAUS is not supporting this program because, among other things, it would simply create problems, and it is a sad day when some Members, for reasons known to themselves, would wish to pit the National Guard against the Navy. I think it is irresponsible and could lead to services raiding each other’s accounts to achieve an individual Senator’s political goals.

In January of 1997, the Senator from Wisconsin led an effort to terminate
the F/A–18E/F. He failed. Since then, he has continued what appears to be a vendetta against the program, and now his intent is slowly to drain the money from the aircraft by continuing a plan to reduce the number of aircraft and the funding available, to make a full-scale production decision nearly impossible.

When you talk with the people in the Navy who know what their needs are, who know what the future of naval aviation will insist, and they will tell you that this is the airplane that they must have. If we want our men and women in naval aviation to carry out the missions we demand of them, then we have to provide them the modern, up-to-date, efficient aircraft. Technologically superior, that the E/F F–18 gives us.

I remember full well several years ago when the distinguished ranking member of this committee, the Senator from Hawaii, said, "We don't ever want to send fighting men and women into a battle evenly matched. We want to send them in with the technological superiority, the training, and the capability and resources to make sure they win."

Mr. President, that is what the 18E/F gives us. It gives us that technological superiority. It gives us the ability to make sure we have the best chance possible of bringing our naval aviators home safely, having accomplished their mission.

The F/A–18E/F has already been scrutinized in the Quadrennial Defense Review. It has been scrutinized by the National Defense Panel. It has undergone GAO study after GAO study. It has been tested by pilots at the Patuxent River Naval Air Station and the Naval Air Weapons Station, China Lake. It has accumulated 27,497 test flight hours, over 1,800 flights, and numerous aircraft carrier landings. It has never had a catastrophic failure. I wish the political air programs could meet these standards. It has test fired just about every weapon the Navy might need it to carry. It is on time, it is on budget, and it needs to get underway.

I ask my colleagues, if they have any question about the value of this plane, ask somebody who flies one. Ask somebody who has had the opportunity to fly it. Ask somebody who we are sending in harm’s way, asking them to fly a fighter aircraft. If they are airmen, ask them how important it is to carry out their mission and to come home safely. If you will ask the naval aviators, whose lives are on the line, to carry out their mission and to come home safely, having accomplished their mission, ask them how important it is to carry out their mission and to come home safely.

My amendment to increase funding for the National Guard is simply that; an amendment to correct most of a dangerous sliding for the National Guard’s operations and maintenance account. To raise as little controversy as possible in finding an offset to the funding increase, I chose a provision already agreed to by the other chamber. Now, in this amendment, instead of funding procurement of 27 Super Hornets in FY99, the body authorized funding for the identical amount.

In speaking to the reduction, Chairman of the Senate Military Procurement Committee and the ranking member to table this unwise amendment. I thank the Chair. I yield the floor.

Mr. FEINGOLD. Mr. President, the distinguished Senator from Missouri states that my amendment is a "reckless assault" on the Navy's Super Hornet program. This could not be further from the truth.

My amendment to increase funding for the National Guard is simply that; an amendment to correct most of the dangerous sliding for the National Guard's operations and maintenance account. To raise as little controversy as possible in finding an offset to the funding increase, I chose a provision already agreed to by the other chamber. Now, in this amendment, instead of funding procurement of 27 Super Hornets in FY99, the body authorized funding for the identical amount.

In speaking to the reduction, Chairman of the House Military Procurement Committee, DUNCAN HUNTER said, "We think it’s a rational, responsible reduction, a balanced reduction."

Does this mean Chairman HUNTER is recklessly assaults the Super Hornet program? Is Chairman HUNTER diminishing the value of the Navy's aviation fleet? Is Chairman HUNTER questioning the value of the Super Hornet? I don't think Chairman HUNTER was, or ever will be, accused of any of those things.

That's why, Mr. President, it boggles my mind why I now stand accused of all of those things. It's a plain mischaracterization of my amendment.

This amendment is not about gutting the Super Hornet program. This amendment is not about getting one service against another. This amendment is not about diminishing the Navy's aviation fleet. This amendment does not question the value of the Super Hornet.

Mr. President, this amendment is about an adequate level of funding for the National Guard and priorities in our armed forces. This amendment is about giving priority to the National Guard’s readiness levels, capabilities, force structure, and training. This amendment is about bringing the Guard's personnel, schools, training, full-time support, and retention and recruitment to adequate levels. This amendment, is about ending a slide in the morale of our citizen-soldiers. Finally, my friend from Missouri states that the National Guard Association of the United States does not support this amendment. I'm sure he has very forcefully made that case to them. I counter by saying that the association does not oppose this amendment either. In fact, a majority of State Adjutants General, 26 of them so far, have contacted my office to add their names in support of this amendment. I hope that when my colleagues draw their own conclusions from that figure. Indeed, I urge my colleagues to contact their State Adjutant General and ask them for their opinion of my amendment.

I urge my colleagues to support the National Guard, as I do. I urge my colleagues to vote against tabling my amendment.
(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”.

Sect. 9003. (a) Notwithstanding any other provision of law, the President may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue any visa to any national of the People’s Republic of China, including any official of the Communist Party or the Government of the People’s Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

(b) Notwithstanding any other provision of law, the President may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to issue any visa to any national of the People’s Republic of China for the purpose of obtaining repressive religious policies.

(c) The President may waive the prohibition in subsection (a) or (b) with respect to a national of the People’s Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

Subtitle B—Freedom on Religion in China

Sect. 9011. (a) It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China.

(b) As part of this policy, the Department of State shall 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.

(c) In its communications with the Chinese Government, the Department of State shall provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the whereabouts of individuals, the charges against them, and sentence imposed.

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government’s policy and practice of harassing and repressing religious believers.

Sect. 9012. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue a visa to any national of the People’s Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national of the People’s Republic of China described in subsection (a).

(c) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the People’s Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency’s basis for concluding that each individual under subparagraph (A) did or did not participate in such activities.

Sect. 9013. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue a visa to any national of the People’s Republic of China who carried out or directed the carrying out of any of the following policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free exercise beliefs.

(b)(1) Each Federal agency subject to the prohibition in subsection (a) shall certify in writing to the appropriate congressional committees, on a quarterly basis during fiscal year 1999, that it did not pay, either directly or through a contractor or grantee, any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of the People’s Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency’s basis for concluding that each individual under subparagraph (A) did or did not participate in such activities described in subsection (a)(2).

Sect. 9014. In this subtitle, the term “appropriate congressional committees” means—

(H) The Chinese Islamic Association.

The President went on and said:

“I say to my colleagues, today we see that there was any difference between the President and the Nation. In defending his policy before he left for China, President Clinton said:

“We see that President Clinton spoke directly to the Chinese people, at least some of them. We see the symbolic point and making a real difference, the President went on and said:

“When it comes to advancing human rights and religious freedom, dealing directly, speaking honestly with the Chinese is clearly the best way to make a difference.”
media in our country spoke of within a week of the President’s return is testimony to the failure of our policy of appeasement.

As this chart is on the floor of the Senate with that headline, “Chinese Resolutions Pass,” it stands as, I think, irrefutable evidence that the current policies failed to bring about the desired changes, the changes that we all desire in China.

They resumed arrests. A policy of appeasement works because, and yet it is not working today. Today, when a body, have the opportunity to move beyond rhetoric into real action with the amendment that I have offered.

The amendment is composed of two parts: one dealing with forced abortions and one dealing with religious persecution in China. This will have brought most of the House-passed measures last year—the Chinese freedom policy measures sponsored by my good friend and colleague, Chris Cox—this legislation and the Senate bill now to a vote in the Senate. I am glad this will have brought most of those resolutions, rightfully, as being a crime against humanity.

To中国的 and to force—to use coercion—take a woman in the seventh, eighth, ninth month of pregnancy and compel her, against her wishes, to have an abortion, that is a crime against humanity. That is why that provision in the House of Representatives passed by a vote of 415–1 last November by a vote of 366–54.

Now, what does the amendment do? It condemns religious persecution and forced abortion in China. The amendment would prohibit the use of American funds, appropriated to the Department of State, the USIA or AID, to pay for the travel of Communist officials involved in promoting worship or religious persecution.

So where there is credible evidence that these officials are engaged in these horrendous practices, they would be denied visa approval, they would be denied travel funds by the United States government, by the American taxpayer. It would deny visas to officials engaged in religious persecution and forced abortion.

The amendment would force the Department of State to raise, in every bilateral and multilateral forum, the issues of individuals in prison, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. It simply means that we are going to require our diplomats, when engaging in bilateral and multilateral discussions, to raise these important issues of religious persecution and forced abortions so that that discussion and our concern—the concern of the American people—is reflected by our diplomatic corps.

This amendment would make freedom of religion one of the major objectives of the United States foreign policy with respect to China.

And lastly, concerning religious persecution, this amendment would demand that Chinese Government officials provide the United States State Department with the specific names of individuals, the individuals whose activities those individuals, the charges against them, and the sentence that it imposed against them.

So individuals who have been arrested and incarcerated because of their faith, because of their religious practice, we would demand that the Chinese Government provide information about the condition, the whereabouts of those individuals and how long the sentence was. The same would be applied to those engaged in forced abortions.

Mr. President, since the founding of the People’s Republic of China almost 50 years ago, the Government has savaged and persecuted religious believers and subjected religious groups in China to comprehensive control by the state and the Chinese Communist Party.

The head of the state’s Religious Affairs Bureau said in 1996—and I quote the head of the Religious Affairs Bureau in China—‘‘Our aim is not registration for its own sake, but control.’’ Let me say that again. He said, ‘‘Our aim is not just registration, but control over places for religious activities as well as over all religious activities themselves.’’

So people say there is religious freedom in China, that they only require registration, please realize, the purpose of that registration is to control religious activities in China, an effort that they have been quite successful at. So religious organizations today in China are required to promote socialism and ‘patriotism’ while the massive state party propaganda apparatus vigorously attempts to promote atheism and combat what they call superstitions.

Mr. President, the Chinese Government, the Communist Party, have in recent years intensified efforts to expel religious believers from the Government, the military, and the party, ordering national and local congregations to organize a purge of believers in January of 1995.

I am very concerned about the mounting campaign of religious persecution being waged by the rulers of China. I believe this amendment is the least we can do. I believe my colleagues have said that using trade policy is the wrong instrument in dealing with the repressive practices of the Chinese Government. I understand. In fact, I am sympathetic to that argument.

I never thought that most-favored nation status was the best tool that we had, and yet when we come with a proposal like this, one that I have visited with Senator Wellstone about, and my colleagues when we come with one that denies visas and denies travel and per diem for those involved in these terrible practices, then I hear people saying that is the wrong tool to use. It would be best, I argue.
Catholic believers, but most obviously among Buddhist believers and the followers of the Dalai Lama. The repression ranges from ransacking homes in Tibet in search of banned pictures of the Dalai Lama to the closing and destroying of other Buddhist shrines. And last spring, so the repression is real. And religious faith of all persuasions is in revival in China, but it is in revival in the face of intense persecution by the Chinese Government.

I want briefly to speak of the practice of forced abortions that are going on in China today. I believe that this is a practice that is indefensible by any civilized human being. In their effort and attempt to reach a 1 percent annual population growth, the Chinese authorities, in 1979, issued regulations that provided monetary bonuses and other benefits, as incentives, and economic penalties for those who would have excess children. They subject families in China to rigorous pressure to end pregnancies and to undergo sterilizations. And while the Communist Chinese Government today says that coercion is not an approved policy, they admit that it goes on. They provided the State Department any evidence that they are punishing the perpetrators of that terrible practice of coerced abortions and forced sterilizations in China today.

Even more tragic is their effort to eliminate those they regard as "defective." China's eugenics policy, the so-called natal and health care law, requires couples at risk of transmitting disabling congenital defects to their children to undergo sterilization.

So the practices continue in China; the abuses continue in China. This amendment is the very least that we can do in clear conscience. I have faith that my colleagues are going to support this amendment. I think it is something that is so essential that we do. This practice of coerced abortions—and, may I add, the practice of persecuting believers, religious believers—is morally reprehensible and indefensible.

It is clear, as well, that the desired changes that the policy of so-called constructive engagement has sought has failed.

I once again point to this headline in the Washington Post, which was, in various forms, the front page story all across this country this month: "Chinese Resume Arrests"—that in the wake of our President's visit to China. So please look at the temperate tone of these amendments. Realize that the substance is simply denying visas, travel expenses, if you will, American-taxpayer-subsidized travel, in recognition of those who the State Department, the Secretary of State, has credible evidence indicating that they are involved in these inhumane practices. I ask my colleagues to support this amendment when we vote this afternoon.

Mr. President, I yield the floor.

Mr. WELLSSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSSTONE. Mr. President, first of all, let me say that I am very proud to join with my colleague, Senator HUTCHINSON from Arkansas, in offering this amendment. Let me say, secondly, that the amendment does not agree on all issues—-that may be the understatement of the year—we do have a common bond in our very strongly held views and, I think, passion when it comes to human freedom and the freedom of our countries and respect for human rights.

At the beginning, I would like to just start out by doing two other things before speaking right to the amendment.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Linn Schulte-Sasse, who is an intern with our office, be allowed to be on the floor during the debate on this appropriations bill.

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

Mr. WELLSSTONE. I think my colleague from Arkansas will agree with me, it would be important, given this topic, given this debate, given this discussion, to mention Aung San Suu Kyi from Burma, a woman who just wanted to go to a meeting. That repressive junta Government would not let her do so. She spent 5 days in her car, refusing to leave, before she could go to this meeting. She never could get to the meeting that he wanted her to go to. It reminds us, again, of the repression of this regime.

I hope that these junta leaders understand that all of us in the Senate, Democrats and Republicans alike, abhor their actions. From my point of view, we can’t do enough as a country to isolate that repressive Government.

The core value that brings my colleague from Arkansas and the Senator from Minnesota together here today is freedom. I think that there is no better way to speak to this than to examine our relationship with the Government and 1.2 billion people in China.

I am concerned that the administration’s “carrots only” policy has not worked well enough when it comes to accomplishing this goal of promoting freedom in human rights. I believe that the limited steps that the Chinese Government has taken to lessen political persecution has been when there has been American pressure. These included the prospect of a human rights resolution on China at the U.N. Commission on Human Rights in Geneva and the debate over annual MFN renewal. All of this has been important in communicating a strong statement to this Government that they are under our watchful eye, and that we speak out against persecution against people because of the practice of their religion or of their political viewpoint.

I had reservations, I have reservations about the June summit between the President and President Jiang Zemin. I had hoped that there would be concrete results. I always believed it would have been better if the President had laid out clear human rights preconditions before visiting China. Having said that, I was still very hopeful that this visit would make a difference.

Will China release political prisoners? Will they put safeguards in place for the right of free association of workers, beginning a process of abolishing the arbitrary system of reduction through labor? Will they lift their official blacklist of prodemocracy activists now abroad who can’t return to China?

I fear that what we have seen so far by way of agreements announced in Beijing are merely symbolic in nature. Today, Secretary Albright reported that Chinese dissidents are continuing to be rounded up. For example, last Wednesday the police arrested Zhang Shuangguang, a prominent dissident, who had already spent 7 years in prison for helping a fellow activist to escape from China.

For President, I ask unanimous consent for having good relations with the Government, I am all for making sure that we have economic cooperation. I understand the market that is there. But I join with my colleague, Senator HUTCHINSON, in introducing this amendment, to say that whatever we do by way of our relations with China, we ought not to sacrifice a basic principle that we hold dear as a country, which is a respect for human rights and for human freedoms of peoples.

This amendment started out to do three things. One will be taken care of in an amendment by my colleague, Senator ABRAHAM, which will increase the number of U.N. diplomats at the Beijing Embassy assigned to monitor human rights and add at least one human rights monitor to each U.S. consulate in this vast country. That is an important amendment. I hope my colleagues will support it.

Second point, I think the point to make is that our amendment is divided into two parts. First, our amendment will demonstrate our commitment to religious freedom by banning travel to the United States by any Chinese official who has engaged in religious persecution. While membership in religious groups is increasing explosively in China, the Government continues to persecute, continues to persecute, Muslims, Uighurs, Tibetan Buddhists and Christians.

We will harsh prison sentences and violence against religious activists still occur, state control increasingly takes the form of a registration process. This
is the way the Government monitors the membership in religious organizations.

According to the State Department’s reports, Chinese officials have conducted a special campaign against all unauthorized activities by Christians. This included police detaining people, beating, and fining members of the underground Catholic Church in Jiangxi Province, and raiding the homes of bishops. That is what is happening in this country.

The bill also carried out a major purge of local officials in certain heavily Muslim populated areas, and targeted again “underground” Muslim activities. The Government has banned the construction or renovation of 130 mosques, and arrested scores of Muslim dissidents.

In Tibet, human rights conditions remain grim, and have gotten worse this past year. Tibetan religious activists face “disappearance,” or “communicado,” with no news of imprisonment, torture, and brutal treatment in custody.

Finally, this amendment, second part, demonstrates the abhorrence of the United States over the practice of forced abortion and sterilization. It targets officials involved in the coerced sterilization and forced abortion of Chinese women to undergo abortions and sterilization and bans their travel to the United States of America. Chinese population control officials, working with employers and work unit officials, routinely monitor women’s menstrual cycles. They subject women who conceive without Government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines—in one province, twelve a family’s gross annual income—to loss of employment, and in some cases to the use of physical force.

Some people argue that we cannot influence China, that the country is too large, too proud, and that change takes too long. Religious persecution, forced sterilization, forced abortion, people trying to speak out on behalf of their own human rights, all of these citizens have thanked us for helping to keep them alive by focusing attention on their plight and for fighting for reforms.

We cannot give up. We must continue to pressure China on these urgent matters. I urge my colleagues to support this very reasonable amendment, and I think Senator Hutchinson sends a very special designation for enemy alien.

Mr. INOUYE addressed the Chair. Mr. President, I realize that standing and speaking in opposition to some of my colleagues and my constituents. I also realize that my chairman will rise to table this amendment at the appropriate time. But I believe that something has to be said as to why some of us oppose this amendment.

Mr. President, we are blessed to be able to live in a great country. We just celebrated the 222nd anniversary of our birth. We have had a very illustrious and a glorious history. Yet, there are many chapters in our history that we would prefer not to discuss; we would prefer to just pass them over. The countries that we are speaking up against in Southeast Asia and Asia do not have a 222-year history. Yes, they have been around for 4,000 or 5,000 years, but keep in mind that most of these countries have been under the yoke of some European power until just recently. Indonesia, until the end of World War II, was under the control, and therefore a colony of, Holland. China has been involved in varying activities in these countries. The Japanese have been there; the British have been there; the French, the Russians—and Americans.

North Korea had been under the control of the Japanese up until World War II. The Philippines was our colony until the end of the war.

Our country is blessed with resources—all of the minerals that we need, all of the chemicals we need to make us the No. 1 high-tech country in the world, the most powerful military country in the world. These other countries are still struggling. I don’t think we can expect these nations who are going through the evolutionary stage of just 50 years, as compared to our country, to impose and demand that our will be carried out.

We should remind ourselves that we, the people of the United States, and the Supreme Court of the United States have said that slavery was constitutional. That wasn’t too long ago. And there are many fellow Americans who are still showing the effects of slavery to this day. Well, we pride ourselves on human rights, but hardly a day goes by when we don’t see statistics of this kind in the world. For example, I am vice chairman now of the Indian Affairs Committee. The things we are confronted with on a daily basis in this committee are sickening. For example, the unemployment rate in the Nation is less than 5 percent. The unemployment rate in Indian reservations today is over 50 percent. In some reservations, it is as high as 92 percent. Yes, there are reservations that are doing well—doing very, very well. But most of the 550 tribes are not doing very well.

When you look at health statistics, they are worse than Third World countries. They are worse in cancer, worse in respiratory diseases, worse in diabetes. And this happens in these United States. And if some other country should condemn us for this, we would stand up as one and say: It is none of your damn business.

Mr. President, the question before us is. Do we contain and do we isolate China—a nation with a population of over one-fourth of the world’s population? They have problems, as much as we have problems. The question is, do we pressure them, ignore them, do we try to press them until the end of the war.

We seem to have done pretty well in doing this with the Soviet Union. We are told that the cold war is over now, that the power the Soviet Union had has disappeared. But these things have happened to us, to the nations that we are dealing with, and to the Chinese, these other countries. We have a history, we have a purpose, and we have a policy of engagement. We cannot give up on engaging these countries.

And to all of these other countries. The Japanese have been there; the British have been there; the French, the Russians—and Americans. The Philippines was our colony until the end of the war.

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that we don’t wish to look at, because, if we start looking back to these chapters, you will find that we have gone through this painful evolution.

So I am telling my colleagues that this is not a simple amendment. It is an amendment that the Senators require deep thought on our part. I hope that we leave it up to those who we rely upon in our State Department to do the best. We can always watch what is going on. Yes, they have forced abortion, and I am against religious persecution. We try to convince ourselves that there is no religious persecution in the United States. But I am certain we know that there is. Mr. President, I will be voting to table this amendment.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER (Mr. Roberts). The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, it is with some reluctance that I respond to the comments, because I have such utmost respect for the Senator from Hawaii and his distinguished career, and all that he represents.

But I just want to clarify the perspective of the authors of this amendment. The issue is not imposing American values. Frankly, we don’t and we can’t impose anything on another nation. But what we can say is that the values are important.

I think it is terribly wrong to try to make a moral equivalency argument and say that examples of religious persecution that may exist in the United States can in any stretch of the imagination be compared to the wholesale religious oppression that exists in China today.

We simply don’t have headlines in the Washington Post saying that there were “10 detained in Arkansas” because of their religious beliefs. We don’t have that in this country, and we shouldn’t. If we did there would be an outrage, and if we did we should be condemned by other nations in the world.

So the issue is not imposing American values. The issue is whether or not we as a body and we as a nation want to reflect certain fundamental beliefs and fundamental rights.

I add that these are not American values that we speak of. These are not American values that this amendment is addressing. These are human values.

They are human values.

It was not the U.S. Supreme Court that I quoted in condemnation of forced abortion. It was the Nuremberg War Tribunal that said forced abortion is a crime against humanity.

The values we cannot excuse a nation by saying they are new at this thing of freedom. No. In fact, it is not that the communist rulers of China don’t understand freedom. It is that they understand freedom all too well and they are determined to repress it.

The issue in China is control, and the Chinese Communist Government is determined to use whatever means necessary and whatever means at their disposal to insure that they maintain control, even to the point of persecuting those who might say there is a power above and beyond the power of the Chinese Government.

I say to my distinguished colleague from Hawaii that the issue is not isolation. It is certainly not isolation. There is no way that we could, even if we wished to, isolate the largest, most populous nation in the world.

It is, thought of as a country and we as a people are going to stand for something other than profits.

That is what this amendment is about. That is why I believe, I have faith, that my colleagues in the Senate will support an amendment that really reflects the best not only of American values but human values.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take 2 minutes, because I know my colleague wants to move forward.

Mr. President, the Senator from Hawaii is one of the best of the best Senators. I don’t like to be in disagreement with him. I am certainly not in disagreement with his analysis about our own history.

There is nobody who can speak with more eloquence and more integrity about injustices in our country toward minorities and violations of people’s human rights than the Senator from Hawaii. There is no question about it.

But I also believe, as my colleague from Arkansas has ably pointed out, that it is also important for other countries, and it would have been an important relation for our country to speak out.

When I think about South Africa, I think about what President Mandela said. One of the said over and over again, was when the people in the United States took action, it was when we put the pressure—not just symbolic politics—that things began to break open, and finally we were able to end the awful system of subjugation of people because of the color of their skin.

When I think even about our relations with the former Soviet Union, we were tough on these human rights violations.

I really believe that this amendment is just a very modest beginning which says, look, when you have people who are directly guilty of religious persecution, and when you have people who are directly guilty of forced sterilization, forced abortion—and even have waivers for the Presidents. But when we are saying is then let’s take this into account. They ought not to be given travel visas to our country.

This is moderate, I say to my colleagues. This is but a step forward. But there is an important message about what our values are all about, what we are about as a nation. And it supports the people in China.

This really is an important amendment. I hope that our colleagues will vote for it and will give it overwhelming support.

Mr. STEVENS. Mr. President, before I respond, I again would like to request that my amendments to come forward, and let us see their amendments.

Earlier today I said of the 46—it is now 47 amendments that we know of—that we had agreed to accept 23 of them.

My staff informs me that the difficulty is we can’t accept them because we haven’t seen the final version of them. We hope that those will be produced here so we can dispose of the amendments that are being willing to accept expeditiously with very short comments from Members.

We are going to have over 50 amendments. We are going to finish this bill by tomorrow. I advise Members and staff if they would like to have people to rest on tonight unless we get through them very quickly.

Mr. President, I have to confess to my friends, both of them who have spoken in favor of the fact that this Senator is at a loss to understand section 9012, which says that no funds can be used to pay the travel expenses and per diem for the participation in conferences, exchanges, programs, etc., of any national from the People’s Republic of China who is the head or political secretary of any Chinese Government-created or approved organization. And it lists the Chinese Buddhist Association, the Chinese Catholic Patriotic Association, the National Congress of Catholic Representatives, the Chinese Catholic Bishops’ Conference, the Chinese Protestant Three-Self Patriotic Movement, the China Christian Council, the Chinese Taoist Association, the Qing Islamic Association, and then a series of civilian and military officials and employees of Government to carry out the specific policies that are listed, such as promoting or participating in policies or actions which hinder religious activities, or the free expression of religious beliefs.

I am at a loss to understand that section. Perhaps the Senator would explain that to me.

Mr. HUTCHINSON. Mr. President, if the Senator will yield.

Mr. STEVENS. Yes.

Mr. HUTCHINSON. The officials that are listed of the various organizations that the Senator listed in the amendment are, in fact, Government employees, and Government agents.

They are those at the head of these associations. These are the registered churches that are used as tools and the agents of the Chinese Communist Government in the repression of those various groups. It does not refer to the pastors, the ministers, the priests of local congregations, but the heads of these associations which, in fact, work for the Communist Government and are those that are perpetrating the very persecution against those groups.
So while there are millions of Chinese today underground in unregistered churches, mosques, synagogues and temples, there is also the so-called Patriotic Church, the recognized church by the Government which is strictly controlled, names, addresses of worshipers to be turned into the Government. Messages that are proclaimed are closely censored by the Government. That is why those officials would be included if, in fact, the Secretary of State and credible evidence that they were practicing perpetrating religious persecution.

Mr. STEVENS. I am sad to say to my friend I don't understand that section himself and Senator MURKOWSKI, Senator BIDEN, Jr., Ranking Member, Committee on Foreign Relations; Charles S. Robb, Ranking Member, Subcommittee on Near East/South Asian Affairs, Committee on Foreign Relations; Gordon Smith, Chairman, Subcommittee on European Operations, Committee on Foreign Relations; Rod Grams, Chairman, Subcommittee on International Operations, Committee on Foreign Relations; Joseph L. Lieberman, Ranking Member, Subcommittee on International Operations and Technology, Committee on Armed Services.

[From Newsweek, July 6, 1998]

HELP "INDEPENDENT SPIRITS"—A GULAG
VETERAN APPRAISES CLINTON'S MISSION

(By Wang Dan)

President Clinton is taking a lot of heat for his decision to visit China in spite of the serious human-rights problems there. I spent seven years in prison in China for my activities in Tiananmen Square. I certainly share the view that the Chinese government must change its ways. But I also think the American president can accomplish some positive things.

It's critically important to have a broad range of contacts with China. The West should not try to isolate the communist regime or limit contact to political exchange. Washington needs to maintain dialogue on many fronts at once: economic, cultural, academic, anything that helps build civil society, which is key to defining China as independent. My country needs independent intellectuals, independent economic actors, independent spirits.

Economic change does influence political change. China's economic development will be good for the West as well as for the Chinese people. China needs Most Favored Nation trade status with the United States, and it should fully enter the world trading system. The terms of that entry must be negotiated, of course, but in any case the rest of the world must not break its contact with China.

President Clinton's visit to Tiananmen Square did not look like a sacrilege to the Chinese people. He did not step on the middle of the square, but along the side, outside the Great Hall of the People. All foreign leaders go there. Clinton was right later to mention the events of June 4, 1989. He must continue to stand up for such political prisoners as Liu Nianchun, imprisoned in 1995 for three years; Li Hai, a former student at Peking University, convicted of treason in 1994 for 19 years; and Hu Shigen, another former Peking University student who was sentenced to 20 years in 1995 for a petition for democracy. These people must never be forgotten. Nor should the routine arrest and harassment of other dissidents, which continued last week.

It's hard to say exactly what Chinese leaders think about Clinton. The scandals in Washington allegedly implicating Chinese officials only may add to their prejudices. But one thing is clear: China's leaders always view American presidents as competitors. They believe that the United States doesn't want China to grow too strong or too powerful, so they are suspicious of its motives. That made Clinton's task in China more difficult still. I wish him well.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I keep asking and requesting that Members come forward with these amendments. I have asked the clerk to bring them over. I am here now the leadership to clear a unanimous consent request that all amendments have to be filed by 4. I know it is not cleared yet, but I am again requesting that and letting people know somehow or other we are going to get these amendments. It may be that I will just have to move to go to third reading, we will have a vote to go to third reading and cut them all off.

For those people who want to go home, I will give them an avenue to get home, and that is let's just vote on this bill. But if people won't bring the amendments to us, we are going to have to take some drastic steps here to limit the number of amendments we can consider. I know that it is an extraordinary procedure, but these are extraordinary times. I would like at least to have the amendments we have said we would accept. Twenty-three Members out there with amendments I said we would accept, and they have not brought them over. I plead with the Senate to think about proceeding with this bill.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

AMENDMENT NO. 3409

(Purpose: To express the Sense of Congress that the readiness of the United States Armed Forces to execute the National Security Strategy of the United States, the U.S. Army'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;)

(17) The National Security Strategy of the United States assumes the ability of the U.S. Armed Forces to prevail in two major regional conflicts nearly simultaneously.

(18) To execute the National Security Strategy of the United States, the U.S. Army'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 under staffing squads and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has been 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 and service support specialties were filled at below 85 percent, and captains and majors were filled at 73 percent.

(21) At the 10th Infantry Division, only 138 of the 2,372 infantry squads of the 1st Armored Division were 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 the 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 Armored Division, none of the 442 tanks had full crews and were qualified, and in one of the Brigade's two armor battalions, 14 of 58 tanks had no crewmembers 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 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:

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States has been cut by over $120 billion in real terms;

(B) The national defense budget has been cut in half as a percentage of the gross domestic product;

(C) The U.S. military force structure has been reduced by more than 30 percent;

(D) The Department of Defense's operations and maintenance accounts have been reduced by over $700 billion, and cut 16 divisions from its force structure;

(E) The Department of Defense's procurement funding has declined by more than 50 percent;

(F) U.S. military operational commitments have increased fourfold;

(G) The Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installation support units, and cut 16 divisions from its force structure;

(H) The Army has reduced its presence in Europe from 230,000 to 65,000 personnel;

(I) The Army has averaged 14 deployments every four years, increased significantly from the Cold War trend of one deployment every four years;

(J) The Air Force has downsized by nearly 40 percent, while experiencing a four-fold increase in operational commitments.

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(I) The Army has averaged 14 deployments every four years, increased significantly from the Cold War trend of one deployment every four years;

(J) The Air Force has downsized by nearly 40 percent, while experiencing a four-fold increase in operational commitments.

(25) National Guard budget shortfalls compromise the Guard's readiness levels, capabilities, force structure, and end strength, putting the Guard's protection of the Homeland, 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.

(Sense of Congress: It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a
U.S. military operational commitments have increased fourfold. It is clear the Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installations at home and overseas and cut 10 divisions from its force structure every four years.

The Army has reduced its presence in Europe from 215,000 to 65,000 personnel. The Army has averaged 14 deployments every four years, increased significantly from the Cold War trend of one deployment every four years.

The Air Force has downsized by nearly 40 percent, while experiencing a fourfold increase in operation commitments.

In 1992, 37 percent of the Navy’s fleet was deployed at any given time. Today that number is 57 percent; at its present rate, it will climb to 62 percent by 2005.

The Navy Surface Warfare Officer community will fall short of its needs a 40 percent increase in retention to meet requirements.

The Air Force is 18 percent short of its retention goal for second-term airmen.

We know the Air Force is more than 800 pilots short, and we know that our experienced fighter pilots have not re-upped, even in the face of a $60,000 bonus.

The Army faces critical personnel shortages in combat units, forcing unit commanders to borrow troops from other units just to participate in training exercises.

In 1997, the Army averaged 31,000 soldiers deployed away from their home station in support of military operations in 70 countries with the average deployment lasting 125 days.

Critical shortfalls in meeting recruiting and retention goals is seriously affecting the ability of the Army to train and deploy. The Army reduced its recruiting goal for 1998 by 12,000 personnel.

The Navy reports it will fall short of enlisted sailor recruitment for 1998 by 10,000. One in ten Air Force front-line units are not combat ready.

Ten Air Force technical specialties, representing thousands of airmen deployed away from their home station for longer than the Air Force standard 120-day mark in 1997.

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

U.S. Marine Corps maintenance forces are only able to maintain 92 percent ground equipment and 77 percent aviation equipment readiness rates due to excessive deployments of troops and equipment.

The National Security Strategy of the United States assumes the ability of the U.S. Armed Forces to prevail in two major regional conflicts nearly simultaneously.

Mr. President, all of us, including the distinguished Senator from Kansas who is a former marine, know that “nearly” has been inserted into our national security strategy. Our strategy used to be that we would have the ability to prevail in two major regional conflicts simultaneously. Today, we are saying “nearly simultaneously,” yet none of us who have studied these issues believe that we are ready, today, even for this ramped down mission.

To execute the National Security of the United States, the U.S. Army’s five later-deploying divisions, which constitute almost half of the Army’s active combat forces, are critical if the successful execution of specific war plans can be achieved.

According to commanders in these divisions, the practice of under staffing squad and crews that are responsible for training, and assigning personnel to other units as fillers for exercises and operations, has become common and is degrading unit capability and readiness.

In the aggregate, the Army’s later-deploying divisions were assigned 50 percent of the Army’s 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 and service support specialties were filled below 25 percent, and captains and majors were filled at 73 percent.

At the 10th Infantry Division, only 138 of 162 infantry squad were fully or minimally filled, and 36 of the filled squads were unqualified.

In 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.

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:

The reassignment 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.

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.

Hiring of outside contract personnel by 1st Armored and 1st Infantry later-deploying divisions to perform routine maintenance.

Mr. President, these are the facts. Every one of the facts that I have read absolutely in print, in the report of the Quadrennial Defense Review, in the DOD budget for fiscal year 1999, and a compilation of statements from the Department of Defense vice chiefs in a
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 make the determination 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, I 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 re-computation 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 would 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 really is 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 re-computed, the employee who retired receives the COLA—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 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 co-sponsor 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
The PRESIDING OFFICER. Without objection, it is so ordered.

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

On page 34, lines 24, strike out all after "$94,000,000" 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. 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", $3,377,000; for "Reserve Personnel, Navy", $14,000,000; for "Reserve Personnel, Marine Corps", $1,103,000; for "Reserve Personnel, Air Force", $1,000,000; for "National Guard Personnel, Army", $5,377,000; for "National Guard Personnel, Navy", $1,103,000; and for "National Guard Personnel, Air Force", $4,112,000.

(a) In addition to funds provided under title I of this Act, the following amounts are hereby appropriated: for "Military Personnel, Army", $14,000,000; for "Military Personnel, Navy", $43,000,000; and for "Military Personnel, Marine Corps", $14,000,000.

(b) Notwithstanding any other provision in this Act, the amount available in this Act for "Quality of Life Enhancements, Defense", real property maintenance is hereby decreased by the total amounts appropriated in this Act for "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 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. 3391
(Purpose: To condition the use of appropriated funds for the purpose of an orderly and verifiable 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. SENSENICH, Mr. SMITH of Oregon and Mr. FINKGOLD, proposes an amendment numbered 3413.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the read-
immediately following the stacking 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 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 it. 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 communicate 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 1971, we were 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. I think it is their will. 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.

Additionally, you heard voluntarily the President of China, after many of us have importuned him over a long period of time, in 1991 beginning to carry 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 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, for the first time, I believe, have begun 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 in 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 are speaking very positively about the changes that have occurred. My question is, 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 have attempted to register a pro-democracy 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 forced—compelling—abortion on women and the like? Is this the approach you would take?

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 not abide those who would 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 items 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 I have heard 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 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 confidence China will by far exceed 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 be shared. I must tell you, I buy into that dream. I want to see it happen.

Mrs. FEINSTEIN. I don’t think it is all good; it is all good; it is 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 ask, why did this have to happen?

Now, let’s talk for a moment about forced abortion. I think it is an abysmal 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 they 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 in poverty, many of whom, 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 had the opportunity to talk with people 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 working out the treatment of China without humiliating China but treat China with equal levels, if we treat China without equal respect, we will see some changes.

So I appreciate the opportunity to have this dialog. I respect your values. I respect the values and how you are trying to do it 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 the majority leader on what period of time he intends to take.

Mr. ABRHAM. 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 consent request.

The PRESIDING OFFICER. Does the Senator from Michigan desire to make that request in the form of a unanimous consent request?
had 6 days of debate on the defense authorization, with 105 amendments. We have had 7 days of debate on the budget, with over 100 amendments. We are entitled to an opportunity for a full and fair debate. If there are provisions to be produced in the Daschle bill, we would like to know what the objectives are. We believe that this debate offers the best opportunity to make sure that we are going to have the doctors and patients make decisions and not the insurance companies. The goal of the Republican leadership and their friends in the insurance industry is to prevent legislation this year, or to pass only a minimalist bill so weak that it would be worse than no bill at all. The Republican leadership strategy—the stonewall strategy—lasted for more than a year. But it broke down last month in the face of overwhelming public demand for action. Their minimalist approach pays lip service to the reality of reform. They refuse to let the Senate debate it, because they know their plan is more loophole than law.

The Republican record of delay and denial is clear. Congressman Dingell and I first introduced patient protection legislation 17 months ago—on February 25, 1997.

Senator Daschle introduced the Patients’ Bill of Rights four months ago—on March 31, 1998.

We have repeatedly asked for committee action or consideration by the full Senate of this important legislation, but the Republican leadership has repeatedly said “no.”

Now, they know they can no longer just say “no.” So the leadership is trying the next best thing. Instead of bringing up the bill for full and fair debate, they have offered up a series of phony consent agreements that they know are unacceptable. They don’t want a full debate with an opportunity to amend their Patient Bill of Wrongs, because they believe that the less the American people know about their sham proposals, the better they will be able to protect their friends in the health insurance industry.

In fact, the Republican leadership has gone to extraordinary lengths in the past six weeks to prevent a full debate on HMO reform.

On June 18, Senator Lott proposed to bring up the bill, but on terms that made no sense to the legislative process.

That proposal would have allowed the Senate to start debate on HMO reform, but Senator Lott would have been permitted to pull the bill down at any time, and the Senate would have been barred from considering it further for the rest of the year. So if Senator Lott did not like the direction the bill was headed, he could withdraw it and tie the Senate’s hands on HMO reform for the remainder of the year.

On June 23, 43 Democratic Senators wrote to Senator Lott to urge him to allow a full debate and votes on the merits of the Patients’ Bill of Rights before the August recess.

In response, on June 24, Senator Lott simply repeated his earlier unacceptable offer.

On June 25, Senator Daschle proposed an agreement under which Senator Lott would bring up a Republican health care bill by July 6, Senator Daschle could offer the Democratic Patients’ Bill of Rights, and other Senators could offer only amendments relevant to the Patients’ Bill of Rights.

However, Senator Lott rejected this offer. And on June 26, he offered once again an agreement that allowed Senator Lott to withdraw the legislation at any time—after another further consideration of any health care legislation for the remainder of the year.

On July 15, after a long silence, Senator Lott made yet another offer. This time he proposed an agreement that allowed for no amendments. He could bring up his bill. We could bring up ours. And that is it. It would be all or nothing. The American people would be denied votes on specific issues.

No vote on whether all Americans should be covered, or just one-third as the Republicans propose.

No vote on whether there should be genuine access to emergency room care.

No vote on whether patients should have access to the specialists they need when they are seriously ill.

No vote on whether doctors should be free to give the medical advice they feel is appropriate, without fear of being fired by the HMO.

No vote on whether patients with cancer or Alzheimer’s disease or other illnesses should have access to clinical trials after conventional treatments fail.

No vote on whether patients in the middle of a course of treatment can keep their doctor if their health plan drops the doctor from the network, or the employer changes health plans.

No vote on whether patients should have meaningful independent review of plan decisions—or whether health plans should continue to be judge and jury.

No vote on whether the special health needs of persons with disabilities, and women, and children should be met.

No vote on whether health plans should be held responsible for decisions that kill or injure patients.

The list goes on and on.

But the Republican Leadership just wants an all-or-nothing vote on their plan and our plan. They don’t want a genuine debate on patient protection. They don’t want to be held accountable by the American people for defending industry profits instead of patients. They want to gag the Senate, and allow HMOs to continue to gag doctors.

On July 16, Senator Daschle proposed that we agree on a limited number of amendments—20 per side, directly related to the legislation, not on extraneous issues.

This offer by Senator Daschle reflects the best traditions of the Senate. It is consistent with the conditions under which we have negotiated many major legislative proposals in the Senate this year.

We had 7 days of debate on the budget resolution, and considered 105 amendments. Two of those were offered by Senator Nickles.

We had 6 days of debate on the defense authorization bill, and considered 150 amendments. Two of those were offered by Senator Lott, and he cosponsored 10 others.

We had 8 days of debate on IRS reform, and considered 13 amendments.

We had 17 days of debate on tobacco legislation—a bill completed—and considered 18 amendments.

We had 5 days of debate on the Agriculture Appropriations bill and 55 amendments.

Senator Lott has said to reporters that Democrats might be able to offer 3 or 4 amendments. But that means we would have to decide which issues of concern to the American people are debated, and which are discarded. Do we debate access to emergency rooms, but put aside all concerns about access to specialists? Do we offer an amendment to ensure that all Americans are covered, or just not the one-third the Republicans propose?

This debate should not be an unfair choice. We agree that the number of amendments should be limited. But the number should be large enough to accommodate the large number of legitimate issues that need to be debated as part of this important reform.

If the Republican leaders are serious about a fair debate, they know how to do it. We do it every day in the Senate, and we should do it now. If they are serious about passing meaningful patient protection legislation, they should call up the bill now. All we have asked for is 20 amendments per side. It will take at least 20 amendments to even begin to remedy the major defects in the Republican proposal.

Since the Republican leadership plan was introduced a week ago, we have held meetings and forums with doctors, nurses, and patients to explore the critical issues that must be addressed if a Patients’ Bill of Rights is to be worthy of its name.

In each case, doctors, nurses and patients have reached the same conclusions. The abuses by HMOs and managed care are pervasive in our health
system. Every doctor and patient knows that, too often, managed care is mismanaged care. Every doctor and patient knows that medical decisions that should be made by doctors and patients are being made by insurance companies. Every doctor and patient knows that profits, not patient care, have become the priority of too many health insurance companies.

The message in each of these forums from doctors, nurses and patients has been the same. Pass the Patients’ Bill of Rights. The Republican leadership plan. It leaves out too many critical protections. It leaves out too many patients. Even the protections it claims to offer have too many loopholes. It is a plan to protect industry profits, not patients.

One of the aspects of their legislation that the Republican leadership likes to tout is its alleged protections for women. As part of their ongoing disinformation campaign about their legislation, the Republican Senate leadership has a press conference this morning to proclaim the benefits of their legislation for women. But no credible organization representing women endorses their bill—because their so-called protections for women are a sham.

Nowhere is the difference between the bipartisan Patients’ Bill of Rights and the Republican Bill of Wrongs more evident than on the issue of protecting women’s health. The Republican leadership bill leaves out most key patient protections. Even the protections it does include are more cosmetic than real. And even those cosmetic protections are limited to fewer women than one-third of the privately insured patients who need help.

We held a forum yesterday afternoon during which leading organizations for women released a letter urging Senators to support the Patients’ Bill of Rights and to reject the Republican leadership plan. The letter is signed by more than 30 women’s groups, representing millions of women in communities across the country.

Last Friday, we heard from Diane Bergin of College Park, MD. She has ovarian cancer, and is currently enrolled in a clinical trial. She eloquently described the need for plans to cover such trials and the importance of having access to specialty care. Diane is a vivid example of the promise of such therapies and the need to see that patients have genuine access to specialists.

Women need to know that they will receive the benefits covered by their plan and recommended by their treating physician—without being overruled by insurance company accountants.

Women need to know that they can choose their gynecologist to be their primary care physician.

Women need to know that they will never have to drive past the nearest emergency room, because a more distant hospital is part of their managed care plan.

Women with mental illness need to know that they will have access to psychiatrists, psychologists and other mental health professionals.

Women with ovarian cancer—like Diane Bergin—or other life-threatening conditions need to know that their health plan will let them participate in clinical trials by covering routine costs of such care.

Women whose plans provide pharmaceutical benefits need to know that they will have access to drugs that are not on the plan’s list.

Women need to know that they will have access to a quick and independent appeal if their plan overrules their doctor.

Women need to know that they have a genuine remedy when plan abuses result in injury or death.

The Patients’ Bill of Rights guarantees that consumer’s Union analyzed their proposal and called it “woefully inadequate and far from independent.”

Virtually every protection they claim to have included turns out to fail the truth-in-advertising test—and the protections they have left out are a dishonorable roll of insurance industry abuses.

Part of democracy is accountability. We have votes in the Senate to pass or defeat bills. We have votes on amendments to improve bills. We recorded these votes, because we are elected by the people of our states to represent them. The people have a right to know where we stand on important issues.

I ask the Republican leader why he doesn’t want the American people to know where members of the Senate stand on whether protections for patients should apply to all 161 million privately insured Americans—or leave more than 100 million out.

I ask the Republican leader why he doesn’t want the American people to know where members of the Senate stand on whether protections for patients with cancer, heart disease, or other serious illnesses will not have timely access to specialists and the treatment they need. Managed care plans are immunized from liability for abuses that injure or even kill a patient. No other industry in America is immune to the abuses that the managed care industry doesn’t deserve it either.

Just as managed care plans gag their doctors, the Republican leadership wants to gag the Senate. Just as insurance companies delay and deny care, the Republican leadership is trying to delay and deny meaningful reform. Just as health plans want to avoid being held accountable when they kill or injure a patient, the Republican leadership wants to avoid being held accountable for killing patient protection legislation.

Yesterday, Senator CHAFEE offered a proposal that is a major improvement over the Senate Republican leadership
plan, and it provides significant patient protections. But it lacks many of the most important protections in our Patients' Bill of Rights.

Key provisions omitted in the Chafee plan include the lack of needed protection for all cancer patients from drive-through mastectomies and access to reconstructive surgery—the lack of fair opportunities for patients to join health plans allowing them to go to the physician or specialist of their choice—the lack of protection for health professionals who point out problems in the quality of care provided by health plans or facilities—and the lack of adequate remedies for patients injured or killed by HMO abuses.

All of these reforms are needed, and all of them are strongly supported by an unprecedented alliance of physicians, nurses, patients, and working families.

Despite these significant gaps, the Chafee plan serves as a wake-up call to senators to take advantage of the genuine reform is continuing to crack, and it shows that at least some Republicans in the Senate are serious about reform. Now is the time for the Republican leadership to respond. As the Chafee plan, their industry-funded patient protection plan is becoming less and less tenable with each passing day. The American people demand action, but the Republican leadership still refuses to bring patient protection legislation to the floor for full debate and a vote.

The Republican Leadership in Congress deserves the failing grades it's getting for fumbling the issue of HMO reform. At least since last January—when press reports began noticing that Oscar-winning actress Helen Hunt in the movie “As Good As It Gets” was electrifying audiences with her attack on her HMO—it has been clear that a tidal wave of support is building to end managed care abuses and stop HMOs from profiteering in ways that jeopardizing patients' health or their very lives.

The GOP-HMO line of defense continues to be to block any legislation, refuse to allow fair debate, and give the HMO industry's anti-reform TV ads a chance to bite. But the genie is out of the bottle, and that cynical strategy will fail.

It's time for Congress to end the abuses of patients and physicians by HMOs and managed care health plans. Too often, managed care is mismanaged care. No amount of distortions or smokescreens by insurance companies 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.

Mr. President, I ask unanimous consent that two articles on the film “As Good As It Gets” be printed in the Record. The first is a March 29 Boston Globe column by Ellen Goodman. The second is a January 12 article in The St. Louis Post-Dispatch, which to my knowledge is the first report of the extraordinary impact of the film on the HMO debate, and which mentions State Representative Thomas Holbrook of Belleville, Missouri as the first elected official to recognize this impact.

There being no objection, the articles were ordered to be printed in the Record, as follows:

(From the St. Louis Post-Dispatch, January 12)

**HMOS MAY HIGHLIGHT HOT TOPICS IN LEGISLATURE; BILLS WOULD TARGET MYRIAD OF PATIENTS' COMPLAINTS**

State Rep. Thomas Holbrook, D-Belleville, got a preview of what may lie ahead in this year's Illinois legislative session when he saw the new Jack Nicholson movie, "As Good As It Gets.

In one scene, co-star Helen Hunt, playing the mother of a chronically ill boy, spouts vulgarity about a health maintenance organization that is refusing to give her son the treatment he needs.

"She starts railing on this HMO, and people in the theater actually stood up and started applauding," Holbrook said last week. "When the last time you saw that happen in a theater? That's not an undercurrent, it's a tidal wave.

Proposals to make HMOs more user-friendly to consumers are among the major issues likely to face Illinois legislators when the year's legislative session opens Wednesday. Other potential topics include clamping more restrictions on the campaign and contracting practices of state politicians; continued controversy over hog farm waste; discussions of new transportation projects in the Metro East area; and minor adjustments to the major education funding changes passed into law last year.

Technically, this year is the second half of a two-year legislative session. By legislative rule in Illinois, legislators in the second year of a two-year session are supposed to consider only budgetary matters and emergency issues.

That has historically been among the most ignored rules in state government, especially since even-numbered years are also election years. And, with the Senate and House under opposing parties—and with the House, especially, a razor-thin majority—much of the debate this year is likely to be partisan and acrimonious.
Most legislators predict there will be few concrete changes on the books after the dust clears.

"There’s no question there will be election-generated legislation," said Senator Bill Hagerty. "It will just be bow-dressing," said Rep. Kurt Granbery, D-Carlyle. "Mainly, I think it's going to be a budget year."

Among this year's likely topics of debate are: health care; education; and transportation infrastructure.

The House last year passed several bills that would have regulated how HMOs deal with their patients and member doctors. Most of the legislation has remained stalled in the Senate but could be called up again through the end of this year.

One measure, labeled the “Patient Bill of Rights” would require that insurance companies provide certain information to patients, would set up a formalized grievance process and would make other changes to the HMO industry.

"There seems to be a real ground swell about this," said Holbrook, a co-sponsor of the bill. HMO expenses and alleged lack of responsiveness to patients have "become such a glaring atrocity."

Not everyone agrees with that assessment. But even Republican Senate President James "Pinky" James announced yesterday that he would require that insurance companies provide certain information to patients, would set up a formalized grievance process and would make other changes to the HMO industry.

"We're going to find out what's out there," said Taylor, a co-sponsor of the bill. "People have been doing this for years."

Proposals of the changes believe public frustration will work in their favor in an election year.

That theory has a chance at moving forward," said Rep. Jay Hoffman, D-Collinsville. "I see bipartisan support."

Mr. INOUYE addressed the Chair. The PRESIDING OFFICER. The Senator from Hawaii is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2961

(Purpose: To provide for improved monitoring of human rights violations in the People’s Republic of China, and for other purposes)

Mr. ABRAHAM. Mr. President, I call up my amendment No. 2964 and ask for its immediate consideration, and I ask unanimous consent for the yeas and nays to be published, and that the amendment be considered the report of the committee of thewhole.

The PRESIDING OFFICER. The clerk will report.

Mr. ABRAHAM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

Mr. ABRAHAM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Mr. ABRAHAM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Add at the end the following new titles:

TITLE—MONITORING OF HUMAN RIGHTS ABUSES IN CHINA

SEC. SHORT TITLE.

This title may be cited as the “Political Freedom in China Act of 1998”.

SEC. FINDINGS.

Congress makes the following findings:

(1) Congress concurs in the following conclusions of the United States State Department on human rights in the People’s Republic of China in 1997:

(A) The People’s Republic of China is “an authoritarian state” in which “citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government”.

(B) The Government of the People’s Republic of China has “continued to commit wide-spread and well-documented human rights abuses, in violation of internationally accepted human rights standards” by authorities’ “intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms”.

(C) “[a]lthough torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention”.

(D) “[p]rison conditions remained harsh [and] the Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights”.

(E) “[a]lthough the Government denies that it holds political prisoners, the number of persons detained or serving sentences for ‘counterrevolutionary crimes’ or ‘crimes against the state’, or for peaceful political or religious activities are believed to number in the thousands”.

(F) “[a]nonapproved religious groups, including Protestant and Catholic groups, experienced intensified repression”.

(G) “[s]erious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia, and controls on religious freedom and on other fundamental freedoms in these areas have also intensified”.

(H) “[v]iolent or deathly attacks by police on those expressing opposition to the Chinese government, and the development of the rule of law in China”.

(2) The People’s Republic of China is “an authoritarian state” in which “citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government”.

(3) Among those were Li Hai, sentenced to 9 years in prison on December 18, 1996, to get a high-ranking government official to help him get permission to return to the United States.

(4) Many political prisoners are suffering from “serious human rights abuses,” including—

(A) Gao Yu, a journalist sentenced to 6 years in prison in November 1997 and honored by UNESCO in May 1997, has a heart condition; and

(B) Chen Longde, a leading human rights advocate, now serving a 3-year reeducation through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at his labor camp for refusing to confess his guilt.

(5) The People’s Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(6) The People’s Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. CONDUCT OF FOREIGN RELATIONS.

The Secretary of State, in all official meetings with the Government of the People’s Republic of China, should request the immediate and unconditional release of all political prisoners and other prisoners of conscience in Tibet, as well as in the People’s Republic of China.

(b) Access to Prisons. The Secretary of State should seek access for international human rights organizations to Drapchi prison and other prisons in Tibet, as well as in the People’s Republic of China, to ensure that prisoners are not mistreated and are receiving necessary medical treatment.

(c) Dialogue on Future of Tibet. The Secretary of State, in all official meetings with representatives of the Government of the People’s Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

SEC. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE’S REPUBLIC OF CHINA.

There are authorized to be appropriated to support additional personnel at diplomatic posts to monitor human rights in the People’s Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Yangzhou, Chengdu, and Hong Kong.

SEC. DEMOCRACY BUILDING IN CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NED. In addition to such sums as are otherwise authorized to be appropriated for the “National Endowment for Democracy” for fiscal years 1999 and 2000, there are authorized for the “National Endowment for Democracy” $4,000,000 for fiscal year 1999 and $4,000,000 for fiscal year 2000.

(b) EAST ASIA-PACIFIC REGIONAL DEMOCRACY BUILDING FUND. The Secretary of State shall use funds available in the East Asia-Pacific Regional Democracy Fund to promote grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. HUMAN RIGHTS IN CHINA.

(a) REPORTS.—Not later than March 30, 1999, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign
It is the sense of Congress that the people of Hong Kong should continue to have the right and ability to freely elect their legislative representatives, and that the procedure for the conduct of the elections of the legislature of the Hong Kong Special Administrative Region should be determined by the people of Hong Kong through an election law convention, a referendum, or both.

It is the sense of Congress that—

(1) the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes;
(2) the Government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice;
(3) the President should bar entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice;
(4) individuals determined to be participating in or otherwise facilitating the sale of such organs by the United States shall be prosecuted to the fullest possible extent of the law; and
(5) the appropriate officials in the United States should interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

Mr. President, let me speak a little bit about this amendment. I intend to take up too much of the Senate's time discussing it, because I know other Senators, including Senator HUTCHINSON, are interested in speaking as well to the amendment.

Essentially, this amendment sets forth three goals by which the United States would support the improvement of human rights in the People's Republic of China. Its provisions regarding human rights are identical to those included in the legislation that was recently passed by the other Chamber by an overwhelming vote of 394-29.

The amendment I am offering is based on the recognition that the United States' meaningful engagement with China only if we are honest with Chinese leaders, and only if we are willing to stand up for our principles. And chief among the principles on which our nation was founded is an unyielding commitment to fundamental human rights.

The current regime in China suppresses fundamental human rights on a daily basis:

Women pregnant with their second or third child are pressured to have abortions and even subjected to forced abortion and sterilization.

Religious exercise is violently suppressed among Christians in China, and among indigenous Buddhists in Tibet.

The Chinese regime imprisons human rights activists. At least three remain in custody today.

It is the sense of Congress that the Chinese regime does not respect fundamental human rights.

The question I think we have to ask is, Should that influence how American policy makers view and act with respect to China? Obviously, there are some who say the only way for us to change those policies in China is to have a complete and total engagement with the People's Republic of China. Obviously, that is one point of view. But I subscribe to the view that we can take constructive steps designed to try to change things and to try to make things more consistent with America's views of appropriate human rights behavior.

And the Chinese regime's recent conduct gives us no reason to expect improvement any time soon. Indeed, Mr. President, since President Clinton returned from his trip to China this June, that government has detained 21 prominent human rights activists. At least three remain in custody today.

Though this amendment, Mr. President, we would make clear to the Chinese government our opposition to its oppressive practices and initiate concrete steps to monitor human rights abuses and assist those seeking to promote human dignity and civil society.

Among the provisions in this amendment:

First, it contains findings detailing the deplorable human rights record of the Chinese government.

Second, the amendment calls for greater efforts on the part of your [sic] State to improve the behavior of the current Chinese regime.

It calls on the Secretary of State, during official meetings with the Chinese government, to call for the release of political prisoners in China and Tibet.

The amendment also calls on the Secretary of State to seek greater access for international humanitarian organizations to prisons in Tibet and China—access that will ensure that prisoners are not being mistreated and that they are receiving necessary medical treatment.

And the amendment calls on the Secretary of State, during official meetings, to request that China begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

Third, the amendment authorizes funding for several programs intended to improve human rights conditions in China. These include: $2.2 million in 1999 and 2000 for additional personnel at diplomatic posts to monitor human rights in China; $4 million in 1999 and 2000 for the National Endowment for Democracy to promote democracy, civil society, and the development of the rule of law in China; and permission for funds in the East Asia-Pacific Regional Democracy Fund to be used to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

Finally, this amendment includes several sense of Congress resolutions, including: A sense-of-the-Congress resolution concerning the establishment of a Commission on Security and Cooperation in Asia; A resolution concerning democracy in Hong Kong; and a resolution condemning organ harvesting and transplantation for profit from prisoners executed by the Chinese government.

Mr. President, these provisions will make clear our determination to stand up for the fundamental human rights of the Chinese people. As the world's first free nation, and the continuing leader of the free world, we have a responsibility, in my view, to defend people's basic rights wherever they are endangered or violated.

We cannot, without undermining freedom in our own nation, turn our backs on those who seek freedom in China, or in any other nation.

Our principles as well as our national interest demand that we pursue meaningful engagement with the current government in China. And that requires at a minimum, an open discussion of human rights abuses and concrete steps aimed at bringing those abuses to an end.
These amendments will not destroy our current relationship with China. None of the amendment’s supporters seek an isolationist policy. I for one support normal trade relations with China because I see them as a necessary element of effective engagement.

But this amendment serves an important function in our effort to achieve and maintain meaningful engagement with China. It signals this Congress’ continuing concerns for human rights, democracy, and the reforms that are taking place, about the great improvement in China but then would oppose any effort to have a substantive response.

This is part of that substantive response. The question before us is not whether we contain and isolate China. We cannot, we should not do that. We would not want to do that. The question before us is whether or not we will engage them on issues of human rights, as well as trade, as well as national security issues, whether we will actually engage them, and in so doing support the cause of freedom.

Frankly, I am puzzled by those who would excuse themselves and pardon themselves by saying that they, too, are opposed to the human rights abuses in China but then oppose any effort to have a substantive response to those human rights abuses.

I believe that this is not only a well-intended but a well-drafted amendment. It is, once again, part of the package that passed in the House of Representatives now almost a year ago with overwhelming bipartisan support, and it is long past time for the Senate to weigh in on that; to support normal trade relations with China, as we seek to do throughout the world; to give the kinds of personnel to our State Department, to our diplomatic people to assure that we have the best intelligence, the best reporting possible.

It is, I think, evident that this is needed in light of this latest round of arrests of political dissidents in China. It is puzzling to me that we can talk about the great improvement in China and the reforms that are taking place, and that this amendment could put so much faith in President Jiang and his regime in Beijing when all of the evidence that is forthcoming, whether it is in the media, through our intelligence agencies, or the State Department itself indicates that, in fact, those abuses are as bad as ever, and that the crackdown on religious believers is now only most recently exceeded by the crackdown on political dissenters. I do believe, as the President has expressed, that eventually China will be free. I believe that. I think someday China will be a country in which free expression is tolerated and the freedoms that are not American values, but are fundamental human values, will exist in China. But I think it will not be through the regime that rules with an iron fist in Beijing, China, today. So, let us engage, but let us engage thoroughly and on all fronts.

The package of amendments that is before the Senate today will enable us to do that. So I believe that it is essential that we not table the China amendments, that we support them, that we agree to them as part of the appropriations bill. I believe, because the House passed these measures by such an overwhelming vote, that they will be preserved in the conference and we will be able to give the President an opportunity to truly involve this administration in an engagement policy that will reflect the values that are precious to us and help to bring about the change that we desire to see in China and to give support to the freedom fighters, freedom lovers in China today who risk the limited freedom that they have to go about their daily activities by speaking out, by seeking to form an opposition political party, by seeking to worship according to the dictates of their conscience.

I think it is so imperative that we go on record with these amendments, to stand shoulder to shoulder with those who are putting their lives and their limited liberty at stake by taking a far more dangerous stand there, in China, today.

I applaud Senator Abraham for bringing the human rights monitors amendment to the floor of the Senate, and I look forward to casting my vote against tabling and for the amendment. I ask my colleagues to do likewise.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

Mr. HUTCHINSON. Mr. President, I Rise in support of the Abraham amendment 2964 to the Defense appropriations bill. The Abraham amendment would authorize additional human rights monitors at the embassy in Beijing, China, as well as our other consulates around China. I think it is exceptionally warranted. It is very, very much needed.

The Chinese Government has repeatedly invoked a lack of respect for human rights. We have seen how the Government controls its people through registration, through coercive and repressive practices. We have seen how the Chinese Government punishes those who would dare to worship by the dictates of their conscience. We have seen how the Government punishes those who would speak in the name of democracy, those who would seek to register an opposition political party. They punish those who simply seek to fulfill normal human aspirations, aspirations that we too often take for granted.

We have seen that in the last two, at least the last two annual State Department reports on human rights that China was found to be one of, if not the worst human rights abuser in the world today. I think that fact alone, the fact that our State Department, in monitoring the countries of the world, the nations of the world, issuing reports on human rights conditions in the various nations, found China, found that the greatest abuser of human rights justifies the Abraham amendment in establishing additional human rights monitors, additional personnel in the embassy to monitor situations like this: “Chinese Resume Arrests,” so that we will have the kind of knowledge about what is going on in the area of human rights within China that will allow us to, I think, engage China in the correct way.

Mr. President, we do not expect that China will change overnight, nor do we expect that the amendment that I have offered dealing with forced abortions and religious persecution, or the amendment that Senator ABRAHAM has offered will magically produce the change that we all desire. But it is essential that we shed light on the kind of human rights abuses, the dark practices that have become too evident for too many years. And it is essential that we engage those abuses with a substantive response.

I believe that this is not only a well-intended but a well-drafted amendment. It is, once again, part of the package that passed in the House of Representatives now almost a year ago with overwhelming bipartisan support, and it is long past time for the Senate to weigh in on that; to support normal trade relations with China, as we seek to do throughout the world; to give the kinds of personnel to our State Department, to our diplomatic people to assure that we have the best intelligence, the best reporting possible.

It is, I think, evident that this is needed in light of this latest round of arrests of political dissidents in China. It is puzzling to me that we can talk about the great improvement in China and the reforms that are taking place, and that this amendment could put so much faith in President Jiang and his regime in Beijing when all of the evidence that is forthcoming, whether it is in the media, through our intelligence agencies, or the State Department itself indicates that, in fact, those abuses are as bad as ever, and that the crackdown on religious believers is now only most recently exceeded by the crackdown on political dissenters. I do believe, as the President has expressed, that eventually China will be free. I believe that. I think someday China will be a country in which free expression is tolerated and the freedoms that are not American
approximately $1,283 to have these articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, July 20, 1998]

**SCIENTISTS AND THEOLOGIANS DISCOVER A COMMON GROUND**

Darwin, Freud, relativity, the mechanics of the atom—these or wrongly have been taken as supporting the modernistic conception of a change-based world in which forces devoid of meaning account for all outcomes. We may have maintained that the big-bang theory shows that no god was necessary at the creation. Intellectuals have wrung their hands in angst about how bang-caused cosmic expansion will result in an inescapable running down of the stars, proving existence to be pointless. A depressing inevitable death of the universe figures prominently in the works of post-modern novelist Thomas Pynchon, while in the movie Annie Hall, Woody Allen's character is psychologically paralyzed by his dread of the galaxies expanding until they die.

But contrast new developments in big-bang science are almost supernaturally upbeat: The universe wants us, and the stars will shine forever!

This remarkable change in perspectives is helping inspire a warming trend between scientific and spiritual disciplines. A conference at Berkeley, Calif., at which cosmologists discussed the theological implications of their work, is representative. Allan Sandage, one of the world's leading astron-omers, musing about the universe's origins, said, "One of the major benefits of science and faith will air this fall." Books like "Science and Theology: The New Consonance" and "Belief in God in an Age of Science" are streaming off the presses. A June symposium on "Science and the Spiritual Quest," organized by Russell's CTNS, drew more than 320 paying attendees and 33 speakers, and a PBS documentary on science and faith will air this fall.

Not that long ago, such a comment from an establishment scientist would have been shocking. The mere existence of the organiza-
tion that sponsors the Berkeley event, a well-regarded academic group called the Center for Theology and the Natural Sciences, might have been snickered at. Today, "intellectuals are looking for a way to reconcile science and religion," says John Polkinghorne, who had a distin-
guished career as a mathematician at the University of Cambridge before becoming an Anglican priest in 1982, "that conspires to plant the

MAN'S LONGING FOR IMMORTALITY SHALL ACHIEVE ITS REALIZATION.

Mr. BYRD. Mr. President, I ask unanimous consent that an article from the July 20, 1998, edition of U.S. News & World Report be printed in the RECORD. The two articles are relevant to the speech that I delivered on Tuesday this week entitled "Man's Longing for Immortality Shall Achieve Its Realization."

I understand the Government Printing Office estimates it will cost ap-
proximately $1,283 to have these arti-
icles printed in the RECORD.

[From Newsweek, July 20, 1998]

**SCIENCE FINDS GOD**

(By Sharon Begley)

The more you study the universe, the more you see signs of the secrets of the universe, you'd expect, the more God would fade away from their hearts and minds. But that's not how it went for Allan Sandage. Now slightly stooped and white-
haired at 72, he is the humblest and most profes-
sional lifetime coaxing secrets out of the stars, peering through telescopes from Chile to California in the hope of solving nothing less than the universe itself.

As much as any other 20th-century astrono-
meter, Sandage actually figured it out: his observations of distance stars showed how fast the universe is expanding and how old it is (15 billion years or so). But through all Sandage, says he was "almost a practi-

cer of philosophy," was nagged by mysteries whose answers were not to be

THE NEW CONSONANCE and "Belief in God in an Age of Science" are streaming off the presses. A June symposium on "Science and the Spiritual Quest," organized by Russell's CTNS, drew more than 320 paying attendees and 33 speakers, and a PBS documentary on science and faith will air this fall.

In 1977 Nobel physicist Steven Weinberg of the University of Texas sounded a famous note of despair: the more the universe has been explored, the more it seems a random place. "We seem to have created a world with an improbably bland and routine cosmology that would confront the spiritual, wondering "why." But as science grew in authority and power beginning with the Enlightenment, those who detested God's properties dismissed God as an unnecessary hypothesis, one they didn't need to explain how galaxies came to shine or how life grew complex. Since the universe could now be explained by the laws of phys-
ica

Nothing else, the theological idea of cre-

ation ex nihilo—out of nothing—is looking better all the time as "inflation" theories (main story) increasingly suggest the uni-

verse emerged from no tangible source. The word "design," rejected by most 20th-cen-
tury scientists as the "watchmaker," is no longer "inflation" theories (main story) increasingly suggest the uni-

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"inflation" theories (main story) increasingly suggest the universe emerged from no tangible source. The word "design," rejected by most 20th-century scientists as the "watchmaker," is no longer
idea that the universe did not just happen, but that there must be a purpose behind it.”

Charles Townes, who shared the 1964 Nobel Prize in Physics for discovering the principles of the laser, goes further. “Human beings have a feeling that somehow intelligence must have been involved in the law of the universe. Although the very rationality of science often feels like an enemy of the spiritual, here, too, a new reading can sustain rather than undermine belief. Since Einstein published his Theory of General Relativity, science has blurred a clear message: the world follows rules, rules that are fundamentally mathematical, rules that humans can figure out, abstract speculations, basically making it up out of their imaginations, yet math magically turns out to describe the world. Greek mathematicians divided the world into a circle, a sphere, a straight line, a circle, and the number pi, 3.14159. . . . Pi turns into equations that describe subatomic particles, light and other quantities that have no obvious connections to circles. This points, says Polkinghorn, “to a very deep fact about the nature of the universe—namely, that our minds, which invent mathematics to order the reality of the cosmos. We are somehow tuned in to its truths. Since pure thought can penetrate the universe, this seems to imply that something about human consciousness is harmonious with the mind of God,” says Carl Feit, a cancer biologist at yeshiva University in New York and Tal- mudic scholar.

To most worshipers, a sense of the divine as an unseen presence behind the visible world is all well and good, but what they really yearn for is a God who acts in the world. Some scientists see an opening for this sort of god at the level of quantum or subatomic particles. This spooky quantum behavior of particles is unpredictable. In perhaps the most famous example, a radioactive element might have a half-life of, say, one hour. Half-life means that half of the atoms in a sample will decay in that time; half will not. But what if you have only a single atom? Then, in an hour, it has a 50–50 chance of de- caying. And what if the experiment is ar- ranged so that if the atom does decay, it re- leases poison gas? If you have a cat in the lab, will the cat be alive or dead after the hour is up? You can measure the quantum of the atom, but there is no way to determine, even in prin- ciple, what the atom would do. Some theolog- ical-scientists see that decision point—will the acto r or particle or atom or whatever we call it—be as God would will. Will there be a God in all the world, or as really human but acting divine, says Stannard: “He was fully both.” Finding these parallels may make some peo- ple feel, says Polkinghorn, “that this is not just some deeply weird Christian idea.”

Jews aren’t likely to make the same leap. And someone who is not already a believer will not join the faithful because of quantum mechanics; conversely, someone in whom science raises no doubts about faith probably isn’t even listening. But to people in the middle for whom science questions about religion, these new concordances can deepen a faith already present. As Feit says, “I don’t think that by studying science you will find a new God, but you might be convinced that you have already found God. But if you have already found God, then you can say, from understanding science, ‘Ah, I see what God has done in the world.’”

In one sense, science and religion will never be truly reconciled. Perhaps they shouldn’t be. The default setting of science is agnosticism; the core tenet of faith, Yet profoundly religious people and great scientists are both driven to understand the world. Once, science and religion were two fundamentally antagonistic, even antagonistic, ways of pursuing that quest, and science stood accused of smothering faith and killing God. Now, it may strength- en belief. And although it cannot prove God’s existence, science might whisper to believers where to seek the divine.

How The Heavens Go
(By Kenneth L. Woodward)

That many contemporary scientists make room for god in their understanding of the world would hardly be surprising. For most of history, religion and science have been siblings—feeding off and sparring with each other—rather than outright adversaries on the field of understanding. Only in the West, and only after the
French Enlightenment in the 18th century, did the votaries of science and religion drift into separate ideological camps. And only in the 19th century, after Darwin, was the supposed conflict between “God” and science elevated to the status of cultural myth. History tells a different, more complicated story.

In ancient Greece, religious myth invested nature and the cosmos with divine emanations and powers. But this celestial pantheon meant a sober consideration of the heavens and sophisticated mathematical calculations. By 1400 B.C. the Chinese had established a solar year of 365 days. Ancients understood the division of the system. Ancient Greece bequeathed Euclidean geometry, Ptolemy’s map of the solar system and Aristotle’s classification of living organisms, which served biologists until Darwin.

But none of these advances seriously disrupted religion’s more comprehensive worldview. Buddhists, for example, showed no interest in investigating nature since it was both impermanent and, at bottom, an illusion. Islam made great advances in algebra, geometry, as well as philosophy. But Muslim scholars left the mysteries of physics—motion, causality, etc.—to the power of Allah and the aphorisms of Aristotle, whose works they recovered and transmitted to the Christian West.

The Bible, of course, has its own creation myth. But every story that historically led scientists to realize that nature had to be discovered empirically and so fostered the development of science in the Christian West. The universe created by a rational God had to be rational and consistent—that much the Greeks already knew. But a universe created out of nothing, as Genesis describes, would have defied testing. In other words, it could have turned out other than it did. It was only one of an infinite number of possibilities open to a wholly transcendent power of Allah and to the aphorisms of Aristotle, whose works they recovered and transmitted to the Christian West.

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Lest I overwhelm young Augustus with the great weight of such high expectations and such intimations of immunity, I hasten to wish him a happy childhood, complete with much exploring, great adventures, banked shins, a profusion of knees, of quiet moments of wonder and learning, of great books to be shared with his parents and grandparents, and of countless hugs and kisses. Be a boy, Augustus, with moments good and bad, tender and terrible like the Augustus in these lines by Heinrich Hoffman (1809-1874), who said:

Augustus was a chubby lad;
Fat ruddy cheeks Augustus had;
And every ball he could not get.
But one day, one winter's day,
He screamed out, 'Take the soup away!'
O take the nasty soup away! I won't soups-up to-day.'
Welcome, young emperor, and carry on, bringing ever your illustrious grandfather under your sway with the dictatorial charms of a much loved child.
I yield the floor.
Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.
Mr. STEVENS. Mr. President, I am uncharacteristically speechless. I think—to listen to my good friend talk about my latest grandchild—he is absolutely right in one thing; and that is, there is nothing so humbling as to look at a 40-year-old realize what kind of child means. Senator BYRD told me once that to have a grandchild is to touch infinity. And it is a very sobering thing to think about. But it is a joy to have these grandchildren. If one must get old, it helps a lot.
I thank the Senator very much.
I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.
Mr. STEVENS. Mr. President, I ask unanimous consent that the roll be called and the Senator be excused.
Mr. JOHNSON. Mr. President, I rise today to ask unanimous consent that the Senate be excused from the consideration of S. 2312, which the clerk will report.

The legislative clerk read as follows:
A bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, and the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:
McConnell amendment No. 3379, to provide for annual term length for the staff director and general counsel of the Federal Election Commission.
Graham amendment No. 3361, to provide funding for the Central Florida High Intensity Drug Trafficking Area.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska.

Mr. STEVENS. Mr. President, I am aware of the growing federal caseload in other parts of Colorado. For example, the City of Grand Junction is experiencing rapid growth, and with that comes a need for more government attorneys and judges. Being from the West Slope, I appreciate the time and expense required to travel to Denver. Traveling 5 or 8 hours to get to a federal court can be a burden to all parties in federal lawsuits.

While I am happy to accommodate the wish of the federal bench in Colorado to provide this money, I will continue to listen to members of the Colorado Federal Bar, the Administrative Office of the Courts, and other areas of the state that experience growing needs for judges and courtroom space. I am happy to listen to their needs and support this legislation as well.

Mr. CAMPBELL. Mr. President, I rise today to discuss an important funding issue contained in the Treasury and General Government Appropriations bill. This appropriations bill provides $84 million for construction of an annex to the Rogers Courthouse in Denver.

The Federal Services Administration has included this project high on its list of priorities, at the recommendation of the Administrative Offices of the Courts. GSA and the AOC have provided me with detailed information on the costs of this courthouse and assured me repeatedly that these costs are prudent, practical and necessary to meet the future judicial needs of Colorado. I have also been assured that the revised courthouse will be functional, but not extravagant. I have demanded this of every project on the list and will continue to work to ensure that this standard is applied to all new construction.

Members of the Federal bench in Colorado have expressed gratitude that I have included construction money for the Rogers Courthouse. I am of course happy to help meet the needs of our federal legal system, especially in rural Colorado. In addition to the Rogers Courthouse, this bill contains fourteen other projects totaling almost $500 million. I believe that if Congress is going to pass laws, we'd better provide sufficient funding to enforce those laws and adequate facilities in which those laws may be administered.

I am aware of the growing federal caseload in other parts of Colorado. For example, the City of Grand Junction is experiencing rapid growth, and with that comes a need for more government attorneys and judges. Being from the West Slope, I appreciate the time and expense required to travel to Denver. Traveling 5 or 8 hours to get to a federal court can be a burden to all parties in federal lawsuits.

While I am happy to accommodate the wish of the federal bench in Colorado to provide this money, I will continue to listen to members of the Colorado Federal Bar, the Administrative Office of the Courts, and other areas of the state that experience growing needs for judges and courtroom space to ensure that this appropriations bill accurately provides for the needs of the entire state.

The PRESIDING OFFICER. Under the previous order, the hour of 2 o'clock having arrived, the Senate is to proceed to a sequence of votes on Amendments to the Treasury-Postal bill.

The President pro tempore issued the following statement for the record:

Mr. PRESIDENT. The President pro tempore of the Senate, Senator Durenberger, is absent. Senator K Enterprises, who is presiding, asks unanimous consent that any Senator desiring to address the Senate be permitted to do so.

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho.

Mr. JOHNSON. Mr. President, I rise today to ask unanimous consent that the Senate be excused from the consideration of S. 2312, which the clerk will report.

The legislative clerk read as follows:
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While I am happy to accommodate the wish of the federal bench in Colorado to provide this money, I will continue to listen to members of the Colorado Federal Bar, the Administrative Office of the Courts, and other areas of the state that experience growing needs for judges and courtroom space to ensure that this appropriations bill accurately provides for the needs of the entire state.
This is not about the current occupant of the office. It is about ensuring that the Federal Election Commission continues to operate on a bipartisan basis. I hope the amendment will be approved.

The PRESIDING OFFICER. The question is on the motion to table the McConnell amendment numbered 3379. Mr. GLENN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3379. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness. I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

YEAS—45

Abakas Feingold Leaky
Baucus Feinstein Levin
Biden Ford Lieberman
Bingaman Glenn Mikulski
Rexroth Graham Moseley-Braun
Breault Harkin Moynihan
Bryan Hollings Murray
Bumpers Inouye Reed
Byrd Johnson Reid
Cleland Kennedy Robb
Collins Kerrey Rockefeller
Craig Kerry Sarbanes
D'Alesandro corrigan Smith (NH)
Dorgan Landrieu Wellstone
Durbin Lautenberg Wyden

NAYS—54

Abraham Allard McCain
Ashcroft Bennett McCollum
Ashcroft Bonner Markowski
Baucus Brown Nickles
Bingaman Boren Robb
Brownback Burns Roth
Burns Campbell Santorum
Cooper Campbell Sessions
Cooper Campbell Shelley
Craig Collins Smith (NH)
D'Amato Collins Smith (OK)
DeWine Jeffords Specter
Domenici Craig Stevens
Domenech Craig Thomas
Durbin Lautenberg Thurmond
Enzi Mack Warner

NOT VOTING—1

Reins

The motion to table the amendment (No. 3379) was rejected. Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNITED STATES SENATE
Congress of the United States
Washington, DC

July 30, 1998

AMENDMENT NO. 3385, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent to withdraw amendment No. 3385. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3385) was withdrawn.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

AMENDMENT NO. 3379

The PRESIDING OFFICER. The first vote is on amendment No. 3379.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

This is the McConnell amendment. There are 2 minutes equally divided.

Mr. GLENN. Mr. President, I urged last night on this bill. This would really knock the socks off any election law enforcement over at the FEC. We oppose this very much. It would mean there would be a restriction on the FEC that is not on any other agency or department of government—such as their general counsel goes and their staff director.

The efforts to oust him over there, I think, are unconscionable. He has been doing a good job. This just stands starkly opposed to our efforts for campaign-finance reform.

At the appropriate time I will move to table this, but I yield the remaining time to Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this amendment is directly aimed at the independence of the Federal Election Commission. It is aimed at no other commission. Its purpose is obvious—to eliminate a general counsel who has taken an independent position, following the Federal Election Commission's decision relative to soft money and other issues. We should not muzzles them. We should not throtle them. We should not destroy their independence.

Mr. MCCONNELL. Mr. President, the amendment is really quite simple. The Federal Election Commission is like no other commission of the Federal Government. It has three Republicans and three Democrats. The general counsel, under current law, could serve for a lifetime. All the McConnell amendment does is require that every 4 years the general counsel come up for reappointment and not be reappointed unless he can achieve at least four votes, thereby demonstrating to the full Commission that it has a bipartisan basis, enough confidence to continue for another 4-year term.

This guarantees that the general counsel will operate in a bipartisan manner, because a general counsel who, after 4 years, could not achieve votes from both parties, it seems to this Senator, clearly would fail a test of bipartisanship.
The legislative clerk read as follows:

A bill (S. 2132) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

AMENDMENT NO. 3397

The PRESIDING OFFICER. There are 2 minutes equally divided on the Feingold amendment.

Mr. FEINGOLD. Mr. President, this amendment is about the National Guard. This amendment is about priorities in our Armed Forces, not about the merits of any aircraft proposed to be added to the Navy's aviation fleet. This amendment fills in almost all of the dangerous $225 million shortfall in the National Guard's O&M account. As an offset, we use the House's recommendation on Super Hornet procurement for the coming fiscal year.

Mr. FEINGOLD. Mr. President, this amendment is supported by 25 State adjutants general. I hope my colleagues contact their State adjutants generals to get their opinion before casting their vote. I urge colleagues to support the National Guard and to vote against tabling this amendment.

Mr. STEVENS. Mr. President, this amendment will eliminate the Navy's highest priority, or I would say the Defense Department's highest priority for the Navy, the F-18 E/F. It would move that money into the National Guard. We have already increased the National Guard by more than $500 million above the budget request. So that approval of the National Guard Adjutants is a facade. This is to kill the F-18. I urge that the Senate support my motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3397. The yeas and nays have been ordered.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) would vote "aye."

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

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—80

Yeas—80

NAYS—19

Pennsylvania (Mr. BINGHAM) would vote "yea."

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, could we have order for just one moment.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, I want to inform the Senate that tomorrow there will be another funeral. It is the funeral for Officer Chestnut. The amendment today was we would not have any votes until 1 p.m. Then we made that 2 p.m. because of the Intelligence Committee meeting. But we are going to have the same agreement now that we will not vote on the amendments that we take up later this evening until tomorrow at 1 p.m.

I am soon going to seek agreement that all amendments will have to be debated tonight, and we will start voting tomorrow at 1 p.m. on those that require a vote. We will have taken over half—we have agreed to take over half the amendments we know of now, and we very soon hope to be able to know what those amendments are, but we will work out that time agreement.

I think Senators should realize that without regard to anything else we do now, we are going to be here tomorrow, and we are going to start voting at 1 o'clock and not before. The alternative is if we get through these—we might be able to get through them tonight if Senators want to do that and be finished tonight. But we can't do that unless we see the amendments.

Now, I have asked two or three times for an agreement that Senators bring amendments through, that we have a time limit on what must be discussed, and we will try that again after the next vote. But we have to have some certainty. If Senators want to, we are going to be here until Sunday, because I will never, never allow a defense bill to hang over a recess. It just will not do. And I think anybody who understands defense understands it cannot happen. So we are going to finish this bill tonight or tomorrow or Saturday or Sunday. My plane doesn't leave until 2:20. Mr. DODD. Will the Senator yield?

Mr. STEVENS. What is the next vote?

Mr. DODD. Will the Senator yield, Mr. President?

I inquire of the chairman of the committee, are we going to have votes this evening? Why wouldn't we vote on the evening rather than having votes hanging over until tomorrow? Mr. STEVENS. We might be able to do that.

Mr. President, I ask unanimous consent that no vote on this bill take more than 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Are we going to have votes then this evening, all into the evening?

Mr. STEVENS. We are going to vote on amendments when they come up. Whenever they come up, we will vote on them. Most of them are going to be motions to table, I will tell you. Most of them are going to be motions to table because most of this stuff is not relevant to this bill at all. But you as well as put on notice, Republican or Democrat, I am going to move to table any nonrelevant amendments. Mr. MURkowski addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURkowski. If I can question the floor manager relative to his intent, if we are in tomorrow and votes start at 1 o'clock, might it be possible to stack the votes in the event that actuality should be determined, because the last plane that I can catch is 2:20; otherwise, I have to leave the next day. And I don't request special consideration. On the other hand, it just means another day's delay. So if we did go into tomorrow and we start voting, the 2:20 plane is the last one I can catch.

Mr. STEVENS. I tell my colleague I will do my best.

I renew my unanimous consent request that all remaining first-degree amendments in order to be offered to this bill must be presented and offered before 5 p.m.

Mr. BAUCUS. Mr. President, objection. I object.

Mr. STEVENS. There is the answer to my friend. I do not see how we can finish before 2:30 tomorrow afternoon unless we know what we are voting on. This is what the next order of business, Mr. President?

AMENDMENT NO. 3124

The PRESIDING OFFICER. The pending question is on the Hutchinson amendment No. 3124. There are 2 minutes of debate equally divided.

Mr. STEVENS. Mr. President, I might say I am prepared to accept this. It is a sense-of-the-Senate amendment primarily.

This is the Senator from Arkansas. I do have a tabling motion in place on this, do I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for the vote after 1 minute on each side.

The PRESIDING OFFICER. There are 2 minutes equally divided.
The assistant legislative clerk called the roll.  
Mr. NICKLES. I announce the yeas from North Carolina (Mr. HELMS) is absent because of illness.  
I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “no.”  
The result was announced—yeas 29, nays 70, as follows:  

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YEAS—29

Akaka  Glenn  Moynihan
Baucus  Graham  Murray
Bingaman  Hagel  Reed
Benn  Hollings  Robb
Borum  Inouye  Roberts
Burns  Jeffords  Rockefeller
Cleaver  Kennedy  Stevens
Collins  Leiberman  Thomas
Craig  Levin  Thaddeus
D'Amato  Lugar  Torricelli
DeWine  Mack  Wyden
Durbin  Murray

NAYS—70

Abraham  Feingold  Bingaman  Dick  Mixon
Allard  Ford  Dole  Moynihan
Ashcroft  Gordon  Feingold  Murray
Baucus  Graham  Feingold  Nickles
Bingaman  Grassley  Nickles
Borum  Hagel  Nunn
Burns  Inouye  Packwood
Cleaver  Jeffords  Pallone
Collins  Kennedy  Pasqulini
Craig  King  Pell
D'Amato  Lugar  Pell
DeWine  Marsburn  Pell
Durbin  Moynihan  Pell
Enzi  Moynihan  Pell
Lugar  Moynihan

NOT VOTING—1

Holms
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The motion to lay on the table the amendment (No. 3124) was rejected.  
Mr. STEVENS addressed the Chair.  

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am informed now there are at least two, maybe three, amendments that will be offered to this amendment.  
Under the circumstances, I would like to just suggest we set aside for a minute and have the proponents of the second-degree amendments talk to the author of the first-degree amendment to see if we might work something out as to how we limit the time or deal with this, if that is agreeable. If it is, then I would ask it be temporarily set aside.

I would like to take up the amendment No. 2964.

The PRESIDING OFFICER (Mr. GOR). Is that a unanimous consent request?  
Mr. STEVENS. It is a request. I ask unanimous consent that it be temporarily set aside, and we take it up one by one. Hopefully, they will talk while we are doing this.

Mr. HUTCHINSON. Reserving the right to object, will the Senator yield for a question?

Mr. STEVENS. Yes.  
Mr. HUTCHINSON. When temporarily set aside and do the negotiations on the various second-degree amendments that are to be considered, when do you anticipate returning to—

Mr. STEVENS. I say to the Senator, there are two other amendments we could act upon now. Your amendment will automatically be the order when we finish those.

The PRESIDING OFFICER. The regular order would bring back the amendment.

Mr. STEVENS. Yes.  
Mr. HUTCHINSON. Thank you.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Without objection, it is so ordered.  

AMENDMENT NO. 2964

Mr. STEVENS. Mr. President, the next amendment would be amendment No. 2964, offered by Senator ABRAHAM.  
There was no request for time that I know of for this. We are prepared to do and do ask—that are the yeas and nays ordered on that amendment? I do not think they have been ordered. Have they?

The PRESIDING OFFICER. The yeas and nays have not been ordered.  
Mr. STEVENS. I move for the adoption of Senator ABRAHAM’s amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the Abraham amendment No. 2964.

The amendment (No. 2964) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Was there one more amendment we had to dispose of before we come back to the regular order?

The PRESIDING OFFICER. There is the KYL amendment.

Mr. STEVENS. For the information of the Senate, Senator KYL asked that his amendment be set aside temporarily because the Armed Services Committee is meeting to consider a similar amendment. We would like to have that set aside until Senator KYL asks that it be brought up. I ask unanimous consent that Senator KYL’s amendment be set aside.

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

We have two amendments pending from the Senator from Texas, Mrs. HUTCHISON.

Mr. STEVENS. There is one amendment on which the debate has been finished.

May I inquire of the Senator from Texas, is debate finished on the one amendment?

Mr. HUTCHISON. That is correct. I have spoken on the first amendment, No. 3409. I am happy to yield back time on that.

Mr. STEVENS. Mr. President, I am informed there is a request for the adoption of Senator KYL’s amendment until the Bosnia amendment is considered. I ask unanimous consent to set it aside temporarily, also, until that is resolved.
The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3124

Mr. STEVENS. We come back, then, to the pending amendment. As I understand it, it is the regular order. And that is the amendment that was not tabled.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Arkansas, Mr. HUTCHINSON. The motion to table was not agreed to.

Mr. STEVENS. That is open to amendment.

Mr. President, I think they are following the suggestion and perhaps discussing those second-degree amendments. I ask unanimous consent that, again, that be the pending business but it be temporarily set aside until the sponsor of that amendment can return to the floor. I also ask unanimous consent that we proceed with the Bosnia amendment by the Senator from Texas.

The PRESIDING OFFICER. Without objection, the pending amendment will be amended by the Senator from Texas, Mr. HUTCHINSON. Amendment No. 3413 has to do with Bosnia.

The PRESIDING OFFICER. Amendment No. 3413.

The Senator from Texas is recognized.

AMENDMENT NO. 3413

Mrs. HUTCHINSON. Mr. President, Amendment No. 3413 is to condition the use of appropriated funds for the purpose of reducing and orderly and honorable reduction of U.S. ground forces in Bosnia. It is a fact that the U.S. Armed Forces have accomplished the military mission assigned to them as a component of the implementation and stabilization forces. 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 Congress.

Mr. President, this is the first time that I have voted on any kind of resolution that would establish some kind of policy on Bosnia since the President decided that it would be an unending mission.

On November 27, 1995, the President said that America would be part of a multinational military implementation force that would terminate in about a year. The President declared the expiration of the mandate to be December 20, 1996.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff at the time 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. That was a forceful statement by the Chairman of the Joint Chiefs. He said it is a recipe for mission creep not to have a termination date.

On October 3, 1996, the Chairman of the Joint Chiefs announced the intention of the United States to delay removal until March 1997. In November of 1996, the President announced that we would delay until June of 1998. The President did not request authorization by the Congress of a policy that would result in the further deployment of U.S. forces in Bosnia until June 1998.

Notwithstanding the passage of two previously established deadlines, the reaffirmation of deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline, nevertheless, the President announced on December 7, 1997, that establishing a deadline had been a mistake and that U.S. ground combat forces would be committed to the NATO-led mission in Bosnia for an indefinite amount of time.

What my amendment does is very simple. It says that funds appropriated will not be made available except as conditioned below: that the President will bring the number of troops down to 6,500 by February of next year and 5,000 by October of 1998, so we are staying on target.

I do not ask that the exceptions are very broad at the discretion of the President and the Secretary of Defense that U.S. forces would have enough forces to protect themselves as the drawdowns proceed. So we are, of course, going to give the protection to the forces as the drawdown goes forward.

This doesn’t take us out of Bosnia, which many in this body feel that we should do, that we should begin this at the beginning for an honorable withdrawal. It just says, by the end of the fiscal year of the budget that we are considering, that our troop level would be down from about 8,500 to about 5,000. This should start the process of working with our allies to have a better distribution and sharing of responsibility among our allies and the United States.

This is a European security issue. The United States has approximately doubled the numbers of our European allies have. We want to be a good ally. In fact, I don’t want to pull up stakes and leave Bosnia without doing it in a responsible way. I think that is our responsibility. But, in fact, many of us have asked the President repeatedly to lay the groundwork with an established and clear mission that has a chance to succeed, a mission that has a finite term so that both our allies and any enemies of our cause would know exactly what to expect from America now and the future. That would be possible at this time. We have said we were going to leave twice, and we have not left. We have not left, and we have not laid a proper base to leave.

What I am asking the President to consider and what I ask the American people to consider is that we start the process of realigning the forces in Bosnia so that our contribution would be reduced and our allies in NATO would begin to take a greater share of the burden.

Why is this important? We are looking at a time when our military readiness is being called into question. In fact, if you look at all of the responsibilities that America has in the world, we are spending too much on Bosnia and putting the future security of the United States and our ability to respond in the future in other places like where America may have to respond, even unilaterally, in jeopardy. That is not the course we should be taking.

It is most important that America start with the issue of Bosnia and address it in a way that we should be putting it in context with our overall responsibilities in the world. The Bosnia operation has already diverted nearly $10 billion from our national defense. A growing lament at the Pentagon among senior officials is that we are in danger of returning to the hollow forces of the militias of the late 1970s.

Let me mention some of the indicators that demonstrate our military is under strain. Last year the military had its worst recruiting year since 1979. The Army failed to meet its objective to recruit infantry soldiers, the single most important specialty in the Army. A Senate Budget Committee investigator recently reported finding serious Army-wide personnel and readiness problems. At the National Training Center, where our troops go for advanced training, units rotating in typically have a 60 percent shortage in mechanics and often a 50 percent shortage in infantry. These shortages were blamed on the fact that these personnel, especially the mechanics, are deployed abroad for missions such as Bosnia.

More than 350 Air Force pilots turned down the $60,000 bonuses they would have received to remain in the cockpit another 5 years—a 29 percent acceptance rate. That is compared with 59 percent in 1995. That is a stark trend. The Air Force is finding that whatever the perks, it can’t hold its best pilots. Last year, about 500 pilots resigned. Most of them were lured by the airlines. This year the number will be even higher. The Air Force says it is not able to train enough new pilots to replace them.

When I have gone and visited our bases overseas and at home and I ask our enlisted military men and women why we are losing our experienced people, almost every time the answer is: Too much time away from our families on operations that don’t seem that necessary. A Senate Budget Committee investigator also found that some small units are now being led by junior people because sergeants are off on peacekeeping duty. As a result, subunits from basic squads on up do not train with the leaders they would go to war with. They are going to first day of training just as you would go to war.

Since 1991, the United States has cut its Armed Forces by about a third. It may be more difficult, more risky, and possibly more costly to invade Iraq now. We are going to debate and vote on a resolution today, hopefully, expressing our support for the President’s strong actions toward Iraq. But
the fact is, if anything went wrong, we would have to divert troops from every theater in the world to prevail. Defense cuts of almost 50 percent over the last decade have put our security at risk. But this has been made worse by the diversion of U.S. resources and readiness to places where there is no security threat to the United States, such as Bosnia, Haiti, and elsewhere.

We have spent more time discussing Bosnia than missile defense, which is a security risk to our country. We are not doing the policy that is going to put our country in the best position to deal with the myriad of issues that will face this country and our security in the next century.

President Clinton and his administration are missing a big-picture view of the world and the proper role for the United States. Our growing involvement in Bosnia is a good example of that. Just last week, U.S. forces were directly involved in tracking down and capturing a war criminal.

The Dayton accords have made it clear that apprehension of war criminals would be the responsibility of the parties to Dayton—civilian police and government officials. In fact, a little more than a year ago now, the former NATO commander, George Joulwan, told the Congress this:

The military are not policemen. And I think the proper responsibility rests on the parties. That is what Dayton says. If we are not careful, we will go down this slippery slope where the military will be put in the position of hunting down war criminals. That is not within the mandate.

That is Gen. George Joulwan.

I joined with many of my colleagues in the Senate to oppose the decision to send troops to Bosnia. One of our principal concerns was that, once there, our mission would be indefinite, and that it was a mission creep. We were bolstered in our concerns by former Secretary of Defense William Perry and former Chairman of the Joint Chiefs, General Shalikashvili. They both warned that without a specific deadline for withdrawal there would be no potential for expanding the mission.

I am concerned that Secretary Perry's warnings are coming true. While we were on a recent recess, the President announced that thousands of U.S. troops would remain in Bosnia after the June 30 deadline, remembering that the Senate had unanimously endorsed that deadline of June 30, 1998, which his administration had established.

After 240 U.S. Marines were killed in Lebanon in 1984, Defense Secretary Caspar Weinberger established six principles upon which the decision to send U.S. ground troops should be based. Here is what he said:

The U.S. should not commit forces unless the decision is based on our vital national interest. If we do commit forces, we should have clearly defined political and military objectives. We should know how those objectives are to be achieved, and we should send the appropriate forces to complete the objectives. We must constantly reassess and adjust our relationship between our objectives and forces, if necessary. The commitment of troops should be a lasting resort, not the first.

We have violated virtually every one of Secretary Weinberger's principles in Bosnia. It was supposed to be a 1-year peacekeeping operation that would keep the factions apart until their own forces could come in and keep the peace from the ground up. They would have local elections and general elections in the future, knowing they would.

They would begin to resettle refugees.

Dayton has long since passed. I was in Brcko a year ago, 1 week before the eruption there in which U.S. troops were harmed. I was able to see how far we had come. I have been to Bosnia four times.

What I saw in Brcko was the resetting of refugees who did not even meet their next-door neighbors from the other factions, and I thought this was beginning to look like an end game. They both warned that without a specific deadline for withdrawal there would be no potential for expanding the mission. That is not within the mandate.

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they do best, and that is to train for the contingency that only we can address; that we will have the money to be able to invest in the technology that will protect the world from ballistic missiles and nuclear, biological, and chemical weapons; and that we will not lose our most experienced personnel because they are worn out from mission fatigue on operations they do not see as threats to U.S. security.

Mr. President, I thank you. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise today as a cosponsor of the Hutchison amendment, No. 3413, to the DOD appropriations bill concerning Bosnia.

I want to very sincerely commend the Senator from Texas for all the hard work she continues to devote to this important issue and for trying to craft a compromise that would be acceptable to a majority of our colleagues regarding the United States' ongoing presence in Bosnia and Herzegovina.

As my friend from Texas has already explained, this amendment mandates a withdrawal of forces participating in the NATO Stabilization Force, or SFOR, requiring that that force, or any future multi-national successor force, shall not exceed 6,500 troops by February 2, 1999, and 5,000 troops by October 31, 1999. The amendment enforces these levels by tying any appropriated funds for the Bosnia mission to this troop reduction.

This amendment represents something less than a funding cut-off for the mission, although that is a policy I have pursued in the past.

Rather, it suggests a slow and careful drawdown of U.S. forces in the region. In fact, it allows for troops to stay there past October of next year!

Mr. President, this is July 30. This is exactly 1 month after the date that we were supposed to be out of Bosnia in the first place. That isn't even accurate, because really we were supposed to be out of Bosnia in the first place, according to the promises that were made by both parties, by December 30, 1996. So we are way beyond that date.

Our troops have been there since 1995—much longer than the original 1-year mandate, and already longer than the extended mandate for SFOR—and I do not think anyone has a good idea how many more years we will be there.

More significantly, the cost of our involvement in Bosnia has increased dramatically—easily more than quadrupling the original $2 billion estimate to over $9 billion.

The estimate is that it is now well over $9 billion for this commitment that has already been spent or obligated.

Mr. President, I regret that the managers of this bill earlier today agreed to a provision that would allow $1.8 billion in additional funds for the Bosnia mission to be added to this bill with an emergency designation.

Mr. President, the mission in Bosnia has clearly ceased to be an emergency, and this amendment even recognizes that fact.

The fact that the emergency designation was inserted into the bill this morning unfortunately highlights the fact that we in Congress continue to be lax in establishing some kind of accountability for our continued operations for which we pay similarly for the taxpayer dollars that are needed to support that operation, soon to approach the astounding figure of $10 billion.

I recognize that my continued opposition to the mission in Bosnia is not shared by everyone in Congress. But I think all of us would agree that the Congress has a constitutional responsibility to provide a check on the manner in which the executive branch spends money.

The way the President spends an annual budget request to the Congress with his plans for the following year's spending. From time to time there are emergencies that can not be foreseen, and we deal with those according to emergencies.

But let me repeat again, U.S. involvement in Bosnia has ceased to be an emergency.

Rather, our presence in Bosnia has clearly become a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for the long-term. And we need to evaluate this operation on its merits accordingly, and not pretend that it is an appropriate occasion for an emergency designation.

The amendment by the Senator from Texas can at least put some real pressure on the administration to develop plans for a reduction in troop levels in Bosnia. The amendment also would have prevented the fact that it, because we would need fewer resources to support a smaller troop presence.

Mr. President, with or without this amendment, I think we all recognize that there will be troops in Bosnia next year.

So, this is not an emergency, and I think the Congress has a responsibility to face that fact and deal with it accordingly.

I hope, therefore, that those of my colleagues who do support the mission in Bosnia will cease to resort to maneuvers regarding the funding of this mission that seek to avoid our budget spending caps! This has been going on for far too long, and has eaten up too many of our resources—human, financial and otherwise. We cannot continue with this budgetary game.

Mr. President, I am pleased once again to join the junior Senator from Texas in trying to assert some kind of accountability for this mission. I urge my colleagues to support her amendment.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, it is with reluctance I rise to oppose the amendment offered by my colleague, the Senator from Texas, because we share many of the same concerns about the deployment of our troops to Bosnia initially. We had the same concerns about the Dayton accord, which, as presented to us, was transparent on its face. It was disappointing on its face that we could accomplish the task incorporated in Dayton with a 1-year period of time of deployment of our troops on the ground, a timetable unachievable by any measure. The continued existence of our involvement in Bosnia is something that I don't support.

But I believe that the amendment has a fatal flaw, and the fatal flaw is that it makes Congress the determiner of how many troops and what time period those troops will be deployed once the mission has been decided by the Commander in Chief, the President of the United States.

I find it difficult to stand up here and defend the powers of the President of the United States, particularly at a time like this. But constitutional prerogatives and constitutional powers that I think need defending regardless of what your personal assessment is of any particular President.

Second, I believe it is unwise policy for us to make a decision about the force levels of our troops or decisions that micromanage how those troops conduct themselves and how they accomplish their mission once the decision has been made. Clearly, our responsibility, if we disagree with the presence of those troops and the deployment of those troops, is to address that by eliminating the funding for those troops, but not to determine the force level of those troops, the kind of operations they are going to conduct, and what their timetable ought to be.

I quote from a letter from the Secretary of Defense dated May 21, 1998, when he says, "Our military commanders in the field have determined the level and type of force required to carry out the mission within acceptable risks. The mission force and guidance of the force currently planned for have been fully agreed to by military authorities. Military commanders"—unfortunately the amendment here—"Military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational consideration, and the fluid tactical situations they face. In addition, legislating withdrawals would incite heightened internecine and extremism."

Mr. President, we sadly learned in Somalia, to cite one example, the disastrous and tragic consequences of political decisions overriding military requests. We lost some brave Americans unnecessarily because the political decision was made to not provide those...
forces with the necessary equipment and not base a sufficient force there until our mission was accomplished. I don’t want to see us doing that again.

We in Congress do not have the expertise to make that decision. Even if we didn’t make that decision, that is a decision that ought to be made by those who command the troops and make the decisions about their presence and what they need to be there.

So I strongly, strongly urge my colleagues to vote to table this amendment, not because they necessarily agree or disagree with whether or not this is a proper deployment, not because this impacts our readiness, which it does, not because it is costing a lot of money, which it is, not because it was a bad decision to start with, and an unachievable mission and objective to start with, because it is, but because it tells our troops that we in Congress know more about what they need, what the troop levels should be, what the date of withdrawal should be, how we accomplish the mission of our military commanders. Those men and women in uniform who we put in harm’s way have to have every advantage we can give them in terms of protecting their security, in terms of accomplishing their mission, and it is a decision that has to be made by people with military expertise and not Members of Congress.

For that reason, I strongly urge that we vote to table this amendment.

Mr. BIDEN. Mr. President, I rise today in opposition to the Bosnia amendment introduced by the junior Senator from Texas. Before I discuss the reasons for my opposition, I would like to commend the Senator for her continuing interest and involvement in U.S. foreign policy. The Senator is one of this body’s most active Members, and while I have often opposed her legisliative initiatives, which seemed to me unwise to limit American involvement abroad, I value her enthusiasm and engagement.

The amendment that Senator HUTCHISON has proposed today sets arbitrary caps on our troop strength in Bosnia and micromanages their duties from the vantage point of Washington, D.C.—4,000 miles from Bosnia and Herzegovina! The amendment is fatally flawed.

Mr. President, the Hutchison amendment is predicated upon a false assertion: that the U.S. contribution to SFOR is inequitable and disproportionately large. I will return to that issue in a moment.

Moreover, the amendment makes several incorrect claims about the current situation in Bosnia, for example that NATO forces participate in law enforcement activities there.

In circumscribing future activities, it also incorrectly implies that NATO forces are transporting refugees or that refugees are relocating in order to control the territory of the other Bosnian entity.

But, Mr. President, the core of my opposition to the Hutchison amendment is the same as was my opposition last month to the Thurmond amendment to the Defense authorization bill.

Put quite simply, if the United States was the leader of the North Atlantic Treaty Organization, then it must continue to lead!

Mr. President, leadership means being present in all aspects of NATO operations and sharing in the risks.

The Hutchison amendment is a prescription for “NATO à la carte.” By February 1999 it would allow exceptions in Bosnia to the arbitrary troop limits in Bosnia only for self-protection as we withdraw our forces, to protect U.S. diplomatic facilities, or in advisory support roles.

That might work for a junior member of the Alliance, but not for the United States of America. Not for the leader of NATO.

Let me return to the false assumption that underlies the Hutchison amendment—that our participation in SFOR is disproportionately large.

As a matter of fact, Mr. President, while the U.S. contribution to SFOR remains the largest single national contribution, the proportion of U.S. forces within NATO forces in Bosnia has declined dramatically since initial deployment in December 1995.

At the outset, U.S. troops made up one-third of IFOR. As a result of steady, measured reductions, U.S. participation has dropped to one-fifth of SFOR.

In other words, our allies and other SFOR partners have agreed to the U.S. taking disproportionate cuts in force numbers at each milestone, while continuing to accept U.S. command of the overall force.

At the current time, our European allies alone contribute more than three-and-one-half times the number of troops in SFOR than we do.

Attempting to lower the U.S. proportion to equal or below that of any single European almost certainly cost us our command position. Some Members of the Senate might welcome such a development. I would not.

I want the United States to retain command of SFOR in order to ensure that the pace of implementing the Dayton Accords holds steady or accelerates.

I want the United States to retain command of SFOR in order to maximize the effectiveness and protection of the U.S. forces in Bosnia.

We are in Bosnia because helping to resolve the Bosnian problem is in our national interest.

As was clearly pointed out by this Senator and many others during the debate on NATO enlargement last spring, that is the reason we are in Europe at all.

In political, security, and economic terms, we are a European power. Our engagement in Europe, including Bosnia, is not a charity operation. Stability in Europe benefits us.

The European allies of the United States are playing a major role in Bosnia.

Because of our leadership role in NATO, and because of our superior logistical capabilities, we have maintained command of SFOR. This is how it should be.

Like my colleagues, I am in favor of the speediest fulfillment of the Dayton Accords so that Bosnia and Herzegovina will have a self-sustaining democracy and all foreign troops may be withdrawn. American command of SFOR is the best guarantee that we can rapidly achieve this goal.

The Hutchison amendment would, I submit, gravely undermine that American command in Bosnia and would set in motion a process that could ultimately result in loss of the position of SACEUR, the command of NATO land forces in Europe.

For all these reasons, I oppose the Hutchison amendment, and I urge my colleagues to join me in rejecting it.

I thank the Chair and yield the floor.

Mr. President, I will take no more time. I know my friend from Arizona is about to make some comments.

Last spring this was a bad idea. Nothing has caused it to become a good idea in the summer. It was a bad idea then; it is a bad idea now. I hope it will be tabled.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Mr. President, the Hutchison amendment before us is little different from the one the Senate rejected last month.
Bosnia is a long-term, complicated problem. It involves not only the warring factions, but has direct effects on Croatia and Serbia, including Kosovo, and threatens to spill over to the wider Balkan region. The credibility of NATO and especially the United States is tied up with the resolution of the Bosnia crisis. It would be sheer irresponsibility, probably leading to renewed warfare, if we were to precipitously pull out of Bosnia after investing so much. It would be a betrayal of our commitment to our Allies. And it could well lead to an even more costly and dangerous re-introduction of American forces to stop the renewed fighting.

Dealing with the Bosnia crisis—even if our objective is to get American troops out of there—requires treating Bosnia as a serious long-term challenge. It is not an issue that lends itself to artificial deadlines for withdrawal. Nor is there any rationale for forcing the Congress to vote by some artificial deadline. Worse still would be a funding cut-off, which would only punish our troops for the failure of policy makers in Washington to craft a viable long term policy.

I would like to offer six principles that I believe should guide our policy:

(1) The U.S. has no permanent national interests in Bosnia. We are not interested in nation-building for its own sake. All we want is to create a self-sustaining peace. We must carry out our responsibilities and then get out.

(2) Our withdrawal must not precipitate renewed warfare in Bosnia.

(3) There must be no phony deadlines—whether for a withdrawal date, a Senate vote, or anything else. We have all the power we need to act whenever we want. We don’t need a deadline. We need sound policy.

(4) There must be no funding cut-offs or threats of this sort which would only hurt our troops on the ground. The real problem is policy making here in Washington. It needs to be solved here.

(5) There must be no micro-management of the military. The Congress and Administration must provide political leadership. We must make the tough decisions and bear the consequences. The military’s job is to implement our decisions as effectively as possible based solely on military considerations. The executive has no business making political decisions for us, and we have no business making military decisions for them.

(6) The U.S. must provide leadership. No other country in the world has the political, military, and moral authority to exert leadership. Simply packing our bags and walking away is not an option. We must not simply abandon our Allies. We must leave Bosnia, but with dignity and leadership, leaving behind a well-planned succession.

Handing the resolution of this crisis requires us to look beyond just this fiscal year. It requires the United States to develop a multi-year strategy that sets out our objectives, the means for achieving these objectives, and a target timetable for getting us there—but no phony deadlines. For the sake of our troops, we need to set out clearly the military and nonmilitary missions they are being asked to perform. ‘Creative ambiguity’ may be useful in politics, but it is dangerous for soldiers. We need to be honest with ourselves about the risks we are asking our troops to face, and the costs to the taxpayers of continuing the mission.

I am of the opinion that the direction we should be taking is to move toward a force made up of European nations inside Bosnia, with U.S. forces just ‘over-the-horizon’ outside of Bosnia—providing a rapid response capability to deter security threats, and providing logistical, intelligence, and air support to the European forces inside Bosnia. This step would free up U.S. forces to prepare for other contingencies.

But it is not possible to achieve this goal simply by announcing numbers, or even numbers arrived at through an averaging process involving contributions of countries with militaries’ a fraction the size of our own, and deadlines for troop withdrawals. Doing so would only exacerbate the crisis with our Allies and could have the effect of simply setting a timetable for restoring violence to Bosnia. Instead, achieving this goal requires working together with our Allies and realistically taking account of the situation inside Bosnia. Mr. President, the Senate already approved an amendment, of which I sponsored, that seeks to do exactly these things. It imposes a number of reporting requirements, designed to provide the basis for moving us in the direction we all want to go. According to the amendment already passed by the Senate just over one month ago, each time the Administration submits a budget request for funding military operations in Bosnia, the Administration must clearly state its best assessment of six items:

(1) our overall objectives and multi-year timetable for achieving these objectives—taking account of the benchmarks already required under the supplemental appropriation passed earlier this year;

(2) the military and nonmilitary missions the President has directed U.S. forces to carry out—including specific language on our policy on war criminals, returning refugees, police functions, and support for civil implementation;

(3) the Chairman of the Joint Chiefs of Staff’s assessment of the risks these missions present to U.S. military personnel;

(4) the cost of executing our strategy over several fiscal years;

(5) the status of plans to move forward with a European force inside Bosnia with a U.S. force outside Bosnia that could provide overall support to the European force; and

(6) an assessment of the impact of reducing our forces according to the timetable proposed in the original Byrd-Hutchinson amendment.

This may seem like a detailed and onerous reporting requirement, but it is nothing more than the kind of long-term planning the Administration should be doing anyway. By requiring it in a report to Congress, we ensure that the Congress is operating off the same set of assumptions and plans as the Administration. This will give us an opportunity to look more thoughtfully at the real challenges in Bosnia and structure our decisions more appropriately. Instead of broad swipes through artificial deadlines or prohibitions on certain missions, we will be able to target our policy choices more effectively.

Mr. President, I am not going to elaborate very much on what the Senator from Indiana had to say, except to ask unanimous consent that a letter to Senator Strom Thurmond, the chairman of the Senate Armed Services Committee, written by General Shelton and Secretary Cohen be printed in the Record.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The Secretary of Defense,
Washington, DC, 21 May 1998

Hon. Strom Thurmond, Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Mr. Chairman:

We write to express our concerns with any amendment that would legislate a date for the withdrawal of U.S. forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkable successful to date.

It is our intention to reduce our forces in Bosnia. Based on the progress achieved to date, our commanders already have been able to reduce US troop levels from almost 20,000 in 1996 to the 6,900 that will be deployed after the current drawdown is completed in September. Based on the reviews of our force posture and progress toward the benchmarks we have established, and we expect further reductions will be possible. But that determination is best based on the actual situation on the ground, the military advice of our commanders in the field, and the approval of the NATO military and political authorities, not an arbitrary withdrawal or reduction dates determined long in advance.

Our military commanders in the field have determined the level and rate of force required to carry out the mission within acceptable risk. The mission, forces and guidance of the force currently planned for June 1998 have been fully approved by NATO political and military authorities. Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face. In addition, while those opposed to the Dayton Accords have been steadily isolated and diminished in their influence, legislating withdrawal of reduction dates would invite harassment intransigence.

Additional factors that Congress should consider in reviewing any such amendment are the following:

Under the proposed amendment, command of the SFOR operation and its element in
MND-North might well be transferred to a non-US officer early next year.

Shifting to a posture in which the US has much smaller force levels in Bosnia but enhances its ability to respond in regions surrounding Bosnia, as envisioned by the amendment, will not save money and indeed could undermine our current posture in Bosnia. We are continually evaluating the force posture for Bosnia, and do not consider an over-the-horizon force appropriate now.

Accordingly, we strongly urge you to oppose any legislated fixed date or timetable for withdrawal or reduction of US forces in Bosnia.

There is one other factor related to operations in Bosnia of great concern to us, and that is funding. The Department submitted an addition to the FY99 budget to fund a 6,900-person force in Bosnia. Authorizing that request is essential to accomplishing the mission without significantly reducing readiness in other areas. Without that funding, we would have to choose between Bosnia operations and the overall readiness of our Armed Forces.

Sincerely,

HENRY H. SHELTON.
BILL COHN.

Mr. MCCLAIN. Mr. President, in Secretary Cohen and General Shelton’s letter, the Senator from Indiana just referred to, it is very important to understand what they are saying here:

Under a legislated approach, military commanders will be forced to restructure their force and mission tasks based on an arbitrary, mandated schedule rather than mission accomplishment, operational considerations and the fluid tactical situation they face. In addition, those opposed to the Dayton Accords have been steadily isolated and diminished in their influence, legislating withdrawal of reduction dates would invite heightened intransigence and extremism.

So that is the view of the people to whom we entrust the care of our men and women in the military.

I think it would be very appropriate to have a vigorous and, I think, illuminating debate on the issue of whether the troops should be there at all. Congress clearly has the right to cut funding for any military operation anywhere in the world. But I see nowhere in the Constitution where we have, indeed, decreed levels of troops that should be there. I pride myself on the fact that I had some time in the service of our country wearing a uniform, but no way does that give me the expertise or the knowledge to set a troop level. That responsibility is entrusted to our civilian and military commanders.

So it is with reluctance, because I agree with the thrust of what Senator Hutchison is saying. Mr. President, I move to table the Hutchinson amendment.

Mr. BYRD. Mr. President, will the Senator allow me to speak on this amendment before he moves to table?

Mr. STEVENS. Absolutely.

Mrs. HUTCHISON. Will the Senator also allow others who said they would like to speak on this amendment to speak and then move to table?

Mr. MCCLAIN. I do not intend that the request of the distinguished manager of the bill. It is nearly 5 o'clock. We have 50 pending amendments.

Mrs. HUTCHISON. Mr. President, I would like to be able to close.

The PRESIDING OFFICER. Does the Senator withdraw the motion to table?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MCCAIN. I withdraw my motion to table and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I was trying to condition that motion to table. I know Senator Byrd is one of the original cosponsors, Senator Hutchison also. But we do have to move along. I am a co-sponsor also. But I do think we have to have some time limit.

Would the Senator be willing to have some discussion at a time when we might be able to vote?

Mr. BYRD. I, first of all, wish to thank the distinguished Senator from Arizona for withholding his motion. I would probably need 25 minutes.

Mr. STEVENS. And how much time does the Senator want?

Mrs. HUTCHISON. Mr. President, Senator Inhofe and Senator Sessions have both asked to speak for approximately 10 minutes each, and then I would like to close on my amendment with about 10 minutes.

Mr. MCCLAIN. Senator Inhofe said he does not wish to speak on the amendment.

Mr. STEVENS. He has gone to a meeting.

Mr. President, I would like to put some time restraints on this, if we could. I would like to see if we could have the vote take place no later than quarter to 6.

Could we have that agreement?

Mr. BIDEN. Mr. President, if the Senator will yield, a lot of us wish to speak to this amendment, and I hope that maybe just the Senator from West Virginia, Mr. Byrd, would speak and then all those who already spoke refrain from speaking again so people such as me don’t feel compelled to stand up and respond. We are trying to get this done. Because the Senator from Arizona was kind enough to withdraw his motion to table, I hope we could discuss that. The Senator from West Virginia speaks, and maybe the Senator from Texas takes a couple minutes to close out, we then let the Senator move. It would be helpful.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, I would then ask unanimous consent that Senator Byrd be recognized, and the Senator from Texas have whatever time is remaining, and the Senator from Arizona be recognized to make his motion on the floor. And I with the understanding that if the amendment is not tabled, there is no agreement on the amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. After Senator Byrd speaks, I would be allowed at least 5 minutes to close?

Mr. STEVENS. That leaves 10 minutes, I might say to the Senator, in her control; 25 minutes in the control of the Senator from West Virginia.

Mrs. HUTCHISON. That will be fine. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent agreement is accepted. The Senator from West Virginia.

Mr. STEVENS. Pardon me. The amendment is the Senator from Arizona will be recognized, is that correct?

The PRESIDING OFFICER. That is part of the unanimous consent agreement.

Mr. LEVIN. Mr. President, parliamentary inquiry. Has the agreement been entered into?

Mr. STEVENS. Yes, it has. Is the Senator from Michigan upset?

Mr. LEVIN. I would like 5 minutes, if I could.

Mr. STEVENS. On which amendment?

Mr. LEVIN. On the pending amendment.

Mr. STEVENS. The Senator has not spoken on the amendment.

Mr. LEVIN. May I extend him another 5 minutes. We will vote, then—let’s put that off. When that time has expired, I do want to ask unanimous consent that we then proceed to the Hutchinson amendment in the second degree to his amendment, and following that, there will be a vote. I understand there is an agreement so I don’t think we need a time agreement. But I would ask that the time on this expire at 5:40 and that we then proceed to the Hutchinson amendment in the second degree—there will be three comments about that amendment—and that we vote on both of those amendments at 6 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, why didn’t the Senator just leave it at 5:30? Why do we have to take it to 5:40? I think the Senator from Michigan may be willing to take, say, a minute.

Mr. STEVENS. Very well. At 5:30 he gets a minute, and we will go back. We still want to have a vote on the two amendments at the same time. I will renew that request later.

Mr. COATS. Mr. President, reserving the right to object, but not to object, but I will not object, could I just inquire, did I understand the Senator to say that the second degree will be in order if the amendment is not tabled?

Mr. STEVENS. If it is not tabled. There is no second-degree amendment available because the Senator from Arizona will be recognized to table at the end of these statements.

Mr. COATS. If not tabled, the second degree—

Mr. STEVENS. If not tabled, the second degree is still in order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.
Mr. BYRD. Mr. President, I thank all Senators, and I, again, thank the distinguished Senator from Arizona.

Mr. President, I commend the Senator from Texas, Mrs. HUTCHISON, for offering this amendment regarding the continued participation of U.S. forces in the NATO operation in Bosnia. She has been a persistent and thorough overseer of the situation there. I share her concern that Bosnia not become another forgotten war, another long-term military mission whose purpose and even existence is largely ignored, unremarked upon unless something terrible happens. In that unhappy event, of course, much shouting and finger-pointing would ensue, amid calls to “bring our boys home, now.”

It is Congress’s Constitutional duty to provide for the maintenance of the military, as we are doing in this bill, and that includes those instances in which U.S. troops are pressed into service. War is a hardship that is borne by the men and women in our military services not only to provide for them, but also to provide our concurrence and oversight on the ways and places that they are employed. I believe that that calls for something more compelling than Sense of Congress resolutions, such as those that have been passed, one that has been passed during the debate on the Department of Defense Authorization bill last month, but I recognize that, sadly, the majority of my colleagues do not share my opinion. So I applaud the Senator HUTCHISON for steering ahead on the strength of her convictions, despite the somewhat daunting odds.

U.S. troops have been in Bosnia since the Dayton Peace Accords were signed in December 1995. Some 25,000 U.S. troops formed the U.S. contingent of the NATO-led force that replaced the falling United Nations peacekeeping effort there since 1992. The original mission of the NATO force was quite limited—these warring factions were to contain the heavy weapons that were bombarding defenseless towns and cities, and begin to mark the hazardous and indiscriminately strewn minefields so that civilians could take over the arduous task of clearing mines. The U.S. had to lead, because our European allies would not rally behind anyone else. This task, we were assured at that time, would take “about one year.” And that was in 1995.

As that initial year drew to a close, the military tasks were declared essentially complete, and the situation on the ground was, indeed, transformed. While far from enjoying the kind of security that we in the United States take for granted, people could at least seek water without dodging shells and gunfire. The civilian efforts to reestablish Bosnian society, however, had barely begun. NATO leaders agreed to leave substantial numbers of troops in place to keep the peace while the civilian efforts continued. It was understandable. Again, the U.S., we were assured, must take the lead, because if we left, our European NATO allies would march out right behind us. We were told that the troops would be needed only through June 1998. That was in 1996.

Now it is July 1998, almost August. We have been told that the considerations of U.S. forces building a government and civilian infrastructure requires the continued reassurance of a NATO peacekeeping force. Elections are scheduled for September, and more work needs to be done to establish an impartial judicial system that has the trust of the populace. Therefore, the Administration announced a substantial shift in U.S. policy on Bosnia in December 1997—there would be no further estimates regarding the end of a U.S. presence in Bosnia. The U.S. and NATO would leave when sufficient progress was made in achieving certain benchmarks. The complete and detailed benchmarks are classified, but the unclassified summary that I have seen is fairly straightforward: says that when Bosnian government and institutions resemble those of the United States, then our troops may leave.

Mr. President, that is a pretty big order. Bosnia has never previously re-established itself as a free, fair, and free multiparty elections, a clean and impartial judiciary, free access throughout the country, and so forth. For most of this century, Bosnia was part of Yugoslavia. Prior to that, it was part of a monarchy, and before that, it was part of the Ottoman Empire. This leads me to suspect that U.S. troops might be in Bosnia for a very long time, indeed, before Bosnia becomes a happy, peaceful, multi-ethnic republic. And this assumes, of course, that everyone in Bosnia shares this same aspiration, and that no one will try to undermine the progress towards this utopian vision.

I believe that Senator HUTCHISON’s effort addresses three very basic questions regarding the continuing role of U.S. forces in Bosnia. These are the questions.

First, does this Senate really want to continue to allow the United States to be led by the reluctance of others? Must the United States continue to provide a substantially greater number of troops than any of the other NATO allies, as is the envisioned future? Must we not at least push them into carrying an equal military burden for a situation that is, after all, on their borders, not on ours? I know that it is easier to be a follower than a leader, easier to be a critic rather than a playwright, but as the situation in Bosnia and our European allies will not lead, then should we not at least push them into carrying an equal military burden for a situation that is, after all, on their borders, not ours?

Second, does the Senate wish to continue to allow the United States to be led by the reluctance of others? Must the United States continue to provide a substantially greater number of troops than any of the other NATO allies, as is the envisioned future? Must we not at least push them into carrying an equal military burden for a situation that is, after all, on their borders, not on ours? I know that it is easier to be a follower than a leader, easier to be a critic rather than a playwright, but as the situation in Bosnia and our European allies will not lead, then should we not at least push them into carrying an equal military burden for a situation that is, after all, on their borders, not on ours?

Third, does the Senate want to abstain from placing limits on the role that U.S. forces should play in Bosnia? Or do we want to enhance the safety of the men and women we are supporting on the ground there by prohibiting them from performing the kinds of activities that put them in harm’s way by making them appear to side with one ethnic group over another? NATO forces have played an increasing role in the capture of war criminals, and have taken an active role in mine clearance, both of which are closely linked with propaganda practices. A news story from early July reported that U.S. special operations teams
came very close to mounting a "snatch and grab" exercise designed to capture Serb military leaders before commanders on the ground declared that the intelligence was insufficient to ensure a reasonable chance of success. The move required the U.S. to use more manpower we have to spare, the more such jobs we will be drawn into doing. It is the American way, to say, "we'll pitch in." And we are suckers for the underdog. But that can be dangerous in a pluralistic world with centuries-old animosities as Bosnia. These ethnic and religious factions know how to carry a grudge, how to nurse an injustice, through centuries if need be.

With these questions in mind, consider the current situation in the Balkans, as Senator Hutchinson has. Bosnia is relatively stable. No one is shooting at each other, and no one is shooting at the NATO forces. But, Kosovo, on its borders, is not stable. There, the situation is rapidly degenerating. More than 10,000 refugees have fled into neighboring Albania to seek refuge from Serbian dominated Yugoslav military forces who are ruthlessly squashing a separatist movement in ethnically Albanian Kosovo, which is an autonomous republic of Yugoslavia until 1989. The situation is complex and, frighteningly, contains the potential to draw in neighboring nations and even NATO members. This is the dreaded "spillover" that was much discussed when the ethnic conflict in Bosnia erupted in 1992.

NATO officials have already contemplated what forces might be necessary to contain the conflict in Kosovo. Even with over 20,000 troops spread along the mountainous border between Kosovo and Albania, they concluded, the probability of success would be low. Air strikes are under consideration. Diplomatic efforts are ongoing, but the Yugoslav leader, Slobodan Milosevic, has an unfortunate history of playing both ends against the middle to achieve his goals.

It is clear that the cost of maintaining a large presence in Bosnia could be fairly high if forces are needed to contain the conflict in Kosovo and keep it from engulfing a large part of the Balkans. Our NATO allies will happily continue to let the U.S. carry the heaviest load in addition to the burdens of leadership, if all it takes is to threaten. I am not so certain they know what is best for everybody else here, but I am not so certain they do. So I don't know.

I do not have much time. I know others do. And we are going to have the vote on the motion to table shortly. And I just feel very strongly about it. We have a role in this world, not to be cutting off this debate. Maybe some of them have made up their minds, they think they know what is best for everybody else here, but I am not so certain they do. So I don't know.

The United Nations cannot continue to pick up the largest burden of every NATO military mission. While our allies have been reducing their military budgets and forces since the cold war ended, the United States military has been in the number two position, receiving $9 billion of calls to respond to crises around the world—in Somalia, Rwanda, Haiti, Iraq, Bosnia, and next, perhaps, in Kosovo. Our generosity in picking up the bulk of the tab has, I fear, marked us as a patsy, a patsy who can be suckered into bankrupting everyone's problems with funds and troops. If we keep doing it, what incentive is there for anyone else to develop the expertise, training, and tools to take over appropriate parts of that role?

I wish that the administration would put its support behind this amendment. I think it would strengthen the administration's position in talking with our allies in Europe, and it would seem to me that would be a very beneficial thing, insofar as the administration is concerned.

Mr. President, I believe that Senator Hutchinson has offered a blueprint for the continued U.S. participation in Bosnia that supports our NATO commitment, even our leadership role, but not at the cost of maintaining a disproportionate force size. The most important thing we can do here today is to let the soldiers and airmen out there so far away know that we are watching, and that we care enough about them to act in their best interests. They are not America's forgotten heroes, out of sight and out of mind unless trouble comes their way. We are there with them, in thought and in deed, and I also hope that we are more of them engaged in lengthy and lonely overseas deployments for any longer than is absolutely necessary. I will vote for the Hutchinson amendment. I urge my colleagues to do the same.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I yield 3 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. ESSERNS. Thank you, Mr. President. I want to say a couple of things that I think are very important. I think this amendment is much more important than it may appear to some who probably will be casting their vote against it. We are at a great inflection; the greatest Nation in the history of the world. This body, this Senate, has traditionally been involved in American foreign policy and American national defense. We are spending a very large sum of money on this mission which is ill-defined and provides little immediate benefit to our Nation. Other nations which have a far clearer and more direct interest in it are shouldering the burden.

This mission has exceeded $10 billion, money which comes from the American taxpayers. We went through a BRAC process, a base-closing process of which the Senator from Texas and the Senator from Oklahoma, who is here with me, have all quite accurately estimated $9 billion. We spent more than that already on Bosnia, an operation that has very little vision. The President has articulated very poorly and inadequately, in my opinion, any justification for an extended mission with no end in site.

As the President said in remarks earlier, it was a political decision to move into this area of the world. Therefore, it is a decision quite appropriate for this body to respond to. I say it is time to consider a base-closing process of which the President, the authorization, the Senator from Oklahoma - obsolete military installations. We don't have all the answers, require the President to be responsible, and assert our rightful role as a U.S. Senate in American national defense. I am, frankly, disappointed that a Senator would move for table and cut off debate on this issue.

I think we ought to say a lot more about it, and we ought to have a lot of time talking about it, not be cutting off this debate. Maybe some of them have made up their minds, they think they know what is best for everybody else here, but I am not so certain they do. So I don't know.

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Mr. President, two days ago the President submitted that report as required by the amendment to the 1998 Supplemental Appropriations and Rescissions Act. That report advises that benchmarks parallel to ours have been incorporated in NATO's Operation Plan or OPLAN for the post-June 1998 mission in Bosnia. The OPLAN requires that, should it be developed, a set of objectives and milestones for each of those benchmarks, to be approved by the North Atlantic Council.

The President's report also advises that the NATO allies agreed on June 10 to the United States' proposal that the NATO military authorities provide an estimate of the time likely to be required for the implementation of the military and civilian aspects of the Dayton Agreement based on the benchmark criteria. During his testimony before the Armed Services Committee on March 4, General Wesley Clark, NATO's Supreme Allied Commander, Europe, stated that the development and approval of the criteria and estimated
target dates should take two or three months. The President’s report further advises that the benchmark criteria will be used during NATO’s regular six-month review of the Bosnia mission in December. This was added to the amendment, although not required by the amendment to the Supplemental Appropriations Act, the Steering Board of the Peace Implementation Council has included language that corresponds to the ten benchmarks in its Luxembourg declaration of June 9. The Peace Implementation Council also called on the High Representative to submit a report on the progress being made in meeting those goals by mid-September. This means that both General Shinseki, the NATO on-scene commander, and High Representative Westendorp, the international community’s senior civilian in Bosnia, will be using the same framework and that the North Atlantic Council will have the benefit of the judgments of these officials.

Mr. President, I ask unanimous consent that the President’s July 28, 1998 report to Congress be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 2)

Mr. LEVIN. Finally on this point, I would note that the Senate adopted an amendment during its consideration of the Express Authorization bill for Fiscal Year 1999 that expressed the sense of the Senate that, within a reasonable period of time, consistent with the safety of those forces and the accomplishment of SFOR’s military tasks, that amendment passed by a vote of 90-5 on June 24—a little more than a month ago.

Mr. President, I thought that it was important that information on the record to correct any impression that Congress has not paid attention to the participation of U.S. military forces in the NATO-led mission in Bosnia. But it is far more important, in my view, to focus on the other sections of the amendment, particularly the mandatory reduction of U.S. ground elements from Bosnia to a level of 6,500 by February 2, 1999, and 5,000 by October 1, 1999.

First, I think it would be useful to put the size of the U.S. contingent in Bosnia in perspective. It should be noted that the United States provided about 20,000 of NATO’s Implementation Force in 1996—or about 33 percent of the total force. Up until approximately June of this year, the United States provided about 8,500 troops to NATO’s Stabilization Force—or about 25 percent of the total force. By September of this year, the United States will provide about 6,500 troops—or about 22 percent of the total force. So the percentage of the U.S. contribution to the NATO-led force has been declining over time—from 33 to 25 to 22 percent.

The amendment before us, however, would use the power of the purse to reduce the number of U.S. ground troops in Bosnia by another 400 by February 2 of next year and then by an additional 1,500 by October 1 of next year. That is the purpose and impact of the amendment. That is also what makes this amendment unacceptable to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff and should make it unacceptable to us. When the Armed Services Committee was considering a series of amendments during its markup of the Defense Authorization bill earlier this year, we sought the views of the Department of Defense. Secretary Cohen and General Shelton, in their letter of May 21, 1998, gave us their views and I would like to quote from a few parts of their letter:

We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or reduction of U.S. forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkably successful to date. Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face.

Mr. President, I ask unanimous consent that the May 21, 1998 letter from Secretary Cohen and General Shelton be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1)

Mr. LEVIN. Mr. President, Secretary Cohen and General Shelton said it well. I agree with them—Congress should not mandate troop reduction by arbitrary dates.

Mr. President, I also disagree with some sections of this amendment dealing with exceptions to the mandated drawdown and limitations on support for law enforcement activities in Bosnia.

Finally, I would note that the Statement on Administration Policy states that the President’s senior advisors would recommend veto of this bill if it contains a provision that would prescribe an arbitrarily scheduled force drawdown in Bosnia.

Mr. President, for all these reasons I will vote against this amendment and I urge my colleagues to vote against this amendment as well.

EXHIBIT 1

TEN BENCHMARKS

1. The Dayton Peace Agreement remains in place, supported by mechanisms for military-to-military transparency and cooperation.
Detailed criteria. The reviews will include an assessment of the security situation, an assessment of compliance by the parties with the Dayton Agreement, an assessment of progress toward the benchmarks, criteria for Dayton implementation among civilian implementation agencies. The Steering Board of the Peace Implementation Council (PIC) adopted detailed criteria for Dayton implementation in the Bosnia declaration of June 9, 1998. The declaration, which serves as the civilian implementation agenda for the next 6 months, now includes language that corresponds to the benchmarks in the March 3 certification to the Congress and in the SFOR OPLAN. In addition, the PIC Steering Board called on the High Representative to submit a report on the progress made in meeting these goals by mid-September, which will be considered in the NATO 6-month review process.

The current framework, now approved by the military and civilian implementers, is clearly a better approach than setting a fixed date based on the mission. This process will produce a clear picture of where intensive efforts will be required to achieve our goal: a self-sustaining peace process in Bosnia. The criteria for which a withdrawal or reduction of U.S. forces from the NATO-led international military force will no longer be necessary. Experience demonstrates that arbitrary deadlines can prove impossible to meet and lead to discouragement among those who would wait us out or undermine our credibility. Realistic target dates, combined with concerted use of incentives, leverage and pressure and support for the process, should ensure a sense of urgency necessary to move steadily toward an enduring peace. While the benchmark process will be useful as a tool both to promote and review the pace of Dayton implementation, the estimated target dates established will be notional, and their attainment dependent upon a complex set of interdependent factors.

We will provide a supplemental report once NATO has agreed upon detailed criteria and estimated target dates. The continuing 6-month status of implementation will provide a useful opportunity to continue to consult with Congress. These reviews, and any updates to the estimated timelines for implementation, will be provided in subsequent reports submitted pursuant to Public Law 105–174. I look forward to continuing to work with the Congress in pursuing U.S. foreign policy goals in Bosnia and Herzegovina.

William J. Clinton,

EXHIBIT 4

The Secretary of Defense,

Hon. Carl Levin,
Ranking Democrat, Committee on Armed Services,
Washington, DC.

Dear Carl: We write to express our concerns with any amendment that would legislate a date or schedule for withdrawal or reduction of forces from the NATO-led mission in Bosnia. Such amendments would make it more difficult to accomplish the mission, which has been remarkably successful to date. It is our intention to reduce our forces in Bosnia. Based on the progress achieved to date, our commanders already have been able to reduce forces from the NATO-led mission by 20,000 in 1996 to the 6,900 that will be deployed after the current drawdown is completed in September. We will conduct regular reviews of our force posture and progress toward the benchmarks we have established, and we expect further reductions will be possible. Based on our assessment based on the actual situation on the ground, the military advice of our commanders in the field, and the approval of the NATO military and political authorities, we have determined that the withdrawal or reduction dates determined long in advance.

Our military commanders in the field have determined the level and type of force required to carry out the mission within acceptable risk. The mission, forces and guidance of the force currently planned for June 9, 1999, fulfills the 1994 NATO political and military authorities. Under a legislated approach, military commanders would be forced to restructure their force and mission tasks based on an arbitrarily mandated schedule rather than on mission accomplishment, operational considerations, and the fluid tactical situation they face. In addition, such an approach to the Dayton Accords have been steadily isolated and diminished in their influence, legislating withdrawal of reduction dates would invite heightened tension and could cost more than our current operation in Bosnia. We are continually evaluating the force posture for Bosnia and do not consider an over-the-horizon force appropriate now.

Accordingly, we strongly urge you to oppose any legislated fixed date or timetable for withdrawal or reduction of U.S. forces in Bosnia.

There is one other factor related to operations in Bosnia that we believe is of great concern to us, and that is funding. The Department submitted an addition to the FY99 budget to fund a 6,000-person force in Bosnia. Authorization that request is essential to accomplishing the mission, will save money and indeed could cost more than our current operation in Bosnia. We are continually evaluating the force posture for Bosnia and do not consider an over-the-horizon force appropriate now. Accordingly, we strongly urge you to oppose any legislated fixed date or timetable for withdrawal or reduction of U.S. forces in Bosnia.

Sincerely,

Henry H. Shelton
阑eel Cohen
The PRESIDING OFFICER. The Senator from Texas.

Mrs. Hutchison. Thank you, Mr. President.

Mr. President, I thank the Senator from Oklahoma, the Senator from Alabama, the Senator from West Virginia, who have all made very strong statements about their commitment and the commitment of Congress to support our troops. It is our responsibility to do this.

I want to answer a couple of points that were made. Somalia—the argument was made that troops were not provided equipment and we lost 18 Rangers. That is exactly correct. I would hold up Somalia as a very real example of why we should be doing something today to protect our troops in the field—because, in fact, in Somalia Congress was never consulted. The decision not to send the equipment was made by the Pentagon. It is precisely because Congress was not consulted and was not committed to this that it failed so miserably. The mission creeps in Somalia is exactly what we are trying to avoid in Bosnia today. And that is why I voted for this amendment.

Let us talk about precedent. On July 31, 1989, there was a resolution requiring the President to reduce the number of U.S. forces in Korea. That is exactly what I would hope that we would do today. Nine years ago, almost to the day, Congress met its responsibility.

This was an amendment that specifically asked the President to come forward with a plan to have gradual reductions in the number of U.S. military personnel stationed in the Republic of Korea.

This is exactly what we are doing today. We are saying, in this appropriations bill for this fiscal year, that we should reduce the number of forces so that the President can go to our allies and start negotiating for a more equitable spread. That is exactly what we did in Korea.

With Korea we said, “The Republic of Korea should assume increased responsibility for its own security.” This was an amendment that was sponsored by Senator McCain, Senator Nunn, Senator Warner, Senator Exon, Senator Dixon, Senator Wirth, Senator Shelby, Senator Thurmond, Senator Cohen, Senator Wallop, Senator Gordon, Senator Lott, and Senator Coats.

This is exactly what I hope we will do today. It is the responsibility of Congress to provide support for our troops. We cannot stand by and watch our military disintegrate, lose our most experienced warriors, put them in harm’s way, and do nothing.

Have we lost our backbone in 9 years? Or have we lost our compass? Have we lost the will to do what is right in this country?

Congress is responsible for providing the support for our troops. And I hope that we will meet our responsibility today.

Thank you, Mr. President. And I yield the floor.

Mr. McCain addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Nearing the moment, I think, according to the previous unanimous agreement to make a motion to table, I would just like to make one quick point.

Back several years ago, in 1990, I was speaking in support of an amendment—in support of the Bush administration, the President of the United States, not in opposition. And it was a peace time deployment to Korea, a rearrangement of forces, not the situation in Bosnia. An important factor is, I was supporting the President of the United States and the Secretary of Defense.

I want to respectfully note that the Hutchison amendment was in opposition to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, as well as the President of the
IX

HUMAN RIGHTS IN CHINA

Subtitle A—Forced Abortions in China

S9001. This subtitle may be cited as the “Forced Abortion Condemnation Act.”

S9002. Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control program of the People’s Republic of China. These reports indicate the following:

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

(B) People’s Republic of China population control officials, in cooperation with employers and landlords, are to routinely monitor women’s menstrual cycles and subject women who conceive without government authorization to extreme psychological pressures, to harsh economic sanctions, including unpaid fines and loss of employment, and often to physical force.

(C) Officially registering birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People’s Republic of P.R.C. For example, the average fine is estimated to be twice a family’s gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control and were under threat “to have more graves than one more child.” Enforcement measures included torture, sexual abuse, and the detention of religious residents as hostages.

(E) Forced abortions in Communist China often have taken place in the very last 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 undesirable, including the official eugenic policy known as the “Natal and Health Care Law”.

S9003. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue a visa to any official of any country (except the head of state, the head of government, and cabinet level ministers) who has been directly involved in the establishment or enforcement of policies forcing a woman to undergo sterilization.

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

(c) The President may waive the prohibition in subsection (a) or (b) if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

S9004. In this subtitle, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

Mr. HUTCHINSON. Mr. President, I want to express my appreciation to the Senators on the other side of the aisle who, I think, have made very positive and productive suggestions to improve the amendment that I have offered regarding human rights abuses in China. The simple explanation for the changes that are made, we have made the bill generic in nature rather than country-specific. I have some reservations about the bill. I don’t want to in any way dilute, I think the proper attention that should be placed upon what our State Department says is the greatest abusers of human rights in the
world today. But at the same time, I think this makes this a very, very powerful human rights amendment applicable to all nations of the world. The “finding” section of the amendment remains in which we are able to outline some of the abuses evident in China today.

We would add, I think, a positive suggestion, that the genital mutilation issue be added. So in addition to religious persecution and forced abortions, genital mutilation and those who would condone it would be added as criteria for those countries that would be denied their visas for those condoning that practice, the terrible practice that human rights advocates the world over and all people, I think, condemn.

I want to thank Senator BIDEN for, I think, some very good suggestions regarding the “definitions” area on the Secretary’s obligations in determining who would be denied these visas. The addition to the phrase “credible information” adding “and specific information,” and adding to the phrase “has been involved in the establishment or enforcement,” the word “directly”; so, “has been directly involved in the establishment or enforcement of population policies.” I think that is a very helpful change that will make this much more enforceable and make it much more clear. I am grateful for that suggestion, as well.

We have struck section 9012, which simply lists a number of associations and entities which are agents of the government in carrying out some of these abuses. It is really unnecessary, an unnecessary provision that has caused confusion, because anyone, any individual, any official, who is involved in perpetrating persecution of religious minorities, coerced abortions or the genital mutilation would be covered by the amendment, without what is really extraneous language and unnecessary language.

So I think these are all very positive changes and that is the content of the second-degree amendment. I think this is relevant. I think it is a very positive improvement to the appropriations bill. I appreciate the support of those on both sides of the aisle in the defeat of the motion to table.

The PRESIDING OFFICER: The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief. I want to thank the Senator from Arkansas. He has been a gentleman.

His amendment is, I think, a good amendment and I thank him for considering some of the suggestions that I and a few others had.

I ask unanimous consent that Senator LEVIN of Michigan, Senator KERRY of Massachusetts and Senator BIDEN of Delaware be added as cosponsors.

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

Mr. BIDEN. Mr. President, I particularly want to thank my friend from Arkansas for adding the prohibition, the ability to deny visas to those countries that engage in the heinous practice of engaging in female genital mutilation. I am not one who thinks we should be erecting sanctions all over the world, but there are certain things that are so, so contrary to our basic values—forced abortions, genital mutilation of body parts—that I think that it is appropriate that we use sanctions in those circumstances.

I also ask unanimous consent that the Senator from Connecticut, Senator LEVINE, be added as a cosponsor.

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

Mr. BIDEN. I realize I have a few more minutes, but in order to accommodate this bill moving along, again, I close by thanking the Senator from Arkansas for accommodating some of the changes that he has for his amendment.

I yield the floor.

Mr. STEVENS. Mr. President, I understand that the Senator from Michigan is on his way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, let me commend the Senator from Arkansas for the second-degree amendment, the modification in effect, which he has sent to the desk.

I reluctantly voted to table his original amendment because I was troubled by his narrow focus on one country, when the problem exists not only in China, but a number of other countries. The problems he identifies in his amendment are real problems and they are problems we must be concerned with. He has shown that concern, and I think it is wise that we reflect the concern relating to people engaging in those practices that come from any country—China or anyplace else. And while I reluctantly voted to table his original amendment, the first-degree amendment, for the reason I just gave, I enthusiastically cosponsored the second-degree amendment of the Senator from Arkansas, and I hope it passes with a resounding vote.

I yield the floor.

Mr. STEVENS. The PRESIDING OFFICER: Who yields time on the second-degree amendment? Time will be equally divided.

Mr. STEVENS. Mr. President, I now have before me here a managers’ package that brings in some amendments. Following the next two votes, I intend to ask that no more amendments be in order. I urge Members to come and look at the list and see if their amendment is here. If there are more, fine. I urge Members to let us know if they intend to offer the amendments shown here. Secondly, if they intend to offer any other amendment, I am pleased to have them do that.

Mr. President, as I understand it, the first vote will be on a motion to table offered by the Senator from Arizona, and the second will be the amendment in the second degree offered by the Senator from Arkansas.

I ask for yeas and nays on the second-degree amendment of the Senator from Arkansas.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. If the pending motion to table is not carried, that amendment will still be open. If the amendment of the Senator from Arkansas passes in the second degree, I intend to ask that the—are the yeas and nays requested on the Senator’s original amendment?

The PRESIDING OFFICER. Only on the motion to table the original amendment.

Mr. STEVENS. Very well. If that is adopted, which I urge the Senate to do, then we will move to adopt the original amendment, as amended, with a voice vote. I call for the vote.

AMENDMENT NO. 3413

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. I yield back any time I have left.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Texas.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote “no.”

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

The result was announced—yeas 68, nays 31, as follows: [Rollcall Vote No. 249 Leg.]
July 30, 1998

CONGRESSIONAL RECORD—SENATE

S9373

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 10 seconds.

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

Mr. BIDEN. Mr. President, I failed to ask that Senator Feinstein of California be added as a cosponsor to the Hutchinson amendment. I ask unanimous consent she be added.

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

Mr. INOUYE. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The motion to lay on the table was not objected to by any Member of the Senate.

Mr. BIDEN. Mr. President, I also ask unanimous consent that Senator Feinstein of California be added as a cosponsor to the Hutchinson amendment. I ask unanimous consent she be added.

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

Mr. HELMS. Mr. President, I ask unanimous consent that Senator F. EINSTEIN of California be added as a cosponsor to the amendment. I ask unanimous consent the amendment be the only first-degree amendment: That the amendment (No. 3124), as amended, be inserted; and that the bill be advanced to third reading and passed as amended.

The amendment (No. 3124), as amended, was agreed to.

Mr. HELMS. The amendment was agreed to.

The PRESIDING OFFICER. The amendment (No. 3419) was agreed to.

The PRESIDING OFFICER. If there is no further debate, the question before the Senate is the underlying amendment No. 3214, as amended.

The amendment (No. 3214), as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. The amendment (No. 3214), as amended, was agreed to.

The PRESIDING OFFICER. The amendment (No. 3419) was agreed to.

Mr. HELMS. The amendment (No. 3419) was agreed to.

The PRESIDING OFFICER. If there is no further debate, the question before the Senate is the underlying amendment No. 3214, as amended.

The amendment (No. 3214), as amended, was agreed to.

The PRESIDING OFFICER. The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. The amendment was agreed to.

The PRESIDING OFFICER. The amendment was agreed to.

Mr. HELMS. The amendment (Mr. HELMS) would vote "aye."

The result was announced—yeas 99, nays 0, as follows:

[Roll call Vote No. 250 Leg.]

YEAS—99

YEAS—99

Mr. STEVENS. Vote.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment offered by the Senator from Arkansas. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness. I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "aye."

The result was announced—yeas 99, nays 0, as follows:

[Roll call Vote No. 250 Leg.]
to work out on our side as it relates to amendments, and I have not seen this list yet. I want to be sure, when I have told my colleagues that their amendment has been accepted, I want it on the managers' list or I want it on the amendment yet to be worked out.

Mr. STEVENS. I say to the Senator from Kentucky, Mr. President, many of the amendments that are on the list that have come from your side are, in fact, on the managers' list. But they will likely qualify if they are on the list you have given us.

Mr. FORD. I want to be sure that all of these amendments— I have not seen the list, I say to my friend, and would like to work it out.

Mr. KEMPThORNE. Will the Senator from Alaska yield?

Mr. STEVENS. I will be happy to yield, Mr. President.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my request is still pending.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, as I understand the unanimous consent request, what the Senator is saying is that after disposal of the last amendment, we go right to final passage: is that correct? But there is no limit on debate on amendments: is that correct?

Mr. STEVENS. These listed amendments will be disposed of. Once they are disposed of, the bill will go to third reading. They will have to be either acted upon or withdrawn.

Mr. WELLSTONE. I understand. But there is no limit on debate on the individual amendments: is that correct?

Mr. STEVENS. There is no limit there on debate time. I intend to do my best to do that.

Mr. WELLSTONE. I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. I reserved my right to object a moment ago, and I have no objection now. I thank the chairman for his courtesy.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I have been asked to amend my request and add this following— I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint the following conference committee of the Senate: Senators STEVENS, COCHRAN, SPECTER, DOMENICI, BOND, MCCONNELL, SHELBY, GREGG, HUTCHISON, INOuye, HOLLINGS, BYRD, LEAHY, BUMPERS, LAUTENBERG, HARKIN, and DORGAN, and the foregoing occur without intervening action or debate, and I further ask that when the Senate passes H.R. 4103, as amended, that S. 2132 be indefinitely postponed.

Mr. STEVENS. The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are proceeding now to a look at the amendments that are not in the managers' package. I am here to address that issue with the Senate.

It is my understanding that Senator BAUCUS has an amendment that he wishes to have 20 minutes equally divided; Senator BINGAMAN has two amendments; Senator BOXER's amendment that was on the list is in the managers' package; Senator BUMPERS' amendment is on the list in the managers' package; Senator BYRD has two amendments which are to be in the managers' package; Senator DACHEL's relevant amendments are withdrawn, as I understand it; Senator DODD has one amendment dealing with Army pensions which we have not seen; Senator DURBIN's amendment on land conveyance is in the package; his amendment on clean energy and war powers will be opposed and we will have to deal with it; Senator DORGAN's amendment on Indian incentive program is in the package, and I understand his second amendment will not be offered; Senator FORD's amendment on National Symphony is not in the package and would have to be debated; Senator GRAHAM has a land transfer amendment which is in the package now, and the space amendment, as I understand it, is the same as the amendment from Senator MACK, and that will have to be debated; Senator HARKIN has the outlay amendment, and the POO amendment is in the package, the vets medals amendment we have not seen and we cannot discuss now; Senator HOLLINGS' amendment will be accepted; Senator INOuye's manager's amendment is in the managers' package; Senator KERRY'S SOS payroll tax amendment cannot be accepted and will have to be debated; there are two relevant amendments by Senator KERRY which we have not seen; Senator LEAHY's amendment cannot be accepted; Senator REED's amendment we have not seen; and Senator ROBB'S amendment on reimbursement we would like to discuss with Senator ROME— it is in the House bill; we prefer not to take it up at this time if we can avoid it—and Senator WELLSTONE's amendment on child soldiers has been accepted, the domestic violence one has not been agreed to yet— we will have to discuss it with them.

Those are the amendments on the Democratic side.

Mr. FORD. Mr. President, would the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. FORD. I was trying to keep up with you, with the Senator. Senator DODD has one as it relates to Lyme Disease.

Mr. STEVENS. That is in the package.

Mr. FORD. That is in the package?

Mr. STEVENS. Yes.

Mr. FORD. Then he still has two left.

Mr. STEVENS. I realize the relevant one is just a place holder.

Mr. FORD. I understand. That is correct.

Mr. INOuye. Will the chairman yield? I am now working on an amendment for Senator CAROL MOSELEY-BRAUN. Can I discuss that with you later?

Mr. STEVENS. Yes. I would be happy to do that. The Senator has the right to an amendment in the managers' package since it has been accepted?

Mr. STEVENS. It is in there.

Mr. WELLSTONE. I am sorry.

Mr. STEVENS. The domestic violence one I do not think I have seen yet. That is also being reviewed by the Armed Services Committee and we cannot report that yet.

Mr. WELLSTONE. I say to my colleague, I am ready to debate it if you want, but let me know.

Mr. LOTT. Mr. President, while the chairman is working on the list, I have a quick unanimous consent agreement we have worked out. I would like to go ahead and get that done while we have a break here.

UNANIMOUS CONSENT AGREEMENT—H.R. 629

Mr. LOTT. I ask unanimous consent that immediately after the conclusion of morning business, following the reconvening of the Senate from the August recess, the Senate proceed to the conference report to accompany the Texas Compact, H.R. 629, and the conference report be considered as having been read. I further ask that there be 4 hours of debate, equally divided, between the Senator from Minnesota, Senator WELLSTONE, and Senator HATCH, or their designees, and following the conclusion or yielding back of time, the Senate proceed to a vote on adoption of the conference report, without any intervening action or debate.

Now, I did not specify whether this would be Monday the 31st or Tuesday, September 1st. I need to talk further about the exact date with the Senators involved, and Senator DASHEL, but the first day we are back. And I appreciate the cooperation I received from Senator WELLSTONE on this UC.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I do not object. I would also like to thank the majority leader for his cooperation.
The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. LOTT. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 3420 THROUGH 3464, EN BLOC

Mr. STEVENS. Mr. President, I have sent the last managers' package. And I believe that it has been sent to the desk the first managers' rights.

Mr. AKAKA. I have offered an amendment on foreign students' reimbursements; the McCon- nell-Ford amendment on chemical de- militarization; the Wellstone SOS, child soldiers, global use amendment; my amendment on Senator Faircloth amendment on spending 1996 funds as opposed to paid personnel; the Bennett amendment on alternating turbine engines; and the Gramm amendment on military voting rights.

There should be 44 separate amendments in that package. They have been cleared on both sides, and unless there is some discussion, I ask unanimous consent the first managers' package be adopted and any statements offered by any Senator appear in the Record prior to adoption of that Senator's amendment that is in the package.

I add to it. Senator Inouye has a managers' amendment—this would be the first amendment of Senator Inouye—for Ms. Moseley-Braun that pertains to the National Guard Armory in Chicago.

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

The managers' amendment is adopted.

Mr. STEVENS. I send the last amendment to the desk to be included, and it makes 45 amendments in the package.

The PRESIDING OFFICER. The clerk will report the en bloc amendment.

The legislative clerk read as follows:

The President's fiscal year 1999 budg- et program to be transferred to the Department of Energy and the Department of Trans- portation. The object of the fiscal year 1999 budget was to transfer developed technology to commercial service vehicles such as buses, delivery vans, and service trucks. I support this transfer.

Unfortunately, despite the best ef- forts of all three federal agencies and the consortia that participate in the electric vehicle program, another year of funding through the Department of Defense is needed before the transition can proceed.

The Department of Defense has long been interested in hybrid electric comb- at vehicles because they can reduce fuel consumption by 50 percent, leading to a reduced fuel logistics burden, increased endurance, and reduced emis- sions. In addition, hybrid electric comb- at vehicles use electric power for mo- bility, weapons, countermeasures and sensors, and have reduced thermal and acoustic signatures.

The five-year DARPA program has resulted in the development of a num- ber of combat vehicles with hybrid electric propulsion. These include an Army M-113 Armored Personnel Car- rier, a Bradley Fighting Vehicle, two High Mobility Multipurpose Wheeled Vehicles, commonly known as Humvees, and a prototype composite armored vehicle.

Other DoD projects in the plan- ning stages. DARPA and the Marine Corps are jointly developing a hybrid- electric reconnaissance, surveillance and targeting vehicle, designed as a stealthy, fuel efficient vehicle that can be transported by the V-22 Osprey in support of the Marine Corps Sea Drag- on operation. DARPA and the Army are jointly developing a combat hybrid power system for a 15-ton future comb- at vehicle. The system will provide pulse power for electric guns, directed energy weapons, and electromagnetic armor, as well as other components and systems.

The funds provided by my amendment should be used in the same man- ner, and for the same program objectives, as in fiscal year 1998 funding. As the author of the amendment, it is my intention that DARPA administer the program as it did in fiscal year 1998, and that funds can be used for the de- velopment of defense and non-defense electric and hybrid-electric vehicles.

I thank the Chairman, and my col- leagues from the committee and Demo- crat on the subcommittee for their consideration of my amendment. I yield the floor.
(Purpose: 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.)

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

"SEC. 8104. (a) That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $2,250,000 shall be available for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas".

(AMENDMENT NO. 322)

(Purpose: The purpose is to provide $1,000,000 for Acoustic Sensor Technology Development Planning for the Department of Defense. The funds are provided from within the funds appropriated for Defense-wide RDT&E.)

On page 99 insert at the appropriate place the following new section:

SEC. 8104. (a) The funds appropriated for Defense-wide research, development, test and evaluation, $1,000,000 is available for Acoustic Sensor Technology Development Planning.

(AMENDMENT NO. 323)

(Purpose: 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.)

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

SEC. 8104. (a) That of the amount available under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the President submits to Congress under section 1105(a) of title 31, United States Code.

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

(AMENDMENT NO. 324)

(Purpose: To require the Secretary of Defense to report on test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas.)

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

SEC. 8104. (a) The Comptroller General shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Comptroller General may submit to the committees an interim report on the matters responding information that is available under section (c). Any such interim report shall be submitted by February 12, 1999.

(b) In carrying out the study, the Comptroller General shall consult with experts on the subjects of the study who are independent of the Department of Defense.

(c) The study shall include the following matters:

(1) The conditions of the family lives of members of the Armed Forces and the members' needs regarding their family lives, including a discussion of each of the following:

(A) The conditions and needs of the Armed Forces, and leaders of each of the Armed Forces—

(i) collect, organize, validate, and assess information to determine those conditions and needs;

(ii) determine consistency and variations among the assessments and assessed information for each of the Armed Forces; and

(iii) use the assessments to address those conditions and needs.

(B) The conditions and needs 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.

(C) The conditions and needs of the Armed Forces and the conditions and needs of the Armed Forces prevent members from being deployed.

(D) How the conditions and needs of the Armed Forces and the conditions and needs of the Armed Forces, each pay grade, and each major occupational specialty.

(E) How the conditions and needs of the Armed Forces and the conditions and needs of the Armed Forces, each pay grade, and each major occupational specialty; both parts have no cost.

(F) What, if any, effects high operating tempo of the Armed Forces have had 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) The rates of retention 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 subparagraphs (A) and (B) for each of the Armed Forces, each pay grade, and each major occupational specialty.

(D) The retention among the quality of the family lives of members of the Armed Forces, high operating tempo 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 occupational specialty, including, to the extent analyzable and relevant to the analysis of the relationships, the reasons expressed by the members of the Armed Forces for separating from the Armed Forces and the reasons expressed by the Department of Defense 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 that have tended to degrade, the morale of members of the Armed Forces and members of their families, the needs of members of the Armed Forces, and the perceptions of members of the Armed Forces and members of their families regarding the quality of their lives).

(d) In this section, the term "major occupational specialty" means the aircraft pilot specialty and each other occupational specialty that the Comptroller General considers a major occupational specialty of the Armed Forces.

Mr. DOMENICI. I am pleased to have Senator HARKIN as a cosponsor of this amendment.

There are two parts to my amendment; both parts have no cost.

The first part addresses the 12,000 military families on Food Stamps. Over 3 years the Department has refused to take this problem seriously.

I first wrote to DoD in 1996; then I was told that this was a problem only because military personnel have dependent children that I quoted and I quoted Senator Cohen because he publicly stated that it was "not acceptable" for military personnel to be on Food Stamps. I regret to say that he wrote back saying only that he would "monitor" the issue.

Last year in the fiscal year 1998 Defense Authorization bill, Congress mandated a DoD report on potential solutions. The report is now several months late and will not be submitted in the foreseeable future.

Congress is getting the bureaucratic stiff-arm from DoD on this issue. It's time to bring that to an end.

My amendment will require DoD to propose low cost solutions to this problem and it required it to report as a part of DoD's FY 2000 budget request.

Next year, if DoD still refuses to take this problem seriously, I will propose my own solution. If the Chairman and Ranking Member of the Defense Subcommittee of the Appropriations Committee see fit to support me, I'm sure we can be successful.

The second part of the amendment will permit us to better understand our growing problems in military family life, morale, and retention.

This year, I collected information from each of the services on these issues. Unfortunately, the information I collected confirms my suspicions that
the Defense Department has failed to collect data properly. For example:

Each service collects data on these issues differently—or not at all—which prevents comparing among the services. This also means that successes and failures to address these problems cannot be identified.

Now that everyone agrees that readiness is a serious problem, everyone wants to do something about it. But, because these issues are not fully understood, some of the proposed ‘solutions’ may be off the mark. For example, Congress is increasing re-enlistment bonuses for pilots to compete with airline salaries, but there are indications that airline salaries are not the real problem. We won’t really understand the problem until we have better data; only then can we apply effective solutions.

The nature of military life has gone through profound change in the last 20 years, but those changes are not fully understood or taken into account in DoD national security decision making. It is not clear how the new prominence of families in military life should—or should not—be taken into account in making national security decisions.

Because of these problems, my amendment requires a special unit in the General Accounting Office to collect and study the data. They will use an Advisory Panel of experts to assist the study and will report back to the Appropriations Committees next year. With these issues better understood, we will make more effective solutions, and we should be able to make some real improvements in how Congress and DoD address quality of life and family issues.

AMENDMENT NO. 3426
(Purpose: Relating to the conveyance of the remaining Army Reserve property at former Fort Sheridan, Illinois)

At the appropriate place, insert the following:

SEC. 8104. (a) Chapter 157 of title 10, United States Code, is amended by inserting after section 2686 the following:

"§ 2641a. Transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for certain medical care in Hawaii.

(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the purpose of transporting any veteran specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

(b) VETERANS ELIGIBLE FOR TRANSPORT.—A veteran eligible for transportation under subsection (a) is a veteran who:

(1) resides in and is located in American Samoa; and

(2) as determined by an official of the Department of Veterans Affairs designated for that purpose by the Secretary of Veterans Affairs, meets the eligibility requirements for the transportation provided to that veteran.

(c) ADMINISTRATION.—Transit may be provided to veterans under this section only on a space-available basis.

(d) CHARGE.—No charge may be imposed on a veteran for transportation provided to the veteran under this section.

(e) DEFINITIONS.—In this section:

(1) The term ‘veteran’ has the meaning given that term in section 1701 of title 38.

(2) The term ‘hospital care’ has the meaning given that term in section 1711 of title 38.

The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2641 the following new item:

"2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.”

AMENDMENT NO. 3427
(Purpose: To designate funds for a strategic materials manufacturing project)

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, Defense-Wide Materials Manufacturing project, $2,500,000 shall be available for the purposes of this section.

AMENDMENT NO. 3428
(Purpose: To authorize the transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii.)

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, Defense-Wide Materials Manufacturing project, $2,500,000 shall be available for the purposes of this section.

AMENDMENT NO. 3429
At the appropriate place, insert:

SEC. . Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island, a property located in the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resource plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to those under the Department of Veterans Affairs, as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

Mr. INOUYE. Mr. President, I rise today to raise a matter which I believe could revolutionize the budget process. Several years ago, I sponsored legislation to sell defense property located in Puerto Rico, family housing, barracks and other base facilities. If successful, it would allow us to recapitalize our bases with a much smaller investment than is currently required. In so doing, it could dramatically improve the quality of life of the men and women in uniform. Mr. President often Members rise and offer that theirs is a simple amendment. This is not a simple matter, and it will take some time to describe it, but I want all of my colleagues to understand what it would do for national defense.

Several years ago, I sponsored legislation to sell defense property in Hawaii to the State.

In return the proceeds were used to build a new bridge to connect the Pearl Harbor Naval Base to Ford Island, a piece of Navy property located in Pearl Harbor.

Over the years Ford Island has been the home of Battleship Row, the site of the Arizona Memorial, and just last month it became the final home for the U.S.S. Missouri. It has had a small airstrip on which some of the Navy’s earliest aviators trained.
It has housed a few sailors and families, and has been the workplace for selected other military activities. But because there was no bridge connecting the island, it could never be fully utilized. The Island comprises 450 acres, about half the size of Pearl Harbor Navy Base, yet it contains less than one tenth of the working and residential population of Pearl Harbor. The only access to the island has been by boats for over 20 years, boats have shuttled passengers and cargo from the rest of base about once per hour. In short it has been a very inefficient use of space. And for a small State like mine, especially in and around Honolulu, space is a premium.

In April of this year, this situation was changed forever. Ford Island was opened to the rest of Oahu by the new Chick Clarey Bridge.

Ford Island is now poised to be a most useful part of the Pearl Harbor naval facility. However, as is unfortunately so often the case in these matters, there simply is not enough money in the Navy budget to build the facilities to make this base more useful. And so, without action, Ford Island will remain underutilized.

About two years ago, when he took over as the Commander in Chief of the Pacific Fleet, Admiral Clemins saw the bridge constructed and recognized the prospect of developing Ford Island. He began to investigate how he could maximize its vast potential to improve the Navy in Hawaii. He quickly came to the conclusion that there simply was not enough money to build the new facilities the Navy needs.

While some might have given up when faced with this obstacle, that is not the Admiral’s way. Instead he directed his staff to keep studying this and identify other ways to achieve his objective.

The Admiral took to heart what we have often heard coming from the Congress, that we need to revolutionize the way we do business.

He agreed that we have to become more efficient, more like the private sector. He noted that public/private venture legislation had been approved by the Congress at the request of former Secretary of Defense William Perry for a few family housing projects and he suggested that a similar but expanded approach was needed for Ford Island.

At every step there were those that told him why he couldn’t do this.

Some said it would cost billions, others that the State would not support developing Ford Island, still others raised technical arguments on our arcane budgeting practices in the Government. But, the Admiral kept after it.

While the lawyers raised legal concerns, and the Navy staff and others raised objections, every decision maker, the leaders of the Navy, State, and local governments, and business leaders always had the same response. This is a good idea, we must figure out how we can do it.

That was the reaction of the Commander in Chief of The Pacific Command, Admiral Prueher. Recently he testified to the Appropriations Committee that he has reviewed the legislation and believes it is the right approach to solving some of the critical housing and facility shortfalls for the Navy.

But, because of the difficulty of moving the legislative proposal within the bureaucracy, the measure was not included in the President’s formal budget request. Admiral Clemins and CINCPAC were undeterred.

Admiral Clemins brought the idea to Washington directly, where he quickly won support from the uniformed Navy.

The Chief of Naval Operations gave the proposal his approval. He then received personal support from the Secretary of the Navy. His arguments even won the informal support from the Deputy Secretary of Defense. Finally, the Navy gave the proposal its official blessing. Many, many months later, the legislation was finally forwarded unofficially to the Congress.

Unfortunately, all of this took time and the delays in winding through the internal chain of command did not sit well with Admiral Clemins. So he asked the Senate Armed Services Committee to review this matter prior to its mark up.

I offered this same amendment to that bill and it was adopted. However, there are some in the House that do not agree with me and talked the Senate Armed Services Committee and they hope to gut the proposal.

This amendment requires DOD to report on the current legislative proposal and to submit legislation to carry out the proposal by December 1, 1998. That will provide sufficient time for the authorities to consider a spending plan for the matter next year.

The amendment does not mandate any specific terms for the Defense Department. It offers several Navy ideas to be considered.

What the Navy seeks to do, as a pilot project only for this one base, is to provide authority to the Secretary of the Navy to use his resources in conjunction with the private sector to develop Ford Island. The plan would examine whether it is feasible to provide incentives and other guarantees to businesses to carry out this idea, and establish a framework to carry it out.

It is important to understand how this differs from our current system and how it might work. Under our normal course of operations, the Navy would identify how much the development of Ford Island would cost, and it would develop a spending plan. It is estimated that the development of the island under normal procedures could be as much as $600 million.

Judging from the military construction budget it would probably require 15 to 20 years to identify sufficient funds to pay for this. That means that during the whole generation of Navy sailors that will be stationed there will now be living and working in a public-private partnership to develop the island.

From Congress’ viewpoint, the development will involve very few taxpayer dollars which is exactly what is needed in today’s tight budget environment.

Most important is what this will do for the men and women in the Navy. Today in Hawaii, the Navy is spread out throughout the island of Oahu at a number of small posts and with large distances of commuting in poor conditions a long way away from where they live and work. This will cut down on their commutes, and it will keep them on base.

It will also help ease what has become a very congested rush hour on the highways in the area. For many what was an hour commute will now become minutes. For families disconnected from the Navy community, they will now be living and working in a quality family environment—a nice home in a beautiful location, with the working spouse only minutes away.

For our commanders this means more sailors housed right on base and readily available if needed. It will probably come as a surprise to my colleagues to learn that my State has some of the worst housing in all the Defense Department. The Army says its worst barracks anywhere in the world are in Hawaii. Some of the Navy’s housing is so bad that it is an embarrassment to the service.
Several years ago, Mrs. Margaret Dalton, the wife of Navy Secretary John Dalton visited Hawaii and was taken on a tour of some family housing units. The conditions were so deplorable that she was very troubled. When she returned to Washington, she insisted that the Navy provide her with a full briefing on its housing rehabilitation plans for the State. Single handedly she moved the Navy forward.

Since then, the Navy has made great strides toward improving living conditions, and it has become painfully clear, that there simply isn’t enough money to do what is required. There are many areas that still need to be torn down and rebuilt. Or, that property could be turned over for a new use by the private sector. Mrs. Dalton will long be remembered by the sailors who served in Hawaii as the person who started to turn around the Navy’s living conditions in my State. This proposal will provide us a means to expand upon this work in a timely fashion that is not possible without enormous investment in this constrained budget environment.

The benefits of the proposal to the Navy and my State are enormous.

I am sure many are now thinking this is a short-term fix, but if it is a short-term fix, people why hasn’t it been done before. To that I would say, it is not simple.

It will require great leadership and management by the Navy to work with the local authorities and business community to carry out this work. But, I am confident that we have the right man for the job in Admiral Clemons. He was demonstrated his skills as both a warrior and as a manager and he has the skills necessary to accomplish this task.

This approach has not been tried before, because no one put the time and energy into working through all the details to formulate a legislative plan to achieve this goal. Furthermore, how many times have military departments, for all practical purposes, received what amounts to a land grant adjoining a base? This is in some ways a unique opportunity because of the location of Ford Island and the new bridge. That is why a pilot proposal is proper. It could also serve as the model for other revitalization efforts at other bases, perhaps not on this grand a scale, but using elements from this approach.

My colleagues all know that there will come a time when the Defense Department will want to establish a new base somewhere. This public private venture could be the method where building new bases could become affordable.

Mr. President, this is an excellent idea, that has been shepherded this far by the Navy because they recognized that it is the only way that we can take Ford Island and develop it in a timely and cost effective manner.

Four years from now, we can be discussing how we will get enough money and authority to proceed to develop Ford Island for the Navy, or we can be discussing how this model pilot program established a method whereby we have begun to recapitalize our defense infrastructure affordably. This is our choice, there is only one answer, we need to approve this legislation to get the ball rolling.

I think my colleagues for their attention, and I urge all to support this measure.

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SEC. 8 . ADDITIONAL FUNDING FOR KOREAN WAR VETERANS MEMORIAL.

Section 3 of Public Law 99–572 (40 U.S.C. 1903 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 damage to the monument.

“(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.”.

Mr. SARBANES. Mr. President, the amendment I am offering would fix and properly repair the most important monuments, the Korean War Veterans Memorial. It authorizes the Secretary of the Army to provide, within existing funds, up to $2 million to complete essential repairs to the Memorial. Joining me in cosponsoring this amendment is my distinguished colleague from Colorado—a Korean War veteran himself—Senator CAMPBELL.

The Korean War Memorial is the newest war monument in Washington, D.C., it was authorized by Public Law 99–752 which established a Presidential Advisory Board to raise funds and oversee the design of the project, and charged the American Battle Monuments Commission with the management of this project. The authorization provided $1 million in federal funds for the design and initial construction of the memorial and Korean War Veterans’ organizations and the Advisory Board raised over $13 million in private donations to complete the memorial. 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 Veterans’ 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, larger than life statues, depicting a squad of soldiers on patrol. A core of granite and bronze lists the 22 countries of the United Nations that sent troops in defense of South Korea. To the south of the patrol stands a wall of black granite, with engraved images of more than 2,400 unclaimed service men and women detailing the countless ways in which Americans answered the call to service. Adjacent to the wall is a fountain which is supposed to be encircled by a Memorial Grove of linden trees, creating a peaceful setting for quiet reflection. When the Memorial was originally created, it was intended to be a lasting and fitting tribute to the bravery and sacrifice of our troops who
fought in the “Forgotten War.” Unfortunately, just three years after its dedication, the monument is not lasting and is no longer fitting.

The Memorial has not functioned as it was originally conceived and designed, and has been plagued by a series of problems in its construction. The grove of 40 linden trees have all died and been removed from the ground, leaving forty gaping holes. The pipes feeding the Pool of Remembrance system have cracked and the pool has been cordoned off. The monument’s lighting system has been deemed inadequate and has caused safety problems for those who wish to visit the site at night. As a result, most of the 1.3 million who visit the monument each year—many of whom are veterans—must cope with construction gates or areas which have been cordoned off instead of experiencing the full effect of the Memorial.

Let me read a quote from the Washington Post—from a Korean War Veteran, John LeGault who visited the site—that I think captures the frustration associated with not having a fitting and complete tribute for the Korean War. He says, “Who could have known that the war was called the Forgotten War and this is the forgotten memorial.” Mr. President, we ought not to be sunshine patriots of a forgotten memorial.”

To solve these problems and restore this monument, to something that our Korean War Veterans can be proud of, the United States Army Corps of Engineers conducted an extensive study of the site in an effort to identify, comprehensively, what corrective actions would be required. The Corps has determined that an additional $2 million would be required to complete the restoration of the grove work and replace the statutory lighting. My amendment would provide the authority for the funds to make these repairs swiftly and once and for all.

With the 50th anniversary of the Korean War conflict fast approaching, we must ensure that these repairs are made as soon as possible. This additional funding would ensure that we have a memorial that will forever, and lasting tribute to those who served in Korea and that we will never forget those who served in the “Forgotten War.” I urge my colleagues to join me in supporting this amendment.

(Purpose: To provide $500,000 for payment of subcontractors and suppliers under an Army services contract)

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

SEC. 8104. Of the funds provided under Title IV of this Act under the heading “Other Procurement, Army,” up to $500,000 shall be available for paying subcontractors and suppliers for work performed at Fort Wainwright, Alaska, in 1994, under Army services contract number DACABS-85-C-0065.”

(Purpose: To designate funds to continue an electronic circuit board manufacturing program)

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, Army,” for industrial preparedness, $2,000,000 shall be made available only for the Electronic Circuit Board Manufacturing Development Center.

(Purpose: To reestablish the Commission To Assess the Organization of the Federal Government To Combat the Proliferation of Weapons of Mass Destruction)

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

SEC. 7 COMMISSION TO ASSESS THE ORGANIZATION OF THE FEDERAL GOVERNMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (as contained in Public Law 104-293) is amended—

(1) in section 711(b), in the text above paragraph (1), by striking “eight” and inserting “twelve”;

(2) in section 711(b)(2), by striking “one” and inserting “three”;

(3) in section 711(b)(4), by striking “one” and inserting “three”;

(4) in section 711(e), by striking “on which all members of the Commission have been appointed” and inserting “on which the Department of Defense Appropriations Act, 1999, is enacted, regardless of whether all members of the Commission have been appointed”; and

(5) in section 712(c), by striking “Not later than 18 months after the date of enactment of this Act,” and inserting “Not later than June 15, 1999.”

(Purpose: To designate funds for the procurement of Multiple Integrated Laser Engagement System (MILES) training equipment)

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 “Other Procurement, Army,” for Training Devices, $4,000,000 shall be made available only for procurement of Multiple Integrated Laser Engagement System (MILES) equipment to support Department of Defense Cope Thunder exercises.

(Purpose: To strike the emergency designation for the funds authorized to be appropriated for the costs of overseas contingency operations)

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”
AMENDMENT NO. 3441
(Purpose: 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.)

On page 99, insert in the appropriate place the following new general provision: S 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Digitization, $2,000,000 shall be made available only for the Digital Intelligence Situation Mapboard.

AMENDMENT NO. 3442
(Purpose: To designate Army Digitization funds for development of the Digital Intelligence Situation Mapboard)

On page 99, insert in the appropriate place the following new general provision: S 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Digitization, $2,000,000 shall be made available only for the Digital Intelligence Situation Mapboard.

AMENDMENT NO. 3443
(Purpose: To set aside $5,000,000 for Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System and to be developed for use in urban warfare, littoral operations, and peacekeeping operations.)

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

AMENDMENT NO. 3444
(Purpose: To clarify the authority for Federal support of National Guard drug interdiction and counterdrug activities)

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

S 8104. (a) Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking "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:

"(2) The Secretary of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under this section and shall be entitled 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 counterdrug activities.

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

(c) Subsection (b)(3) of such section is amended to read as follows:

"(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counterdrug activities plan approved by the Secretary of Defense under this section, to provide services of or other assistance (other than air transportation) to an organization eligible to receive services under section 568 of this title if—

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

"(B) in the case of the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 568 of this title; and

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

(d) Subsection (1)(d) of such section is amended by inserting after "drug interdiction and counter-drug law enforcement activities" the following: "including drug demand reduction activities."

AMENDMENT NO. 3445
(Purpose: To set aside funds for research and surveillance activities relating to Lyme disease and other tick-borne diseases)

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

S 8104. Of the amounts appropriated by title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for the following:

$3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

AMENDMENT NO. 3446
(Purpose: To make available $3,000,000 for advanced research relating to solid state dye lasers)

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

S 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Fiscal year 1999 on behalf of Senator KYL, $3,000,000 shall be made available for advanced research relating to solid state dye lasers.

AMENDMENT NO. 3447
(Purpose: To authorize the Secretary of Defense to lease a parcel of real property from the City of Phoenix)

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

S 8104. (a) The Secretary of the Air Force may enter into an agreement to lease from the City of Phoenix, Arizona, the parcel of real property described in subsection (b), together with any improvements thereon, on the property, in consideration of annual rental not in excess of one dollar.

(b) The real property referred to in subsection (a) is a parcel, known as Auxilia Field 3, that is located approximately 12 miles north of Luke Air Force Base, Arizona, in section 4 of township 3 north, range 1 west of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, is bounded on the north by Bell Road, on the east by Litchfield Road, on the south by Greenway Road, and on the west by agricultural land and is composed of approximately 628 acres, more or less, the same property that was formerly an Air Force training and emergency field developed during World War II.

(c) The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. MCCAIN. Mr. President, I will be brief. I rise to offer an amendment to the Defense Appropriations bill for fiscal year 1999 on behalf of Senator KYL and myself. The amendment would authorize the Secretary of the Air Force to enter into an agreement to lease from the City of Phoenix, Arizona a parcel of land near Luke Air Force Base that is known as Auxiliary Field 3 for a cost not in excess of one dollar.

I offer this amendment because the U.S. Air Force may foresee a need to acquire or lease land near Luke Air Force Base to more efficiently manage and privatize public and private development compatible with the Luke Air Force Base mission. Many communities on the west side of Phoenix are dedicated to ensuring that the Air Force has the additional flexibility it may need in the near and long term to meet Air Force operational and training requirements and preserve its overall readiness.

Mr. President, this simple amendment is discretionary in nature and meets the criteria which I have ensured that my colleagues must meet when amendments are offered to appropriations bills. I urge my colleagues to support this amendment.

AMENDMENT NO. 3448
(Purpose: To designate Army RPT&E funds for integration and evaluation of a passenger safety system for heavy tactical trucks)

On page 99, insert in the appropriate place the following new general provision: S 8104. Of the funds under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", $1,000,000 may be made available only for integration and evaluate enhanced, active and passive, passenger safety system for heavy tactical trucks.

AMENDMENT NO. 3449
(At the end of title VIII, add the following: S 8104. Effective on June 30, 1999, section 8104(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–206, 110 Stat. 3009–111, 10 U.S.C. 113 note), is amended—

(1) by striking out "not later than June 30, 1997," and inserting in lieu thereof "not later than June 30, 1999," and

(2) by striking out "$1,000,000," and inserting in lieu thereof "$500,000."

AMENDMENT NO. 3450
(Purpose: To increase by $10,000,000 the amount provided for research and development relating to Persian Gulf illnesses)

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

S 8104. (a) Of the total amount appropriated under title IV for research, development, test and evaluation, Defense-wide, for basic research, $29,646,000 is available for research and development relating to Persian Gulf illnesses.

Mr. HARKIN. I offered an amendment to the Defense Appropriations bill important to Persian Gulf War veterans. My amendment increases Department of Defense spending on research to determine the causes and possible treatments of those suffering from Gulf War illness by $10 million. It is my understanding that the amendment is similar to the amendment I offered and was also accepted as part of the Defense Authorization bill.

Mr. President, the Persian Gulf War ended in 1991, the physical and psychological ordeal for many of the nearly 700,000 troops who served our country in Operations Desert Storm and Desert Shield...
has not ended. It’s been seven years since our troops were winning the war in the Gulf. Unfortunately, they continue to suffer due to their deployment.

Many of our troops returned from the Persian Gulf suffering from a variety of symptoms that have been difficult to trace to a single source or substance. Our veterans have experienced a combination of symptoms in varying degrees of seriousness, including: fatigue, skin rash, muscle and joint pain, headaches, shortness of breath, and gastrointestinal and respiratory problems. Unfortunately, the initial response from the Pentagon and the Department of Veterans Affairs was to express skepticism about veterans’ claims of illness and disability. This strained the government’s credibility with veterans and their loved ones who dealt with the very real affects of their service in the Gulf.

I vividly remember a series of roundtable discussions I held with veterans across Iowa after being contacted by several families of Gulf War veterans stricken with undiagnosed illnesses. And these folks weren’t just sick. They were tired. They were tired of getting the runaround from the government they defended. They were tired of people who refused to listen... or told them it was in their head... or that it had nothing to do with their service in the Gulf.

These stories put a human face on the results of a study I requested through the Centers for Disease Control and Prevention. The results add to the increasing volume of evidence that what these veterans were experiencing was indeed very real. More than one in three Gulf War veterans reported one or more significant medical problems. Fifteen percent reported two or more significant medical conditions. These Iowa veterans also reported significantly greater problems with quality of life issues than others on active duty at the time but not deployed in the Gulf. For example, Persian Gulf veterans had lower scores on measures of vitality, physical and mental health, ability to work, and increased levels of emotional problems and bodily pain.

In addition, over 80 percent of the Gulf War veterans in the CDC study reported having been exposed to at least one potentially hazardous material during their service in the Gulf Department of Defense.

A recent General Accounting Office report provided an alarming laundry list of such hazards including: “compounds used to decontaminate equipment and protect it against chemical agents, fuel used as a sand suppressant in and around encampments, fuel used to burn human waste, fuel in shower water, leaded vehicle exhaust used to dry sleeping bags, depleted uranium, parasites, pesticides, multiple vaccines used to protect against chemical warfare agents, and smoke from oil-well fires.”

To this rather exhaustive list, we can also add exposure to nerve gas. The DOD and CIA have admitted that as many as 100,000 or more... that’s 1 in 7 troops deployed in the Gulf... may have been exposed to chemical agents released into the atmosphere when U.S. troops destroyed an Iraqi weapons bunker. A Presidential Advisory Committee on Illnesses Incurred in the Persian Gulf in 1991 noted exposure to chemical agents in a second incident when troops crossed Iraqi front lines on the first day of the ground war. Chemical weapons specialists in these units said they detected poisonous gas. Unfortunately, the detections were initially neither acknowledged nor pursued by the Pentagon.

That being said, the Pentagon and others have been more forthcoming recently with relevant information, documents, and research. But more needs to be done. I am pleased that the President, acting based on legislation I co-sponsored, extended the time veterans will have to file claims with the government for illnesses related to their service in the Gulf. Unfortunately, the jury has to show their illness surfaced within two years of their service. Now, they have until the end of 2001. This is a great victory for our veterans. Gulf War illnesses do not surface on a time line convenient to the rules of bureaucrats. This extension will help us meet our responsibility to take care of these soldiers. But, more still needs to be done.

There is still substantial mystery and confusion surrounding the symptoms and health problems experienced by Gulf War veterans. While many veterans have been diagnosed with a recognizable disease, I am concerned about those who have no explanation, no label, no treatment for their suffering. More needs to be done to help these Americans.

For example, the Presidential Advisory Committee has suggested research in three new areas to help close the gaps in understanding Gulf War illnesses. They suggest research on the long-term health effects of low-level exposures to chemical warfare agents, the combined effects of medical injections meant to combat chemical warfare with other Gulf War risk factors, and on the body’s physical response to stress. It is also imperative to ensure that longitudinal studies and mortality studies are funded since some health effects, such as cancer, may not appear for several years after the end of the Gulf War.

Although there may be no single Gulf-War related disease so to speak, it is widely acknowledged that the multiple illnesses and symptoms experienced by Gulf War veterans are connected to their service during the war. Therefore, we must not forget on our solemn obligation to those who willingly served their country and put their lives in harm’s way.

To that end, I offer this amendment to increase funding into the illnesses experienced by Persian Gulf veterans by $10 million. The funds would support much more research, including the evaluation and treatment of a host of neuro-immunological disorders, as well as possible connections to Multiple Chemical Sensitivity, chronic fatigue syndrome and fibromyalgia.

Our veterans are not asking for much. They want answers. They want the truth. They want the nation’s call in war, and now we must answer theirs. Should our priorities include our Gulf War veterans? I believe the choice is self evident and absolutely clear.

(AMENDMENT NO. 3451)
(Purpose: 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)

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

SEC. 8104. (a) Not later than six months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing a comprehensive assessment of the TRICARE program.

(b) The assessment under subsection (a) shall include the following:

(1) A comparison of the health care benefits available under the health care options of the TRICARE program known as TRICARE Standard, TRICARE Prime, and TRICARE Extra with the health care benefits available under the health care plan of the Federal Employees Health Benefits Program most similar to each such option that has the most 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 timelines of payments to physicians providing services under each option and plan under comparison.

(2) An assessment of the effect on the subscription choices made by potential subscribers to the TRICARE program of the Department of Defense policy to grant priority to 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 commence ment 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 commence ment of the implementation of the TRICARE program.

(AMENDMENT NO. 3452)
(Purpose: To require a comprehensive assessment of the TRICARE program)

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

SEC. 8104. (a) Not later than six months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing a comprehensive assessment of the TRICARE program.

(b) The assessment under subsection (a) shall include the following:

(1) A comparison of the health care benefits available under the health care options of the TRICARE program known as TRICARE Standard, TRICARE Prime, and TRICARE Extra with the health care benefits available under the health care plan of the Federal Employees Health Benefits Program most similar to each such option that has the most 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 timelines of payments to physicians providing services under each option and plan under comparison.

(2) An assessment of the effect on the subscription choices made by potential subscribers to the TRICARE program of the Department of Defense policy to grant priority to 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 commence ment 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 commence ment of the implementation of the TRICARE program.

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mately, the best “study” of the quality of a product or service is its acceptance in the marketplace. For this reason, I have long favored considering Medicare subvention and making FEHBP available for military beneficiaries as well as civilians. But, with TRICARE only offering one of the three types of plan and having a captive audience, there are no competitive pressures to keep providers focused on customer service, so this study is necessary.

I am also concerned that Department of Defense efforts with regard to TRICARE may be further limiting choice. The GAO should identify reasons why TRICARE Prime enrollees should have priority at Military Treatment Facilities. This decision may be effectively eliminating the TRICARE Standard and Extra options because to choose either of these options may close off treatment at a Military Treatment Facility.

And there is another problem. Medicare-eligible retirees, since the implementation of TRICARE are now having a very difficult time getting to see the doctor at the Military Treatment Facilities, if not facing an impossibility altogether. Let me explain. Because TRICARE patients have first priority for medical treatment, retirees who wish to be served at a Military Treatment Facility have to sign up for TRICARE Prime—their choice for TRICARE Standard and Extra is effectively eliminated. But, the problem is it is that Medicare-eligible retirees are not eligible to participate in TRICARE at all. They and their Medicare-eligible dependents and survivors, if there are no appointments available at the Military Treatment Facility, are left with no military medical benefit, which we all know is contrary to the promise made to these veterans when they decided to make a career in the military.

Mr. President, there is no reasonable explanation I can think of that could justify a health care benefit for our men and women in uniform, their dependents, and survivors, who give and gave so much of their lives for our country, that is anything less than what we have provided for ourselves and for civil servants. My amendment will give us a clear idea whether the military medical benefit offered is truly “prime,” or even “standard,” or whether it is substandard and we need to take action.

AMENDMENT NO. 3455

(Purpose: To authorize the Secretary of the Army and the Secretary of the Air Force to enter into one or more multiyear leases of non-tactical firefighting, crash rescue, or snow removal equipment.)

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

SEC. 8104. Of the amounts provided under Title VIII, insert the following:

(a) The Secretary of the Army and the Secretary of the Air Force may each enter into one or more multiyear leases of non-tactical firefighting equipment, non-tactical crash rescue equipment, or non-tactical snow removal equipment. No period of a lease entered into under this section shall be for any period not in excess of 10 years. Any such lease shall provide that performance under the lease during the second and subsequent years of the contract is contingent upon the appropriation of funds and shall provide for a cancellation payment to be made to the lessor if such appropriations are not made.

(b) Lease payments made under subsection (a) shall be made from amounts provided in this or future Appropriations Acts.

(c) This section is effective for all fiscal years beginning after September 30, 1998.
the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States’; and

(2) by striking out paragraph (3).

Mr. MCCAIN. Mr. President, I rise to offer a simple amendment to the Fiscal Year 1999 Defense Appropriations bill on behalf of Senator KAY BAILEY HUTCHISON and myself that merits bipartisan support and speedy passage.

My amendment would repeal the limitations on the military departments to waive the requirement for reimbursement of expenses for foreign students at the service academies. Clearly, the authority to set rates and waive reimbursement expenses for persons from foreign countries undergoing instruction at U.S. service academies should rest with our military departments and not be subject to limitations on their ability to determine the costs of foreign national enrollment.

Mr. President, the Senate Armed Services Committee included this provision in its version of the Fiscal Year 1999 Defense Authorization bill, however it was subsequently dropped in conference. The service academy superintendents all support this legislation, and I urge my colleagues to do the same. Mr. President, I request that letters of support of my amendment from the service academy superintendents and others be placed in the RECORD at the conclusion of my statement.

AMENDMENT NO. 3458

(Purpose: To make small businesses eligible to participate in the Indian Subcontracting Incentive Program).

On page 54, strike Section 8023 and insert the following:

Sect. 8023. (a) In addition to the funds provided elsewhere in this Act, $5,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 637 note) for payments to small businesses, tribes and tribal enterprises.

Mr. INOUYE. Mr. President, I rise in support of Senator DORGAN’s amendment that would clarify the eligibility of small businesses to participate in the Indian incentive payment program. Mr. President, I can assure my colleagues that in establishing this program, it was our intent to provide incentives to Defense contractors who would enter into subcontracts with Indian-owned business enterprises.

Mr. President, it was not our intent to exclude from the Indian incentive payment program, those small businesses that might enter into contracts with the Department of Defense.

It is my understanding that because the original authorizing language which established the Indian incentive payment program refers to a subcontracting plan pursuant to 15 U.S.C. 637(d), the Department of Defense has interpreted that provision to exclude small businesses from participation in the Indian incentive payment program.

Senator DORGAN’s amendment would clarify that a subcontracting plan pursuant to 15 U.S.C. 637(d), to make clear that small businesses who enter into contracts with the Department of Defense may participate in the Indian incentive payment program. Prior to submitting a subcontracting plan with tribally-chartered entities or tribal enterprises.

Mr. President, I believe we should include Senator DORGAN’s amendment in S. 2132. I ask unanimous consent to have two pertinent letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:


Hon. Byron L. Dorgan, U.S. Senate, Washington, DC.

Dear Mr. Dorgan:

In response to your letter dated October 31, 1997, concerning the Department of Defense Indian Subcontracting Incentive Program.

The situation you describe is the consequence of a provision in the Department of Defense Appropriations Act, 1998. Specifically, section 8023 of that Act appropriates $8 million for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 637). Section 8024, however, restricts the availability of such incentive payments to contractors that have submitted subcontracting plans pursuant to 15 U.S.C. 637(d).

I am pleased to respond to your letter.

Mr. President, I believe we should include Senator DORGAN’s amendment in S. 2132.

I ask unanimous consent to have two pertinent letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:


Hon. Byron L. Dorgan, U.S. Senate, Washington, DC.

Dear Mr. Dorgan:

In response to your letter dated October 31, 1997, concerning the Department of Defense Indian Subcontracting Incentive Program.

The situation you describe is the consequence of a provision in the Department of Defense Appropriations Act, 1998. Specifically, section 8023 of that Act appropriates $8 million for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 637). Section 8024, however, restricts the availability of such incentive payments to contractors that have submitted subcontracting plans pursuant to 15 U.S.C. 637(d). However, subsection 637(d)(7) expressly provides that the provisions relating to submission of a subcontracting plan under section 637(d) do not apply to small businesses.

Consequently, the $8 million is not available for payments to small business under this authority.

Accordingly, in order to permit small businesses to participate in the program supported by the $8 million available under section 8023, additional administrative change, would be required. We strongly support maximum practical participation of small businesses in the performance of Department of Defense contracts, and accordingly we intend to explore, in coordination with the Office of Management and Budget, whether to advance a legislative proposal to eliminate the present regulatory language in section 8024 in future years.

I appreciate your bringing this issue to our attention, and trust that this responds to your concerns.

Sincerely,

William Cohen.


Mr. King: This responds to our telephone conversation of October 9, 1997 relative to whether or not small businesses are eligible to receive incentive payments under the DoD Indian Subcontracting Incentive Program.

I am writing in consultation with both the Office of General Counsel and the Office of Defense Procurement, thoroughly reviewed the FY 1998 DoD Appropriations Act and our implementing policy. The conclusion reached based on that review is that the legislation authorizes incentive payments from $8 million appropriated to firms who submit subcontracting plans pursuant to 15 U.S.C. 637(d). Since 15 U.S.C. 637(d) does not apply to small businesses even if GMA Cover Corporation agreed to submit a subcontracting plan, such a submission would not be pursuant to this provision of the law.

Consequently, payment of incentives for subcontracting with Indian organizations or Indian-owned business enterprises using the $8 million appropriated in the FY 1998 DoD Appropriations Act is not authorized for GMA Cover Corporation or any other firm.

As the restriction on the use of the $8 million appropriated for Indian subcontracting incentive payments to large businesses is part of the FY 1998 Appropriations Act, it cannot be eliminated through regulations developed by the Department to implement the legislation. However, since it is our objective to provide for the maximum practicable participation of Indian organizations and Indian-owned business enterprises in our contracts, I have submitted a legislative initiative proposing an amendment to the FY 1998 Appropriations Act that will allow incentive payments to small businesses which subcontract to Indian organizations or Indian-owned business enterprises.

The point of contact for this subject is Mr. Ivory Fisher. You may contact him directly on this or any other issues associated with the Indian Subcontracting Incentive Program.

I am pleased to reach at (703) 697–1688.

Robert L. Neal, Jr., Director, Small Business and Disadvantaged Business Utilization.

AMENDMENT NO. 3459

(Purpose: To provide for full funding of the testing of six chemical demilitarization technologies under the Assembled Chemical Weapons Assessment Program.)

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

Sect. 8104. Out of the funds available for the Department of Defense under title VI of this Act for chemical agents and munitions, Defense, or the unobligated balances of funds available for chemical agents and munitions destruction, Defense, Appropriations Act making appropriations for military functions administered by the Department of Defense for any fiscal year, the Secretary of Defense may use not more than $9,000,000 for the Assembled Chemical Weapons Assessment Program to complete the demonstration of alternatives to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–296; 110 Stat. 3009–101, 50 U.S.C. 1521 note). The amount specified in the preceding sentence is in addition to any other amount that is made available pursuant to any other provision of law or any other amount that is made available pursuant to title VI of this Act to complete the demonstration of alternatives to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program: Provided, That none of the funds appropriated under this Act for chemical agents and munitions, Defense, or the unobligated balances of funds available for chemical agents and munitions destruction, Defense, Appropriations Act making appropriations for military functions administered by the Department of Defense for any fiscal year, the Secretary of Defense, may use any other amount that is made available pursuant to title VI of this Act to complete the demonstration of alternatives to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program: Provided, That none of the funds appropriated under title VI of this Act to complete the demonstration of the alternatives to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program: Provided, That none of the funds shall be taken from any ongoing operational chemical munition destruction programs.

AMENDMENT NO. 3460

(Purpose: To express the Sense of the Senate regarding the use of child soldiers in armed conflict.)

At the appropriate place, add the following:

Findings:

Child experts estimate that as many as 250,000 children under the age of 18 are currently serving in armed forces or armed
groups in more than 30 countries around the world;
contemporary armed conflict has caused the deaths of 2,000,000 minors in the last decade, an estimated 60,000 children seriously injured or permanently disabled;
children are uniquely vulnerable to military service as a result of their emotional and physical immaturity, are easily manipulated, and can be drawn into violence that they are too young to resist or understand;
children abducted by the LRA are forced to raid and loot villages, fight in the front line of battle against the Ugandan army and the Sudan People’s Liberation Army (SPLA), serve as soldiers, rebels, guards, concubines, and soldiers;
children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, unlocatable, dead, or fearful of having their children return home;
Graca Machel, the former United Nations expert on the impact of armed conflict on children, identified the immediate demobilization of all child soldiers as an urgent priority, and recommended the establishment of a protocol to the Convention on the Rights of the Child of 18 as the minimum age for military recruitment and participation in armed forces; and
the Secretary of State, a political subdivision of a State, territory or possession of the United States, a political subdivision of a State, or a resident of any other State.

I move to reconsider the vote.
Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.
Mr. STEVENS. Mr. President, I say with regard to the unresolved issues: We ask Senator DeWINE or his staff to show us the drug interdiction amendment, the D’Amato Serbia amendment, the two Coats amendments on SOS, and the next QDR, so that we can proceed to review those.
Similarly, we have a series on the Democratic side that we have not seen, and I urge that we see those: the Dodd Army pension issues; the Harkin vets’ meals issue. Other than that, I believe we have seen them all.
I might state, it appears that one amendment that will take the longest time to dispose of is Senator DURBIN’s amendment, and I see he is here. I invite him to offer his amendment so that we might determine how to handle it.

Is the Senator prepared to suggest any kind of a time arrangement with regard to that? We would like to have a vote sometime around 8 o’clock, to make sure people understand we are going to stay here until we get done.
Mr. DURBIN. If the Senator will yield.
Mr. STEVENS. I yield.
Mr. DURBIN. I am open to the Senator’s request for a time limitation. Whatever the Senator from Alaska would like to suggest, I would certainly entertain.

Mr. STEVENS. Mr. President, I am willing to suggest to the Senator that we divide the time equally between now and 8 p.m., at which time it would be my intention to move to table the Senator’s amendment.

Mr. DURBIN. I agree to that. I have no objection. Before agreeing, could I ask the Senator from Alaska, time will be equally divided?
Mr. STEVENS. And I add to that, there will be no second-degree amendments to this motion prior to the motion to table; after the motion to table, it is open.

SEC. 8014. From amounts made available by this Act, up to $10,000,000 may be available to convert the Eighth Regiment National Guard Armory into a Chicago Military Academy. Provided, That the Academy shall provide a 4-year college preparatory curriculum combined with a mandatory JROTC instructional program.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.
The amendments (No. 3420 through 3464) were agreed to.
Mr. DURBIN. And further debate?
Mr. STEVENS. And further debate; obviously, there is no limitation if the amendment is not tabled.

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

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3465. There were no other related actions.

Mr. DURBIN. Mr. President, it is the usual custom in the Senate as long as I have been here, almost 20 months, to dispense with the reading of an amendment. In this case, I did not—first, because the amendment in its entirety is very brief, only one page; and, second, I wanted those who are following this debate to hear each word of the amendment, because in the wording of this amendment I think we have an important decision to make on the floor of the U.S. Senate.

This amendment which I offer reaffirms that the United States should only go to war in accordance with the war powers vested in the Congress by the Constitution. My colleague, who has just joined us on the floor, Senator BYRD of West Virginia, carries a well-worn and tattered version of that Constitution. I bet he has it on his person as this moment—and I win my bet—and Senator BYRD refers to it frequently to remind all of us that we, when we took the oath of office to be Members of the U.S. Senate, swore to uphold this Constitution.

The section of the Constitution which my amendment addresses is one which is central to the power of the U.S. Senate and the power of Congress. Article I, section 8, includes in the power of the Senate:

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water.

Most constitutional scholars will know the meaning of the term "marque and reprisal." We have read it many times the last few months, to those of us who need to be refreshed, that is an effort, short of war, where the United States, short of some commitment of major troop forces and the like, would seek to impose its will or stand for its own national security.

The most operative section of Article I, section 8, are the simple words "To declare War." This amendment would prohibit the use of funds appropriated to the Department of Defense for "offensive military operations," except in accordance with Article I, section 8, which specifically gives to Congress, and Congress alone, the power to declare war and take other actions to govern and regulate the Armed Forces.

A similar amendment was offered by Congressman DAVID SKAGGS of Colorado and Congressman TOM CAMPBELL of California. It has passed the House of Representatives. It is part of the Department of Defense appropriations bill, which will be considered in conference with the bill that we are debating.

This amendment that I offer today reaffirms that the Constitution favors the Congress in the decision to go to war, and that Members of Congress have a constitutional responsibility that they cannot ignore with regard to the offensive use of force.

Why is this necessary? Let me quote from a scholar who has written on this subject extensively. Louis Fisher is a senior scholar who has written on this subject extensively. He wrote in an article entitled "Sidestepping Congress: Presidents Acting Under the UN and NATO":

"Truman in Korea, Bush in Iraq, Clinton in Haiti and Bosnia—indeed, in each instance, a President circumvented Congress by relying either on the UN or NATO. President Bush also stitched together a multilateral alliance before turning the eleventh hour to obtain statutory authority. Each exercise of power built a stronger base for unilateral Presidential action, no matter how illegal, unconstitutional and undemocratic. The attitude, increasingly, is not to do things the right way, in accordance with the Constitution and our laws, but to do the "right thing." It is an attitude of autocracy, if not monarchy. How long do we drift in these currents before discovering that the waters are hazardous for constitutional government?"

On January 12, 1991, the Congress, in addition to authorizing the use of force to drive Saddam Hussein from Kuwait, took an important vote asserting its constitutional responsibilities and insisting that the President follow the wisdom of the framers of our Constitution when considering a question as serious as war. Despite the vocal opposition of the Bush White House, the House of Representatives, in which I served, passed a resolution that I offered with Congressman Bennett of Florida. You may recall what happened. When Saddam Hussein of Iraq invaded Kuwait, there was fear that he would continue and then invade Saudi Arabia. The United States began positioning forces in Saudi Arabia. At the invitation of the Saudis, we brought in a sufficient force to at least discourage, if not deter, Saddam Hussein.

Over time, it became clear that the force in place was growing and the intention was just not to protect Saudi Arabia, but in fact to remove Iraqi forces from Kuwait. At that moment, the nature of our commitment changed, and at that moment, the congressional responsibility changed, from my point of view. We were no longer in Saudi Arabia just at the invitation of the Saudis to defend; we were preparing a massive force to, in fact, invade Kuwait and to oust the Iraqis. We knew that that would necessarily involve the loss of life, and many of us in Congress believed that it clearly fit within the four corners of Article I, section 8, that Congress should act and, in fact, we did.

There was an extensive debate on the floor of the Senate, as well as the House of Representatives, and ultimately, Congress voted to authorize the use of force by the President—President Bush at the time—in order to push the Iraqis out of Kuwait.

Another important congressional action was a 1994 Senate resolution rejecting the Clinton administration's request to use military force in Somalia. The Senate then rejected this resolution by a resounding 95-0 vote. The framers never intended the Armed Forces to be employed by the Executive as a blunt instrument for enforcing U.S. foreign policy without congressional approval. Yet, in the Iraq crisis earlier this year, and in the current situation in Kosovo today, that is exactly what we have seen. Absent a reaffirmation by Congress of its proper constitutional war powers, we will certainly see it again. The time for this amendment is now. I will speak to the Kosovo situation toward the close of my opening statement.

Article I, section 8, clause 11 of the Constitution, the so-called war powers clause, vests in Congress this power that I have read. The same article I, section 8 vests in Congress the power to "define and punish offenses against the Law of Nations," "raise and support armies," "to provide and maintain a navy," and "make rules for the government and regulation of the land and naval forces," and "to provide for organizing, arming, and disciplining the militia, and "governing such part of them as may be employed in the service of the United States."

Very significantly, clause 18 of this section gives Congress the power to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers." This clause clearly states that it is Congress that makes the laws for the regulation of the Armed Forces, especially in matters of war.

Article II, section 2 of the Constitution states:

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States.

That is all the war powers vested in the President by the Constitution. It is instructive for us to look back at the
debate which gave rise to these constitutional provisions.

Comments by the framers of the Constitution clearly indicate their intent in favor of Congress in matters relating to the offensive use of military force. James Madison wrote, speaking at the Pennsylvania State Convention on the Adoption of the Federal Constitution, that the system of checks and balances built into the Constitution “will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man or a single body of men to involve us in such distress; for the important power of declaring war is vested in the legislature at large.

No one less than Thomas Jefferson explained that he desired Congress to be “an effectual check to the dog of war.” James Madison wrote that Congress would have the power to initiate war, though the President could act immediately “to repel sudden attacks” without congressional authorization.

Roger Sherman further delineated on the President’s war powers: “The executive should be able to repel and not to commence war.” Constitutional scholar Louis Henkin of Columbia University wrote this in 1987: “There is no evidence that the framers contemplated any significant independent role— or authority—for the president as commander in chief when there was no war . . . The president’s designation as commander in chief . . . appears to have implied the authority to use the Armed Forces, whether for war (unless the United States were suddenly attacked) or for peacetime purposes, except as Congress directed.”

International law scholar, John Bassett Moore, wrote in 1944: “There can hardly be room for doubt that the framers of the Constitution, when they vested in Congress the power to declare war, never supposed that they were leaving it to the Executive to use the military and naval forces of the United States all over the world for the purpose of actually coercing other nations to submit to their will, or compelling their soldiers and citizens, all according to his own notions of the fitness of things, as long as he called his action something other than ‘war’ or persisted in calling it peace.

The constitutional framework adopted by the framers for the war power is remarkably clear in its basic principles. The authority to initiate war lay with Congress. Other U.S. Presidents have affirmed this interpretation of war powers under the Constitution. Abraham Lincoln wrote this in 1848: “This, our (Constitutional) Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Fast forward 100 years into the 20th century, as we debated the possibility of creating a United Nations. The U.N. Charter was a hard-won drop of the disaster of the Treaty of Versailles and President Wilson’s determination to make foreign policy without Congress. When President Wilson submitted that treaty to the Senate in 1919, he attached the covenant of the League of Nations. Senator Henry Cabot Lodge offered a number of reservations, specifically including a protection of the prerogative of Congress, and the President declared war. President Wilson called this reservation “a nullification of the treaty.” The issue was joined. The Senate rejected the treaty, and thereby the League of Nations, in 1919 and again in 1920.

In the midst of World War II, when the concept of another world organization began to form, care was taken not to cross the line that had doomed the League of Nations. Any commitment of U.S. forces to a world body would require prior authorization by both Houses of Congress. Debate on the Hill between the House and Senate had more to do with each body’s prerogative and role than the underlying assumption of the United States. Even under the auspices of the United Nations, congressional approval was necessary before troops could be committed.

Section 6 of the United Nations Participation Act is explicit. Agreements “shall be subject to the approval of the Congress by appropriate act or joint resolution.” Ultimately the decision was reached that both Houses of Congress—not just the Senate under its treaty authority—was necessary before the President could commit U.S. forces.

Soon after President Roosevelt’s death, President Harry Truman sent a cable from the conference in Potsdam that led to the establishment of the U.N., stating that all agreements involving U.S. troop commitments in the U.N. would first have to be approved by both Houses of Congress. President Eisenhower assured the press, in January of 1956, in an often-quoted statement, “When it comes to a major theater of war, when a President makes up his mind what I would go, and that is the Congress of the United States and tell them what I believe. I will never be guilty of any kind of action that can be interpreted as war until Congress, which has constitutional authority, says so, I am not going to order any troops into anything that can be interpreted as war until Congress directs it.”

In the creation of NATO, Secretary of State Dean Acheson told the Senate Foreign Relations Committee in 1949 that the North Atlantic Treaty Organization “does not mean the United States would automatically be at war if one of the other signatory nations were the victim of an armed attack. Under our Constitution the Congress alone has the power to declare war.

Then came Korea. President Truman sent U.S. troops in 1950 without ever seeking, or obtaining, congressional authority. By historical fluke, the Soviet Union was absent from the U.N. Security Council when a crucial vote was taken responding to the possibility that the Korean peninsula would be overrun. Without a Soviet veto, the U.N. moved forward, and President Truman rationalized the use of force in this “police action” to uphold the rule of law.

I recall that particularly, because my two older brothers served in the Korean War, and the ongoing joke about the fact that this was just a “police action.” They knew better. All of the families and all of those involved knew that it was, in fact, a war.

The courts, too, have supported the constitutional prerogatives of Congress in this respect, including the implied constitutional power to “authorize” war.

The Supreme Court in Bas v. Tingy, in 1800 said, “Congress is empowered to declare general war. Congress may wage a limited war; limited in place, in objects, and in time . . . .” Chief Justice Marshall, writing in Talbot v. Seeman in 1801: “The whole powers of war being, by the Constitution, placed in the executive, Congress, the acts of that body can alone be resorted to as guides in this inquiry.”

U.S. Circuit Court, New York, U.S. v. Smith, 1806: “It is the exclusive province of Congress to change a state of peace into a state of war.

More recently, during the Persian Gulf episode, a case was filed in the U.S. district court in Washington. I joined with petitioners who filed this action to seek the court to spell out the powers of Congress as it related to the declaration of war. The court rejected the Justice Department’s contention that “the question whether an offensive action taken by American armed forces constitutes an act of war (to be initiated by a declaration of war) or an ‘offensive military attack’ (presumably undertaken by the President in his capacity as Commander in Chief) is not one of objective fact but involves an exercise of judgment based upon all the vagaries of foreign affairs and national security.”

The court said, “This claim on behalf of the Executive is far too sweeping to be accepted by the courts. If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute war-making but only an offensive military attack, the congressional power to declare war will be at the mercy of a semantic decision by the Executive. Such an ‘Executive Sanction’ would evade the plain language of the Constitution, and it cannot stand.”

Mr. President, over the last 40 or 45 years, Congress has virtually ceded its constitutional war powers responsibilities to the President. Many of the significant instances of use of force by the Executive without congressional authorization, including the only major unauthorized war in Korea, and localized conflicts in the Dominican Republic, Grenada, and Panama, among others, occurred during this period.

I will not visit that sad and contentious chapter of American history surrounding the Vietnam war, but suffice
it to say that after that war Congress made the decision, through the passage of legislation, to take a more active role in the decisionmaking process. The 1973 War Powers Resolution, which then-Armed Services Committee Chairman Dan K. Burton called an important step in Congress to assume its duty in representing the people of this Nation," unfortunately has done little to slow down the gradual assumption of war powers claimed by successive administrations or to embed Congress firmly in its state power responsibilities under the Constitution.

Even in signing the congressional authorization of the use of force against Iraq in 1991, President Bush went to great pains to emphasize his claim that he possessed constitutional authority to act. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing of this resolution does not, transfer the change in the long-standing position of the Executive Branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests, or the constitutionality of the War Powers Resolution."

The Clinton administration echoed President Bush's comments and even took it one step further. During her congressional testimony during the Iraq crisis this last February, Secretary of State Madeleine Albright spoke of "the President's constitutional authority as Commander in Chief to use armed forces to protect our national interests."

In a Statement of Administration policy threatening a veto of the House version of this bill if the Skaggs-Campbell amendment were included, the administration stated that, "The President must be able to act decisively to protect U.S. national security and foreign interests."

I do not believe that the framers of our Constitution would have ever accepted such inflated claims of executive authority, or the idea the Armed Forces should be used by the President as a device for implementing administration foreign policy, without the approval of Congress.

President Bush's comments notwithstanding, Congress made a good start in regaining its proper constitutional war powers during the 1991 debate and vote to authorize the war in the Persian Gulf. Congress affirmed at that time that its responsibilities extended far beyond merely paying the bills for Presidents' wars.

Now it is time for the Congress to take the next step. This amendment will restore the proper constitutional balance between the executive and legislative branches in deciding when or if the United States is to go to war.

Mr. President, in the words that I have heard on Capitol Hill, in both the House and Senate, it has been my sad responsibility on several occasions to attend funerals in my home district, in my congressional district, for the families of those who have fallen in combat. I can't think of a sadder occasion—one of the saddest that I can recall—than the one that involved the sending of Marines to Lebanon, putting them in harm's way, and after a terrible bombing of the barracks, the loss of life of a young man from Springfield, Ill. Time and again, I thought at those sad services that there is a legitimate question the family could ask of their elected representatives now in the U.S. Senate. Was I part of the decision that led to the war that took their son's life? Because the Constitution makes it clear that I should have been part of that decision. In so many instances, I was not; the decision was made by the President. The only course for Congress is control of the purse, and virtually nothing else. As a direct result, we lost lives without the American people speaking to the question of war through their elected Congress, not, as a declaration of war, and I approved and carefully this amendment and to realize that it does more than assert our constitutional authority to declare war. It also asserts our responsibility. Be careful for what you wish because with the reassertion of our constitutional responsibility, we will be and should be called on more frequently to make important decisions about committing American troops.

There is one operative and very important word in this amendment. It is the word "offensive," as in offensive military operations. So the Record is eminently clear, there is no doubt in my mind nor in anything I have read that the President of the United States, as Commander in Chief, has the power to protect American citizens and the property of the United States. He need not come to the Congress and seek our approval when he is, in fact, defending American property.

We are talking about a separate circumstance, a circumstance where instead of taking a defensive action, the President decides to take an offensive action.

I might also add that for those who say, clearly the Senator from Illinois is offering this amendment because he is concerned about some current conflict, well, yes, I am concerned. I am concerned about any conflict that involves America and our interests. But that isn't what motivates me to join the gentleman from Colorado who offered this amendment in the House of Representatives. As I mentioned earlier, it was almost 7 years ago that I joined Congressman Bennett of Florida in a similar effort. I do believe this principle is sound, and those who want to gainsay this effort should know that I have tried to stand by this principle through the time that I have been in Congress.

Is there a need for us to consider it now? I will leave that to your judgment. Consider the statements made by Robert Gelbard, special representative of the President and Secretary of State on Implementation of the Dayton Peace Agreement, when he spoke before the House International Relations Committee in Washington on July 23, 1996, relative to the tragedy in Kosovo.

Mr. Gelbard said: In NATO councils, planning for possible NATO action is nearly completed. While no decision has been made regarding the use of force, all options, including robust military intervention in Kosovo, remain on the table. NATO planning is on track and Milosevic under duress. We believe the deteriorating situation in Kosovo is a threat to regional peace and security. The potential for spillover into neighboring States remains a constant concern. We and our allies have made clear to President Milosevic that spill-over of the conflict into Albania or Macedonia will not be tolerated.

Make no mistake, if Mr. Gelbard’s statement is a statement of administration policy, the administration is poised to initiate an offensive military action relative to Kosovo, an action which I believe clearly requires congressional approval. As an active member of Congress, I made the decision, through the passage of Joint Resolution 24 which then-Armed Services Committee Chairman John Stennis called "an important step in this Congress to assume responsibility on several occasions to attend funerals in my home district, in
Mr. DURBIN. I reserve the remainder of my time.

Mr. BYRD. Mr. President, will the Senator yield me some time?

Mr. DURBIN. I would be happy to yield to the Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. BYRD. Mr. President, I can't get started in 9 minutes on this subject.

Mr. DURBIN of wonder if the Senator from West Virginia might be able to secure some time from the other side. I would be happy to ask, if there is anyone in the Chamber. They might be called for that purpose.

Mr. BYRD. Mr. President, I was not in the Chamber when the agreement was entered into. My friend knew of my interest in speaking on the amendment, and I wish I had been protected. Mr. DURBIN. May I ask the Chair, it was a time agreement that at about quarter of 7 we agreed we would debate this until 8 o'clock equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. That is correct. That is how it is stated. I am sorry; I apologize to the Senator from West Virginia, whom I asked to come to the floor, and I would be glad to give him every minute remaining. I am sorry that I had gone as long as I did, because I am anxious to hear his remarks.

Mr. BYRD. Mr. President, I don't know how much time the opponents of this amendment will require.

Mr. President, I think I will just ask for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. I wish to thank the opponents for offering 10 minutes to me, but I feel that I will just ask that my speech be printed in the Record.

On this gravity, I am disappointed that the Senate has entered into an agreement to speak for what would amount to about 1 hour and 15 minutes for both opponents and proponents. Of course, the distinguished Senator from Illinois is preeminently correct in what he has said about the Constitution and what he has said about the efforts toward aggravization on the part of this administration and most recent administration when my understanding that at about quarter of 7 we agreed we would debate this until 8 o'clock equally divided?

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This is a provision that is ongoing for years. It is not related to this bill. It is not a matter that was before the Senate Appropriations Committee in any way, and it should be part of the Armed Services’ consideration. There was an Armed Services bill brought before us. It would have been perfectly proper to have that brought up at that time in connection with the Armed Services’ bill. But I do not think it is proper to bring it up in this bill.

For that reason, as I said before, when the time for Senator Byrd has expired, I intend to move to table the amendment. But, as I indicated to him, I offer him the full amount of time that was allocated to this side to present his statement, plus what is left over. He can stand it is 4 and some-odd minutes. I ask the cloakrooms to send out no more managers. The bill is here and we will vote at 8 o’clock.

Mr. STEVENS. Mr. President, I just conferred with Mr. Cortese, the staff director. I am told that we have but one other Senator who has indicated an intention to debate an amendment tonight. We are working now on the remainder of the second managers’ package which we should be able to present to the Senate in about 10 to 15 minutes. I ask the cloakrooms to send out no notice to Senators that after presentation of the second managers’ amendment, I shall move to go to third reading, unless Senators who have amendments on this list come forth to debate them.

On the question of war power, I believe the Constitution is as clear as it is plain. Article I, section 8, provides that Congress has the power “to declare War, [and] grant Letters of Marque and Reprisal . . . .” Article II, section 2, provides, The President is Commander in Chief of the Army and Navy of the United States.” To be sure, the Commander in Chief ensures that the President has the sole power to direct U.S. military forces in combat. But that power—except in very few limited instances—derives totally from congressional authority. It is not the power to move from a state of peace to a state of war. It is a power, once the state of war is in play, to command the forces, but not to change the state.

Until that authority is granted, the President has no inherent power to send forces to war—except, as I said, in certain very limited circumstances, such as to repel sudden attacks or to protect the safety and security of Americans abroad.

On this point, the writings of Alexander Hamilton, a very strong defender, as the Presiding Officer knows, of Presidential power, is very instructive. Hamilton emphasized that the President’s power as Commander in Chief would be “much inferior” to that of the British King, amounting to “nothing more than the supreme command and direction of the military and naval forces.”

During the cold war, and during the nuclear age, the thesis arose that, at a time when the fate of the planet itself appeared to rest on two men thousands of miles apart, Congress had little choice, or so it was claimed, but to cede tremendous authority to the Executive.

Unfortunately, despite the end of the cold war, the view that the President had this authority has continued to pervade—and flourish—under Presidents of both political parties.

On the eve of the gulf war, President Bush insisted that he did not need congressional authorization to send half a million men and women into combat with Iraq. I insisted at that time we hold hearings on that subject and there be a resolution concluding whether or not he had that power.

More recently, President Clinton asserted sweeping theories about his powers to deploy forces to Haiti and to begin offensive military action against Iraq.

I believe we need to remedy this constitutional imbalance. Accordingly, I have offered in the past, and I have drafted comprehensive legislation, called the Use of Force Act, which is designed to replace the War Powers Resolution.

The Durbin amendment is far shorter and more direct in its approach. And although I support it, as I said, I am concerned that it would not have the total desired effect. The Durbin amendment would bar the use of appropriated funds for “offensive military operations” by
Armed Forces “except in accordance with Article I, section 8 of the Constitution.”

I believe the Constitution already says that, that we need not redeclare that. But I think it is valuable to do it if it is thought that we are going to be looking a whole lot closer.

In my view, the President may not use force, except in certain limited circumstances, without the authorization of the Congress, period. The war power is not limited to a formal declaration of war—of which we have had only five in our history. The Founding Fathers had little interest, it seems, in the ceremonial aspects of war. The real issue was congressional authorization of war.

As Hamilton noted in Federalist 25, the “ceremony of a formal denunciation of war has of late fallen into disuse.” Obviously, the founders were not talking about a circumstance where the only circumstance that the Congress could impact on whether we use force or not is with a formal declaration of war. Even in 1789—to quote Hamilton—ceremonial declarations of war had fallen into disuse, so obviously that is not what they were talking about.

The conclusion that Congress has the power to authorize all uses of force is buttressed by the inclusion in the war clause of the power to grant letters of marque and reprisal. An anachronism today, knowledge letters of marque and reprisal were, though, in the 18th century, their version of limited war. Even back then, for a President to engage in limited war, he needed the authorization of the U.S. Congress. The vehicle was issuing letters of marque and reprisal.

I understand that the administration has expressed its strong opposition to this provision and is threatening to veto it. I have called the administration and indeed they are being foolish in even making that threat, with all due respect. It is merely an institutional instinct that does not surprise me, but I am somewhat surprised by the volume of the objection.

The Durbin amendment, if enacted, may have one salutary effect: It could make the President and his advisors to pause before continuing to make broad assertions of Presidential war power.

If even that result is achieved, the enactment of the Durbin amendment will be a positive development in restoring the constitutional imbalance.

Mr. President, I will not take the time now, but I will, at the appropriate time, reintroduce the Use of Force Act that I have in previously attempted to have passed, working with a number of constitutional scholars who have written extensively in this area.

Let me conclude in the 30 seconds I have left to again compliment the Senator from Illinois. It is time the Congress, with the changed world, retain its rightful role in the conduct of the use of force, and, now that the world has changed, the old saw about the need for this emergency power—the Congress being less relevant in that regard—should be put to bed once and for all.

I thank him for his effort and I yield the floor.

Mr. STEVENS. Mr. President, I know that the Senator from Illinois still has 5 and a half minutes. But I ask unanimous consent that he be in order for me to put down the first of the series of the second managers’ package.

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

AMENDMENT NO. 3466

(Purpose: 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.)

Mr. STEVENS. So I send to the desk an amendment I offer on behalf of the Senator from New York, Mr. D’Amato.

The PRESIDING OFFICER. The clerk will read the assistant legislative clerk read as follows:

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

S. 804: The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 13, 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 of the Coast Guard shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a copy of the memorandum of understanding entered into under paragraph (1).

Mr. STEVENS. Mr. President, I ask unanimous consent that this amendment be set aside to be considered along with the other managers’ package at the conclusion of the vote. And I ask unanimous consent that that shall be at 8 o’clock.

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

AMENDMENT NO. 3392, AS MODIFIED

Mr. STEVENS. Mr. President, there is a technical correction to amendment No. 3392. It was earlier adopted. Its citation needs to be corrected. I ask unanimous consent that it be corrected.

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

The amendment (No. 3392), as modified, is as follows:

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

SrC. For an additional amount for “Overseas Contingency Operations Transfer Fund,” $1,858,600,000; 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.

I can recall the debate over the Persian Gulf war. There was quite a division within the military, and even
within Congress. But I don’t think there was a finer moment in the 16 years I have served on Capitol Hill than that period of time when each Member of the U.S. Senate and the House came to the floor and took all the time necessary to speak their hearts out, whether or not we should put our children in harm’s way to stop this aggression by Saddam Hussein.

I can speak for myself—and I am sure for many colleagues, Republicans and Democrats alike—there were sleepless nights when you knew that a vote to go forward and commit our troops in an offensive capacity was going to lead to the loss of life. It was a painful decision, but it is one that I accepted, and everybody as a Member of the House and Senate accepted as well.

I say to my colleagues in the U.S. Senate, who I hope are following this debate, that this is about whether or not the oath of office that we took is meaningful. When we swore to uphold the Constitution of the United States, I don’t believe they asked us to turn to Article I, section 8 and make an amendment to take it out. No, it was included. It was part of that responsibility—an awesome responsibility.

My Senator from Alaska, has raised a procedural point. He says that this is beyond the scope of an appropriation or a spending bill. I disagree with his conclusion on that. I have seen what is considered authorizing language in much more expansive language easily adopted on the floor of the Senate and in the House time and time again. So I hope that those who vote on the amendment will vote on it on all fours, straightforward, up or down; do you agree or disagree? Do you agree with our Constitution, which says this is our responsibility in Congress to declare war? Or are you prepared to accept the drift that has gone on for half a century now, which says we can continue to give more and more power to the President to make this decision?

If you should decide this is the President’s province and we are going to cede all of our constitutional authority, mark my words, you should think twice before you come to the floor of the Senate—or our colleagues in the House—and question when the President uses this authority, because if you are not prepared to say that we accept our responsibility under the Constitution, that we will stand up and decide and vote when it comes to putting our troops in harm’s way, then I think you may have forewarned any opportunity to come to this floor and second-guess the President—a President who uses the power that we have handed to him.

As I have said in previous moments in this debate, there is no sadder moment than going home to your State or district and facing a basket, draped with a flag, of a fallen soldier, sailor, airman or marine, and then facing that family. I believe that it is our constitutional responsibility to be part of the decisionmaking that leads to military action. It will not be an easy task. It will be a tough burden, but it is exactly why we have stood for office and why we have asked to represent our States.

I hope my colleagues in the U.S. Senate will support this amendment. I believe this is straightforward and honest in its approach. I believe that as you consider the possibilities just in the weeks ahead—perhaps even while we are gone over the August recess—that there may be an effort in the Bosnian region, in Kosovo or some other place, to assert and take offensive military action. Those who have voted against this amendment tonight will not be able to say the President should have called on us first, because that is what this amendment says. This amendment says anywhere in the world where the President wants to take offensive military action—not to defend the property and the persons of America, but offensive military action—he is bound by the Constitution of the United States.

Mr. President, I believe my time has expired. I yield the remainder of my time.

Mr. STEVENS. Mr. President, I ask that the text of the amendment be placed before both parties on the appropriate table.

I move to table the amendment of the Senator from Illinois and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "aye." The PRESIDING OFFICER. (Mr. FRIST). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 15, as follows:

[Ambiguous vote count: 84 yeas, 15 nays]

The motion to lay on the table the amendment (No. 3465) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The foregoing tally has been changed to reflect the above order.

AMENDMENT NO. 3398, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that I may withdraw the Kyl amendment No. 3398, with the consent of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 3398) was withdrawn.

AMENDMENTS NOS. 3466 THROUGH 3475, EN BLOC

Mr. STEVENS. Mr. President, I want to announce that we have left outstanding one amendment of Senator GRAHAM which I understand may be disposed of by separate—two amendments of Senator HARKIN, and we have two outstanding amendments on this side which I hope will be cleared soon.

We have a package here ready to present. We have before the Senate—the pending amendment I believe is Senator D’AMATO’s amendment on search and rescue. I add to that amendment the following amendments: the Bingaman amendment on donation of surplus dental equipment; the Bingaman amendment on the DoD and Veterans Administration dental care to dependents; the Dodd amendment on retired pay backlog; the Harkin amendment on backlog of med- ical; the Harkin amendment on smoking cessation; the Frist amendment on Marine Corps lightweight maintenance enclosures; the Doran amendment on environmental cleanup; the DeWine amendment on drug interdiction; the Wellstone amendment on family violence.

I ask unanimous consent that it be in order to consider the managers’ amendment en bloc and that the amendments be adopted en bloc and the motion to reconsider be laid on the table.
The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, I am curious what the Dorgan amendment is—environmental. Would you briefly describe that?

Mr. STEVENS. It is $1.4 million for a site in North Dakota as a permissive amendment for cleanup. It has been cleared on both sides, I might say to the Senator.

Mr. CHAFEE. Not totally.

Mr. STEVENS. What?

Mr. CHAFEE. Not totally cleared on both sides.

Mr. STEVENS. It is a permissive amendment. It does not mandate. It authorizes. It provides the money if they want to do it. We thought on that basis it is up to the administration to do or not do it.

I inquire of the Senator from Florida—

The PRESIDING OFFICER. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], on behalf of others, proposes en bloc amendments 3466 through 3475.

The PRESIDING OFFICER. If there is no objection—

Mr. STEVENS. May we have order, Mr. President?

Mr. STEVENS. The PRESIDING OFFICER. We may have order.

If there is no objection, the amendments are considered and agreed to en bloc.

Mr. STEVENS. And the motion to reconsider is laid on the table.

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

The amendments (Nos. 3466 through 3475) were agreed to, as follows:

AMENDMENT NO. 3466

(Purpose: To require the Air National Guard to provide support for Coast Guard personnel search and rescue operations at Francis S. Gabreski Airport, Hampton, New York)

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

S 8014. (a) The Air National Guard shall, during the period beginning on April 15, 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 jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a copy of the memorandum of understanding entered into under paragraph (1).

AMENDMENT NO. 3467

(Purpose: To require the Secretary of Defense to carry out a program to donate surplus dental equipment of the Department of Defense to Indian Health Service facilities and Federally-qualified health centers that serve rural and medically underserved populations)

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 donate 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 S 1001 of the Social Security Act (42 U.S.C. 1396d(i)(2)(B))).

(b) Not later than March 15, 1999, the Secretary of Defense shall submit to Congress a report on the program, including the actions taken under the program.

AMENDMENT NO. 3468

(Purpose: To require a report on uniformed services dental care policies, practices, and experience with furnishing of dental services to dependents of members of the uniformed services on active duty)

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 on Armed Services of the Senate and the Committees on Appropriations and on National Security Affairs of the House of Representatives a report on the policies, practices, and experience 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 and potential effects of offering general anesthesia as a dental health care benefit available under TRICARE to the dependents, (3) a comparison of the policies, practices, and experience 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.

AMENDMENT NO. 3469

(Purpose: To make appropriations available for actions necessary to eliminate the backlog of unpaid retired pay relating to Army service and to report to Congress)

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

S 8014. (a) Of the total amount appropriated for the Army, the Army Reserve, and the Army National Guard under title I, $1,700,000 may be available for taking the actions required under this section to eliminate the backlog of unpaid retired pay and to submit a report.

(b) The Secretary of the Army may take such actions as are necessary to eliminate the backlog of unpaid retired pay by December 31, 1998.

AMENDMENT NO. 3470

(Purpose: 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)

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

SEC. 8104. (a) The Secretary of Defense may take such actions as are necessary to ensure the elimination of the backlog of incomplete actions on requests for replacement medals and replacements for other decorations that such personnel have earned in the military service of the United States.

(b) The actions taken under subsection (a) may include, except as provided in paragraph (2), additional allocations of resources that the Secretary considers necessary to carry out subsection (a).

(2) An additional 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.

AMENDMENT NO. 3471

(Purpose: To provide tobacco cessation therapy)

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

S 8014. (a) Of the amounts appropriated by title II of this Act under the heading “OTHER PROCUREMENT: ARMY”, $5,000,000 may be available for procurement of light-weight maintenance enclosures (LME) for the Army and the Marine Corps.

(b) Of the amounts appropriated by title III of this Act under the heading “OTHER PROCUREMENT: ARMY”, $5,000,000 may be available for procurement of light-weight maintenance enclosures (LME).

LIGHTWEIGHT MAINTENANCE ENCLOSURES

MR. FRIST. Mr. President, I appreciate the offer of the amendment which I hope will be accepted by both floor managers on this important Defense bill.

Mr. President, the amendment that I am offering today would provide $5,000,000 for the Marine Corps within the Operation and Maintenance, Marine Corps account, and $2,000,000 within the Other Procurement, Army ac-
count for the Army to allow both Service branches to obtain lightweight maintenance enclosures or LMEs for deployment in forward maintenance operations in the field. More specifically, these funds will provide for soldiers and Marines the capability to forward-deploy lightweight, low-cost shelter systems that are easy to operate, provide protection for field maintenance operations in difficult environments, and at a cost that is one-quarter the cost of the older model units previously utilized by the Army and Marine Corps.

The House of Representatives recognized the requirement for these Lightweight Maintenance Enclosures by authorizing the identical level of funding that I am recommending in my amendment, in the House version of the National Defense Authorization bill for fiscal year 1999 (H.R. 3616). In the House Committee report (H. Rept. 105–532), the House National Security Committee stated that the Army identified its requirement for the LMEs after the President’s budget request was submitted to the Congress, and therefore authorized funding for LMEs in the House authorization bill. The House also approved a $5,000,000 authorization for the Marine Corps to meet their requirements for LMEs as well.

Furthermore, Mr. President, the Chief of Staff of the Army, General Dennis Reimer, identified “Soldier Life Safety” as one of the highest priorities, as being among the Army’s top 10 highest-priority areas.

Unfortunately, despite the authorization in place in the House-passed Defense authorization bill, no appropriations have been provided in either the House or Senate versions of the Defense appropriations bills. Therefore, it is my hope that the distinguished Senator from Alaska, Senator Stevens, and his outstanding Ranking Member, Senator Breaux, would be willing to accept this small amendment and take it to conference with the House. Let me quickly say that I would be pleased to work with the two managers of the bill to find appropriate offsets to accommodate this small but important amendment as we head toward conference following final disposition of this bill.

Finally, we are working vigorously with our counterparts in the House, including Representative Van Hilleary of Tennessee, members of the Virginia delegation, including Representative Rick Boucher, to hold the LME authorization levels in conference with the Senate and to, hopefully, pave the way for acceptance of this pending amendment in conference on the Defense appropriations bill.

Therefore, Mr. President, I would hope that the Senate would approve this amendment today. The funding that I am seeking meets a real soldier life support requirement for both the Army and the Marines. It will allow our soldiers and Marines to have a cost-effective, lightweight, forward-deployed maintenance shelter system that is easy to operate, durable and significantly less expensive than the current, older, less effective shelters and tents that we currently use in the field. For these reasons, I would ask that the Senate approve this modest amendment today.

AMENDMENT NO. 3473

(Purpose: To require the abatement of hazardous substances at Finley Air Force Station, Finley, North Dakota.)

On page 10, line 15, before the period, insert the following:

$300,000 may be available for the abatement of hazardous substances in housing at the Finley Air Force Station, Finley, North Dakota.”

AMENDMENT NO. 3474

(Purpose: To provide additional resources for enhanced drug interdiction efforts in the Caribbean and South America.)

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

S 8104: Of the funds available for Drug Interdiction, military in-kind support, not to exceed $5,000,000 may be available to support restoration of enhanced counter-narcotics operations around the island of Hispaniola, for operation and maintenance of a ground-based early warning radar coverage at Guantanamo Bay Naval Base, Cuba, for procurement of 2 Schweitzer observation/spray aircraft, and for upgrades for 3 UH–IH helicopters in the Philippines.

AMENDMENT NO. 3475

(Purpose: To provide for enhanced protections of the confidentiality of records of family advocacy services and other professional support services relating to incidents of domestic violence, sexual abuse, and intrafamily abuse) On page 99, between lines 17 and 18, insert the following:

S 8104. (a) The Secretary of Defense shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(1) a dependent of a member of the Armed Forces who—

(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(B) has engaged in such misconduct; and

(2) a therapist, counselor, advocate, or other professional from whom the victim seeks professional services in connection with effects of such misconduct.

(b)(1) The Secretary of Defense shall prescribe in regulations any procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection.

(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) Characteristics of the records under family advocacy programs of the Department of Defense as primary medical records for purposes of the protections from disclosure that are associated with primary medical records.

(C) Facilitated transfer of records under family advocacy programs in conjunction with changes of duty stations of persons to whom the record pertains to provide for continuity in the furnishing of professional services.

(D) Adoption of standards of confidentiality and ethics that are consistent with standards issued by relevant professional associations.

In prescribing the regulations, the Secretary shall consider the following:

(1) The 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 maintained confidentially.

(2) 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; or

(ii) any other action that the victim seeks such a disclosure without the consent of the victim.

(3) The eligibility for care and treatment in medical facilities of the uniformed services identified as a condition for proceeding with the funding of treatment by other services by professionals referred to in subsection (a).

(4) The propriety of adopting the same standards of confidentiality and ethics that have been issued by such professional associations as the American Psychiatric Association and the National Association of Social Workers.

The regulations may not prohibit the disclosure of information to a Federal or State agency for a law enforcement or other governmental purpose.

(c) The Secretary of Defense shall consult with the Attorney General in carrying out this section.

(d) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions taken under this section. The report shall include a discussion of the results of the study under subsection (a) and the comprehensive discussion of the regulations prescribed under subsection (b).

Mr. STEVENS. Mr. President, may I inquire of the Senator from Florida, Mr. Graham—is he here?

The PRESIDING OFFICER. The Senator to present and explain the amendment has been converted to a pending amendment. It is still on the list. It has not been re-removed.

AMENDMENT NO. 3476

Mr. STEVENS. Mr. President, Senator Rors is now a sense of the Senate with regard to the Italy incident, which we are prepared to take. I yield to the Senator to present and explain his amendment.

The PRESIDING OFFICER. The Senator from Virginia?

Mr. ROSS. Mr. President, this amendment has been converted to a pending amendment. It simply recognizes an obligation of the United States to compensate the victims of the Marine Corps jet incident involving a jet aircraft flying out of Aviano. At the time, the Ambassador of the United States to Italy has already agreed that, under the Status of Forces Agreement, that the United States
would pick up the 25 percent normally assigned to the host nation. We were going to try to present an arrangement where this could be worked out more expeditiously. At this point it is simply a sense of the Senate. Instead, it ought to be resolved as quickly and fairly as possible.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. Ross] proposes an amendment number 3476.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Findings:

On the third of February a United States Marine Corps jet aircraft, flying a low-level training mission over Aviano, Italy, flew below its prescribed altitude and severed the cables supporting a gondola at the Italian ski resort near Cavalese, resulting in the deaths of twenty civilians;

the crew of the aircraft, facing criminal charges, is entitled to a speedy trial and is being provided that and all the other protections and advantages of the U.S. system of justice;

the United States, to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by a United States military aircraft;

a history, including the U.S. Ambassador to Italy, recently visited Cavalese and, as a result, 20 million dollars was promised to the people in Cavalese for their property damage and business losses;

without our prompt action, these families continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability;

under the current arrangement we have with the current SOFA, claims arising from an accident at Cavalese must be brought against the Government of Italy, in accordance with Italian 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 in Rome which is expected to take 12–18 months, and, if the Ministry's offer in settlement is the Department supports the waiver.

The amendment is, therefore, clear.

It is the sense of the Congress that the United States should resolve the claims of the victims of the February 8, 1996 U.S. Marine Corps Aircraft incident in Cavalese, Italy as quickly and fairly as possible.

Mr. STEVENS. Mr. President, we have agreed to take this amendment. It is now a sense-of-the-Senate amendment and requires a report concerning the Italy incident. I ask for its immediate consideration.

THE PRESIDING OFFICER. If there be no further debate, without objection, the amendment is agreed to.

The amendment (No. 3476) was agreed to.

Mr. ROBB. Mr. President, I move to reconsider the vote.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The amendment (No. 3477) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the chairman will yield 2 minutes to the Senator from New Mexico?

Mr. STEVENS. Reluctantly, Mr. President.

Mr. DOMENICI. When you hear my remarks, you will be pleased that you did.

Mr. President, let me suggest the Appropriations Committee has come in right on the number, in terms of the budget. They have no directed spending or anything else that would seek to gimmick this budget. Some were asking, “Will you turn the other way and let us have some directed spending that breaks the caps?” I haven’t been able to do that for anyone, and I am very grateful we do not have to do it on this bill. The chairman of this committee came in, and everywhere he moved, he said, “Let’s meet the budget right on the money.” And he did. I commend him for that.

Mr. President, I strongly support S. 2132, the Defense Appropriations bill for FY 1999. The pending bill provides $250.5 billion in total budget authority and $168.2 billion in new outlays for the Department of Defense and related activities. When outlays from prior years and other adjustments are taken into account, outlays total $245.2 billion. There are some major elements to this bill that are important for the Senate to review.

The bill is consistent with the Bipartisan Balanced Budget Agreement. This year the defense budget is once again confronted with a serious mismatch between the DoD/OMB and the Congress in the levels of the outlays needed to execute the programs in the budget request. CBO’s estimate was $3.7 billion higher than OMB and DoD’s estimate.
Because the President’s proposed defense spending was right up to the discretionary spending caps adopted in the Bipartisan Budget Agreement, compensating for CBO scoring would require large reductions in manpower, procurement, or readiness, or all three. Cuts like that are simply not acceptable.

During the Senate’s consideration of the congressional budget resolution in March, the Senate received an excellent suggestion from the Chairman of the Appropriations Committee. We adopted a Stevens Amendment that called for OMB and CHO to resolve their differences. Several meetings occurred as a result, and under the auspices of the Budget Committee, we devised a solution. The solution has three parts: First, Congress would legislate policies recommended by the Administration to better manage cash in DoD’s Working Capital Funds. This would lower fiscal year 1999 outlays by $1.3 billion.

Second, Congress would agree to changes proposed by the Administration in two classified accounts in the Air Force budget that would lower 1999 outlays by $700 million.

Third, Congress would enact asset sales amounting to $730 million.

The Chairman of the Appropriations Committee assured me that taken together these actions help reduce the 1999 outlay shortage to manageable dimensions and help avoid the negative effect on readiness or modernization that was feared. I strongly support this bill, and I urge its adoption. I want to compliment the Chairman of the Appropriations Committee on his very skillful handling of this important legislation and for his statesmanlike approach to some serious and troubling issues in this year’s defense budget.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be printed in the Record.

There being no objection the table was ordered to be printed in the Record, as follows:

| S. 2132, DEFENSE APPROPRIATIONS, 1999: SPENDING COMPARISONS—SENATE-REPORTED BILL |
| (Fiscal year 1999, in millions of dollars) |

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<th>Crime</th>
<th>Mandatory</th>
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<tr>
<td>Outlays</td>
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<td>Budget authority</td>
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<td>Outlays</td>
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<td>House-passed bill:</td>
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Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. STEVENS. Mr. President, the Budget Committee chairman is too kind. We do appreciate his constant watch over the budget and our spending of the money from the Treasury.

Mr. DOMENICI. I yield the floor.

AMENDMENT NO. 3409

Mr. STEVENS. Mr. President, there still is pending the Hutchison amendment, the sense of the Senate on Bosnia, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. May I make a parliamentary inquiry? It is my understanding that is the only other amendment that is pending?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. We still have four more beyond that to deal with. So I suggest the absence of a quorum until we find out what is going to happen with these three amendments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I have a number of problems with the amendment offered by the Senator from Texas that contains a series of findings, expresses the sense of Congress, and requires the President to submit a report relating to the readiness of the United States Armed Forces to execute the National Security Strategy.

I realize that the managers of the Defense Appropriations bill are up against a tight deadline to finish their bill and I want to cooperate with them. But, I do want to note for the record a few points.

I believe a number of statements in the amendment are overdrawn and I believe that the sense of Congress section of the amendment, particularly subparagraph (B), improperly singles out the Bosnia operation and badly understates its impact on the units participating in and supporting that operation.

Nevertheless, I believe it would be useful to the Congress to receive a report from the President on the military readiness of the Armed Forces of the United States. Accordingly and despite the problems I have noted, I will not object to this amendment.

Mr. STEVENS. The Senate has indicated he is prepared to not object to this amendment. There being no objection to the sense-of-the-Senate amendment on Bosnia of the Senator from Texas, I ask it be laid before the Senate for action. Is it the pending business?

The PRESIDING OFFICER. It is the pending question.

Mr. STEVENS. I ask for the adoption of the sense-of-the-Senate amendment of the Senator from Texas.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3409) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator CAMPBELL be included as a cosponsor of amendment No. 3431 previously been adopted.

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

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Stewart Holmes, a fellow on Senator Cochran’s staff, be granted the privilege of the floor during consideration of this defense appropriations bill.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator Hutchison of Texas be added as a cosponsor to the Gramm amendment No. 3463 on military voting rights.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the queru call be rescinded.

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

AMENDMENT NO. 195

(Purpose: 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 of FY 1999 funds in question starts full rate initial production phase with the FY 1997 kit production contract was signed July 1, and the FY 1997 engine conversion contract and the FY 1998 kit production contract was signed as of July 29. Further, the full rate production contracts are scheduled to be signed early in fiscal year 1999.

Fortunately, production of the engine conversion kits has been under way a letter contract since December 1997 with actual engine upgrades now underway and on schedule at the Greer, South Carolina plant to meet the initial delivery of upgraded engines in October 1998.

Mr. STEVENS. I thank my good friend from South Carolina for the update on action since the committee markup. The committee recommendations were not meant to be pejorative but reflective of what was likely to be a fact of life delay in the program. The FIRST program needs the chairman for that assurance. I hasten to add my support for the upgrade program, which is done in part at two separate facilities in Greer, South Carolina.

Mr. INOUYE. While I would like the amendment to be dispensed with, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3394) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. No objection.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. HOLLINGS. I thank my good friend for his support of the upgrade program, which is done in part at two separate facilities in Greer, South Carolina.

Mr. INOUYE. I move to lay that motion on the table.

Mr. HOLLINGS. Mr. President, I seek recognition for the purpose of engaging the manager of the bill in a colloquy.

Mr. DEWINE. Mr. President, as the Senate continues consideration of the Fiscal Year (FY) 1999 Defense Appropriations Act, I take this opportunity to express my concerns regarding the funding and administration of the Air Force's Financial Information Resources System (FIRST) program. This is a controversial program for a number of reasons. First, legitimate questions have been raised about the necessity of this program. It is my understanding that even though all the military departments and agencies were to move toward a single system for program, budgeting and accounting (PBAS), the Air Force has not moved in that direction.

The Air Force intends for the FIRST program to perform the functions intended for PBAS, which would make the program duplicative. This issue was raised by the house National Security Committee, which zeroed out funding for the FIRST program in its version of the Fiscal Year 1999 Defense Authorization Bill.

The House National Security Committee also noted in its Committee report that the Air Force has chosen to utilize the Global Combat Supply System-Air Force (GCSS–AF) contract for this program, rather than competitively bid for the program. This decision raises both fiscal and policy concerns because this would be work outside the scope of the GCSS–AF contract. The GCSS–AF contract was advertised and awarded for “base-level systems modernization.” In contrast, the FIRST program involves a budget system modernization plan that would impact all Air Force functional levels: base level, wholesale level, major air command, and headquarters. Clearly, the FIRST program would exceed the scope of the GCSS–AF contract.

I should also point out that the Air Force’s decision to utilize GCSS–AF for the FIRST program was made after the Air Force announced an open competition and after companies had acted in good faith and submitted qualification applications for evaluation and screening. This course reversal, and the rational behind it has not been made clear to me or others that are concerned about this important program.

Mr. President, I also believe the Air Force’s decision merits close review because it’s not clear to me that it would be wise for the Air Force to place a disproportionate amount of its systems modernization work all in one contract.

Finally, the entire process raises policy concerns with respect to organizational planning within the Air Force. Currently, the development and execution of corporate information management systems for combat support is, in my view, not conducted in a coordinated and integrated fashion. In other words, the way the FIRST program is being administered is a symptom of a much larger organizational issue that deserves review by Congress and the Air Force.

In short, given all the issues that I have briefly described, I believe we should withhold going forward with the FIRST program until the House Appropriations Committee and any other related issues that others may have. In fact, I had intended to offer an amendment that would allow for the Defense Department to use these funds for drug interdiction programs, but I have worked with the chairman and the ranking member to find other ways to help our drug interdiction strategy.

Mr. President, we cannot underestimate the importance of information technology programs to the future of our armed services. To help our people at Wright-Patterson Air Base and in the surrounding Miami Valley area play a leading role in the development
of these programs. However, these programs have to be pursued with an eye toward fiscal soundness and effective coordination with similar systems defense-wide. I see the distinguished chairman of the Appropriations Committee on the floor and I hope that he will take it into consideration that I have raised this issue as he proceeds to conference with the House of Representatives.

Mr. STEVENS. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his remarks and look forward to working with him as well.

Mr. FAIRCLOTH. I thank the Senator from Ohio for raising these issues with respect to the first program. I have listened closely to his remarks, and I believe that my remarks have to be considered as he proceeds to conference with the House of Representatives.

Mr. STEVENS. I thank my colleague. I agree with his understanding of the situation and the committee expects DoD to proceed with full authorization of the fiscal year 1998 funds and with the transfer of future program responsibility to ONDCP.

Mr. FAIRCLOTH. In the light of the recent terrorist attacks on U.S. soil, our Nation's growing problem with drug smuggling and even the proliferation for weapons of mass destruction, it would be a tragedy if we did not take full advantage of the best technologies available to meet these threats. PFNA has enjoyed extraordinary success in laboratory testing and detect- ing the presence of contraband in sealed containers well over 90 percent of the time and with false alarm rate near zero. No other technology, including X-ray, can come close to this level of detection.

Mr. STEVENS. I am aware of these results and believe that the U.S. Customs Service is one government agency which should seriously consider deploying PFNA should the field test program yield positive results. The committee hopes that Customs Service will work closely with ONDCP to provide whatever assistance is necessary to ensure a complete and honest evaluation of the technology.

Mr. FAIRCLOTH. This would include space at a port of entry or border crossing where a test might be conducted. Once this is done, I hope that ONDCP and the Customs Service will provide the committee with a recommendation on the possible future acquisition, deployment, and support of neutron interrogation systems, including PFNA, at land border crossings and ports of entry around the nation. I believe a useful assessment would provide: (1) a range of deployment options for the PFNA system; (2) a cost comparison between PFNA deployment options; and (3) an evaluation of how the employment of new and existing contraband detection technologies will help to meet changing threats to U.S. security.

I will consult with my colleague from Alaska and with the chairman of the Senate Treasury, Postal Appropriations Subcommittee, on what resources might be available through that subcommittee to support a continuation of the PFNA test program and the possible procurement of multiple systems in future years.

Mr. STEVENS. I thank my colleague from North Carolina for his thorough and careful review of this matter.

Mr. FAIRCLOTH. I would like to engage the distinguished chairman and ranking member of the Senate Appropriations Subcommittee in a colloquy. The Department of Defense appropriations bill provides funds for a Navy ship disposal pilot program. I would like to clarify the Senate's intent in creating this pilot program. I support the Navy's goal of disposing of these ships efficiently. However, by considering only short-term costs, the Navy has ignored the long term costs of worker death and injury and environmental degradation.

For example, during the scrapping of the Coral Sea in Baltimore, there were many worker injuries and fires. We don't yet know the environmental damage caused by the improper disposal of asbestos. The ship is still in the Baltimore harbor, and it will now cost millions of dollars for the Navy to dispose of the ship properly. American taxpayers would have saved a lot if we had disposed of the ship correctly the first time.

To prevent these problems, does the distinguished ranking member agree that it is the Senate's intent to encourage the Secretary of the Navy to give significant weight to the technical qualifications and past performance of the contractor in complying with federal, state and local laws and regulations for environmental and worker protection?

In addition, do you agree that in making a best value determination in granting contracts, the Secretary should give a greater weight to technical and performance-related factors than to cost and price-related factors?

Mr. INOUYE. I agree that the Navy must give more consideration to ensuring worker and environmental safety to prevent the problems we have had in the past.

Ms. MIKULSKI. I thank the Senator. In addition, does the distinguished chairman agree with me that this pilot program will help the Navy to develop safer, more efficient methods of disposing of unneeded vessels—and that this pilot program should not be delayed?

Mr. STEVENS. I agree that this pilot program is in the best interest of the Navy and is not contingent on any other legislative action.

Ms. MIKULSKI. I thank the chairman and ranking member for their courtesy and assistance in this important matter.

The SPEAKER. The supplemental impact aid program.

Mr. KEMPThOrNe. Mr. President, I rise today to discuss the Department of Defense's Supplemental Impact Aid Program. As chairman of the Military Personnel subcommittee of the authorization committee, I included $65 million in the FY99 Defense Authorization bill for this important program.

As many of my colleagues already know, supplemental Impact Aid funding is focused specifically on school districts that are heavily impacted by large numbers of military connected students or the effects of base realignment and closures. The DoD funds are in addition to funds appropriated to
the Department of Education for all federally impacted schools. The $35 million included in the FY99 Defense Authorization bill will be used to ensure that military impacted schools can maintain the same standards as other, non-impacted, school districts. Without these funds, these districts, quite frankly, would be hard pressed to provide adequate educational opportunities.

Mr. President, I know many of my colleagues believe that education is, and should remain, a local and state issue. I wholeheartedly agree. If there is any role for the Federal Government in funding education, however, impact aid is it. Without a Federal presence, these impacted districts would be able to provide for a quality education for their students. Because of the military presence in the districts we are discussing today, however, educational resources are severely strained. We owe it to the families of the men and women who proudly serve our country, and the families who live near an installation, to provide adequate resources to offset the military presence.

Originally, it was my intention to offer an amendment today that, if adopted, would have set aside $35 million in this appropriation bill for DoD supplemental impact aid. After consultation with Chairman STEVENS, I will not offer the amendment. Instead, Chairman STEVENS has assured me this matter will be addressed in the conference report. I would like to ask the distinguished Chairman, if it is still his intention to do so?

Mr. STEVENS. Mr. President, the House passed FY99 Defense Appropriations bill contains $35 million for impact aid for school districts impacted by excessive students from nearby defense installations. I would like to assure my friend, the Senator from Idaho, that it is my intention to give fair consideration to the House position regarding funding for impact aid during the conference to see if we can include these funds in the final conference report without negatively impacting the important operations and maintenance accounts of the Department of Defense.

Mr. KEMPThORNE. Mr. President, I thank my friend from Alaska, the distinguished chairman of the Appropriations Committee, for his consideration of this program, which is important to the good citizens of Alaska. In addition, this program is equally important to the people of Mountain Home, Idaho, home of the 366th Composite Wing.

Mr. GraEM. Mr. President, I would like to direct a question to the majority manager of the Defense Appropriations bill, the distinguished Senator from Alaska. I note that the Committee on Appropriations directs the Department of Defense to make available, from existing funds, up to $3,000,000 for a community retraining, reinvestment, and manufacturing initiative to be conducted by an academic consortia with existing programs in manufacturing and retraining. It is my understanding that the consortia referred to is the New Hampshire Network for Science, Technology and Communication, and further, that the funds would be provided to that organization to create a state wide higher education network among small independent colleges to improve and expand research and training opportunities in science, technology, and communication on undergraduate students and for community, business, and K-12 schools. Am I correct, is that not the intent of the committee?

Mr. STEVENS. The distinguished Senator from New Hampshire is correct. The committee intends that the funds be provided to the New Hampshire Network for Science, Technology and Communication to conduct the effort described.

Mr. MoseLEY-BRAUN. Mr. President, I rise today to engage in a short colloquy with the distinguished Chairman of the Appropriations Committee, the senior Senator from Alaska, Senator STEVENS. As I understand it, the committee included $5 million in the Research, development, Test, and Evaluation Navy account of your Fiscal Year 1999 Department of Defense Appropriations bill for continued funding of the Advanced Materials Intelligent Processing Center in Evanston, Illinois. I want to confirm that the intent of the committee was to provide this additional $5 million to continue the activities of the Center in affiliation with the Naval Air Warfare Center in Lexington Park, Maryland, as well as other industrial and governmental partners. This continuation funding will allow the Center first to complete a state-of-the-art resin transfer molding system with all required equipment functionality, monitoring, and intelligent supervisory control, and then to transfer it to the Center's industrial and governmental partners for prove out in a production environment.

Mr. STEVENS. Mr. President, on the request of the Chairman's attention to one key provision in the conference report. In the conference report, the committee has included report language regarding the importance of anti-corrosion technologies to the Department of Defense. As the report says "New anti-corrosion technologies are needed to prevent corrosion, reduce corrosion-related costs, and extend the life of aircraft in a manner compatible with environmental concerns."

Mr. DORGAN. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Committee in a colloquy regarding threat emitters used to support electronic combat training by the Air Force Special Operations Command as well as testing by the Air Force and other services. These emitters replicate the surface-to-air missile threats and jammers which our combat aircraft might encounter if deployed to execute a real mission—missions which would take them into harm's way. It is essential that these systems be available to train our first to fight, the special operations forces.

Mr. MACK. Mr. President, I would like to agree and emphasize the remarks of my colleague. Unfortunately, there has been a debate over the status of these emitters which are presently at Eglin Air Force Base. Some believe the Base Closure and Realignment plan mandated the elimination of these emitters. However, the BRAC also insisted that training requirements must be met. I believe these...
emitters should remain at Eglin to meet the warfighters training requirements until we can resolve this dispute. I believe this would be consistent with the BRAC direction.

Mr. MACK. Mr. President, my colleagues and I cannot let ambiguity about words hinder the training and readiness of our forces. These emitters should be supported at Eglin until we can resolve these issues. I would ask the distinguished chairman of the Appropriations Committee if he can assist us by working on this issue in the appropriations conference if we can find a solution. We will work with the Department of Defense as well as the defense authorizing committees to find a solution which can be accommodated in the defense appropriations conference.

Mr. STEVENS. I agree with my colleagues from Florida. I have followed this difficult issue for some time. I firmly believe we need for additional training. And I believe that training can best be conducted in varying environments, including the terrain and surroundings of Eglin Air Force Base. I assure my colleagues from Florida that I will do my best to work this issue with my House counterparts during conference.

PROJECT AT ELLSWORTH AIR FORCE BASE

Mr. JOHNSON. Mr. President, my colleague from South Dakota, Senator Daschle, and I would like to engage the distinguished Chairman of the Appropriations Committee, Senator Stevens, and the distinguished Ranking Member of the Subcommittee on Defense, Senator Inouye, in a colloquy regarding a housing project at Ellsworth Air Force Base.

Mr. STEVENS. Mr. President, Senator Inouye and I are aware of these severe problems.

Mr. DASCHLE. Mr. President, it is my understanding that the Air Force and HBC agreed to enter into an alternative dispute resolution in an attempt to resolve the construction and liability issues associated with the defective housing in the Centennial Housing Project at Ellsworth.

Mr. JOHNSON. Mr. President, the Senate is correct. The two parties have met with a mediator appointed by the Justice Department and have had several subsequent meetings to consider a workable resolution that guarantees the expeditious repair of the housing units and the return of military personnel to the homes. While it is my understanding that the Department of Justice and the Army National Guard. In particular, the National Guard initiative would create a distance learning network to reduce the cost of training soldiers, enhance readiness and furthering community development. The Senate Committee on Defense has demonstrated its support for these and a number of other initiatives underway.

Mr. STEVENS. Mr. President, the Senator from Georgia for his comments. The Senator from Hawaii agrees.

Mr. JOHNSON. Mr. President, the Senator from Hawaii agrees.

Mr. DASCHLE. Mr. President, I agree with the comments made by Senator Johnson. I, too, am hopeful that the mediation process will soon yield an agreement. Necessary repairs to these homes cannot be delayed any longer. I would also like to inform the Chairman and Ranking Member that we brought this situation to the attention of the Senate Armed Services Committee earlier this year.

Mr. JOHNSON. Mr. President, I appreciate this update on the situation at Ellsworth Air Force Base regarding the Centennial Housing Project.

Mr. JOHNSON. Mr. President, I want to thank both the distinguished Ranking Member, Senator Inouye, and the distinguished Senator Stevens, for your willingness to help Senator Daschle and me monitor this situation, which is of critical importance to the quality of life at Ellsworth Air Force Base. We will keep you apprised of progress made through the negotiating process.

Mr. DASCHLE. Mr. President, I would also like to thank Senator Stevens and Senator Inouye for their assistance. This matter is extremely important to me. Senator Johnson and I are keenly aware of the advantages of distance learning. As you know, Mr. President, many of our military personnel are expected to available for deployment at a moments notice. Others are deployed around the world where they do not have ready access to educational opportunities. Rapid developments in technology have enabled them to continue in their educational development, even while deployed. The ability to continue in one's educational pursuits is a quality of life issue that is not necessarily always at the top of a soldier's list. However, many military personnel are only able to pursue higher education by leaving the military. I believe the maintenance of a viable distance learning program for higher education could be a useful retention mechanism to keep highly motivated individuals in the service.

Mr. STEVENS. If the Senator would yield, the Senator raises an interesting point. I would be interested in learning of some of the types of initiatives that are under way that may prove useful in retaining personnel in the military.
Mr. CLELAND. I thank the Senator. I am particularly proud of one such program which is managed by the Georgia College and State University. The Distance Education Unit and the Department of Government there have recently contracted with the Navy to provide two graduate courses aboard the USS Carl Vinson which is deployed in the Pacific Ocean. The courses use two-way video and audio which links educators at the school with the fleet and the UNOYE. I am aware of the Carl Vinson project. It is certainly a promising concept, but are we providing any educational opportunities for service personnel nearing retirement or leaving the military due to the draw down of the military? Such programs, I believe, should be available for all military personnel.

Mr. INOUYE. I am aware of the Carl Vinson project. It is certainly a promising concept, but are we providing any educational opportunities for service personnel nearing retirement or leaving the military due to the draw down of the military? Such programs, I believe, should be available for all military personnel.

Mr. CLELAND. That is a very good question. I am told that more than 50 percent of military personnel reentering civilian life either change or lose jobs in the first year after leaving the military. Given this, I believe we should consider providing opportunities for job training and placement for active-duty service members nearing separation or retirement from service without regard to their duty locations.

Clayton College and State University has developed a program that could serve as a worthwhile demonstration project to demonstrate how technology can be utilized to provide pre-separation training for civilian jobs to military personnel. The program would provide training via the Internet and other technology to active-duty personnel at their duty locations for specific, existing job opportunities which would be available upon their separation from the military. The program would then link these personnel to specific jobs ensuring that when the leave the military, employment is available.

I am not immediately aware of any initiatives underway that would offer similar opportunities. It is my view that we should encourage the Department of Defense to explore such initiatives, perhaps in conjunction with the Department of Veterans Affairs.

Mr. INOUYE. I agree with the Senator from Georgia. He makes a good point, and I hope the Department of Defense will take a look at such initiatives in the future.

Mr. STEVENS. I thank Senator CLELAND for his remarks. He is a good friend of America’s men and women in uniform.

Mr. CLELAND. I thank my colleagues for their leadership and for allowing me to speak on this matter.

Mr. FEINGOLD. Mr. President, I rise to voice my opposition to the fiscal year 1999 Department of Defense appropriations bill.

Once again, we have loaded up this bill with unnecessary, extravagant, and flat-out wasteful items. In a time when we are cutting programs and fighting for a true balanced budget, we cannot afford to insulate any department from scrutiny as we seek to reduce the Federal debt. Unfortunately, the DoD budget remains immune to any and all attempts at cutbacks.

Mr. President, I offered an amendment to this bill that aimed to invest fully in the best bargain in the Defense Department. According to a National Guard study, the average cost to train and equip a National Guard soldier is $73,000 per year, while it costs $17,000 per year to train and equip a National Guard soldier. The cost of maintaining Army National Guard units is just 23 percent of the cost of maintaining Active Army units.

It failed, however, but that should not come as a surprise. DoD and a complicit Congress have never been known as a frugal or practical when it comes to defense spending. From $436 million to scrub out of the fiscal year 1998 budget, so long as we continue to commit to programs and force structures that are so blatantly unaffordable. We must continue to fight for further spending reductions until we achieve the most effective and cost efficient military which serves our national security interests.

I thank the Chair and I yield the floor.

PROSTATE CANCER RESEARCH

Ms. MIKULSKI. Mr. President, I rise today to support the Department of Defense’s research on prostate cancer. I know that this program has no greater champion than the distinguished Chairman of the Appropriations Committee, Senator STEVENS.

Throughout my time in Congress, I have fought for women’s health initiatives. Women’s health is one of my highest priorities and it always will be. However, I also strongly support efforts to improve the health of men. One such effort that I believe deserves our attention is prostate cancer research.

In my home state of Maryland alone, 3,500 men receive the ominous diagnosis of prostate cancer each year. Nationwide, the number soars to over 200,000. Even more frightening, 42,000 American men lose their lives to this ruthless killer annually. This means that every 15 minutes, 1 man somewhere in our country dies from prostate cancer, and during the same time span, 5 more men are newly diagnosed with the disease.

I am very pleased that the frequency of prostate cancer screening has increased over the past five years. These efforts have led to an overall decrease in the prostate cancer death rate. The importance of early detection through regular screening cannot be overstated. When prostate cancer is detected early, survival rates are over 90%. But, when detected late, prostate cancer kills 70% of its victims. The increased emphasis on the use of current screening techniques is most certainly in the right direction. However, we can, and must, do better for the men of our country. How? Through improvement
of diagnostic screening and imaging technology, we can make detection of prostate cancer easier and more efficient. We've done it before—mammograms have made screening for breast cancer a much more reliable process. We must do the same for prostate cancer.

Last year, Congress provided $40 million to the Department of Defense for prostate cancer research. Overall, $130 million in government-funded prostate cancer research was performed, compared with $650 million for breast cancer. Of course, we all recognize the importance of fighting breast cancer. It is a major threat to the women of our nation and the fight to find new and better prevention methods must continue. I think it is time we started fighting prostate cancer with the same tenacity.

In this year's Defense Appropriations bill we have provided $40 million for prostate cancer research. In addition to funds for new prostate research, we have provided funding to the Walter Reed Army Medical Center for research on prostate cancer diagnostic imaging. This research is extremely important, as it could pave the way for faster, and more reliable screening and diagnosis.

One in every ten American men will develop prostate cancer at some point during his life. We need to target sufficient resources for research into the causes, treatment and cure of prostate cancer.

I hope that when the Defense Appropriations bill is in Conference, we will increase funding for prostate cancer research. Increased funding is necessary to give our scientists and researchers the tools they need to combat this deadly disease.

We are blessed with great medical scientists who are scattered across our country at universities, medical schools, government research agencies. They are an incredible resource. I believe that we owe it to ourselves, to our children, and to the American people to ensure that these great men and women have the support they need to continue their efforts to bring the people of our nation a better, healthier tomorrow.

**DOD IMPACT AID**

Mr. DORGAN. Mr. President, I would like to take a moment to express my concern about the lack of funding within the Department of Defense Appropriations bill for fiscal year 1999 for schools that have been heavily impacted by their proximity to military installations.

Fortunately, the Senate bill does include $35 million for this purpose, and I want to put my colleagues on notice that I will be working through my position on the House-Senate conference committee to see that this funding is preserved.

This extra assistance is needed by schools on or near our military bases because their tax base is eroded by the large amount of federal land taken off the tax rolls. In addition, military personnel often are not required to pay local taxes, which support the schools, even if they have children enrolled in those schools. The DOD funding would be aimed at those schools most in need of the extra resources. The student population is made up of at least 20 percent military children.

This funding is sufficiently important to the quality of life of military personnel and their families that both the House and Senate fiscal year 1999 Defense Authorization bills authorize $35 million for this purpose. It is my strong hope that the Congress will see fit to include this funding in the final version of the Defense Appropriations bill.

Mr. HARKIN. Mr. President, during the deliberations over the fiscal year 1999 Defense Authorization bill, I offered an amendment to increase spending for our nation's veterans medical needs. The amendment, offered on June 25th and numbered as S262, would have allowed the transfer of $329 million from the defense budget to support the VA medical budget. The amendment would have transferred funds so as to avoid the harmlessness of the Graham amendment, protecting our military forces, our veterans and the Armed Forces and the quality of life of military personnel and their families.

The amendment's description was incomplete as to the listing of cosponsors and I would like to correct the record at this time. Along with Senator WELLSTONE of Minnesota, Senator BINGAMAN of New Mexico, also a long-time champion of veterans, should have been included as a cosponsor.

Although the amendment did not receive the support of a majority of my colleagues, I appreciate the cosponsorship by Senator BINGAMAN and Senator WELLSTONE. I also appreciate the support of the 35 other Senators who voted in favor of increasing VA medical funding.

Mr. STEVENS. Mr. President, I tell the Senate, there are now three amendments that are not disposed of, to my knowledge: the Graham amendment on space and two Harkin amendments. I call on those Senators to ask what they intend to do.

Mr. HARKIN. One amendment; I have one amendment.

Mr. STEVENS. Mr. President, I will be happy to eliminate one of the two.

Mr. President, again, I call on the Senators involved to inform us if they going to proceed with the amendment.

Mr. President, it is my understanding that the Senator from Florida is going to make a motion concerning the space amendment. I ask someone to inquire about that amendment.

May I inquire of the Senator from Iowa, does he intend to proceed with his amendment?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, as the chairman of the Appropriations Committee, we know, we have been working for some time with the Natives of the Aleut Corporation, the Navy and the Department of the Interior on an effective plan for the reuse of Adak Naval Base, and I thank the Chairman for the inclusion of funding to help resolve remaining environmental problems with the facilities at Adak.

The Aleut Corporation, one of Alaska's 12 Native regional corporations, is the only entity that has expressed an interest in assuming the closed base, and has proposed a land exchange involving the Navy and the Department of the Interior. The Senate Energy Committee, as you know, is considering and has held a hearing on S. 1488, which would authorize an exchange of properties that would promote the reuse of Adak and improve the Aleutian refuge through incorporation of Aleut Corporation holdings. This legislation is designed to ratify an agreement that will very shortly be executed by the Aleut Corporation and the Departments of the Navy and the Interior.

Mr. STEVENS. I am familiar with that legislation and fully support its adoption. In closing out its operations and responsibilities on Adak I understand the Navy wishes to transfer from Navy ownership as much as the base as possible; this includes both facilities that have foreseeable reuse and those that do not. Many of the moth-balled buildings on Adak were constructed before restrictions were imposed on the use of asbestos and lead paint. The environmental conditions at Adak, to which anyone who has visited there can attest, take a hard and quick toll on buildings and other facilities, especially those that are unused and not maintained. The Committee has included $15 million to resolve potential environmental hazards at operating facilities. This funding will help to protect those who move to Adak to participate in its economic revitalization.

Mr. MURKOWSKI. With the expectation that all the parties to the Adak exchange will sign an agreement within the next few weeks, I have my hope that the Committee on S. 2312 would consider the inclusion of the language ratifying the agreement.

Mr. STEVENS. If all parties to the exchange are supportive, I would be open to the possibility of having the Conference consider that language.

Mr. MURKOWSKI. I thank the chairman, the distinguished senior Senator from Alaska.

Mr. FAIRCLOTH. Mr. President, I would like to enter into a colloquy...
with the distinguished chairman of the Defense Appropriations Subcommittee. I was disappointed that the Defense Appropriations Subcommittee did not include funding for the National Advanced Telecommunications and Applications Research Center in the Research Triangle Park in North Carolina. I ask the chairman whether this is an indication that the subcommittee disapproves spending for this project or if it is merely because sufficient funds were unavailable.

Mr. STEVENS. The Senator from North Carolina will be pleased to know that the subcommittee believes that this project is very worthy, but we did not directly provide funding in FY 1999.

Mr. FAIRCLOTH. Therefore, may I assume that the chairman would support a reprogramming request from any branch of the Department of Defense if that branch found that unavoidable delays in its other programs made funding available for the NATACT a priority?

Mr. STEVENS. The Senator is correct.

Mr. FAIRCLOTH. I thank the chairman, Mr. President, I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I understand the Senator from Iowa will ask to be recognized, and I urge Members of the Senate to stay around. In my opinion, we are very close to final passage. We are very close to final passage. I expect final passage within 20 minutes. I might not get my expectations, right? I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 178
(Purpose: Express sense of Senate regarding payroll tax relief)

Mr. STEVENS. Mr. President, I send to the desk a sense-of-the-Senate resolution on behalf of Senator KERREY and Senator MOYNIHAN and Senator BREAUX, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from Alaska [Mr. STEVENS], for Mr. KERREY, for himself, Mr. MOYNIHAN and Mr. BREAUX, proposes an amendment numbered 3478.

Mr. STEVENS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. SENSE OF THE SENATE REGARDING PAYROLL TAX RELIEF

(a) FINDINGS.—The Senate finds the following:

(1) The payroll tax under the Federal Insurance Contribution Act (FICA) is the biggest, most regressive tax paid by working families.

(2) The payroll tax constitutes a 15.3 percent tax burden and self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used for the medicare benefits of current beneficiaries.

(3) The amount of wages and self-employment income subject to the social security portion of the payroll tax is capped at $89,400. Therefore, the lower a family’s income, the more they pay in payroll tax as a percentage of income. The Congressional Budget Office has estimated that for those families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes.

(4) In 1996, the median household income was $35,492, and a family earning that amount and taking standard deductions and exemptions paid $2,719 in Federal income tax, but lost $4,349 in income to the payroll tax.

(5) Ownership of wealth is essential for everyone to have a shot at the American dream, but the payroll tax is the principal burden to savings and wealth creation for working families.

(6) Since 1983, the payroll tax has been higher than necessary to pay current benefits.

(7) Since most of the payroll tax receipts are deposited in the social security trust funds, which masks the real amount of Government borrowing, those whom the payroll tax hits hardest, working families, have shouldered a disproportionate share of the Federal budget deficit reduction and, therefore, a disproportionate share of the creation of the Federal budget surplus.

(8) Over the next 10 years, the Federal Government will generate a budget surplus of $1,550,000,000,000, and all but $32,000,000,000 of that surplus will be generated by excess payroll taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress and the President should work to reduce the burden of payroll taxes, and Congress should work to reduce this payroll tax burden on American families.

Mr. KERREY. I am delighted to be joined by Senators MOYNIHAN and BREAUX in offering this important Sense of the Senate on reducing the payroll tax burden. This Sense of the Senate is simple: the payroll tax is the biggest, most regressive tax that working families in this country face. According to the CBO, 80 percent of American families pay more in payroll taxes than in income taxes.

Here’s what that means. The average household income in 1996 was $35,492. That family, taking the standard deductions and exemptions, paid $2,719 in Federal income tax. But they paid a whopping $5,349 in payroll taxes—double what they paid in income taxes! What this Sense of the Senate says is that if we talk about relieving the tax burden on American families, we ought to look first at the payroll tax burden. After all, of the over $1.5 trillion surplus we expect to generate over the next ten years, all but $32 billion is being generated through payroll taxes. If anyone is going to get tax relief, it’s going to be the working people responsible for that surplus. I urge my colleagues to support this Sense of the Senate.

Mr. MOYNIHAN. Mr. President, my colleague Senator KERREY, with whom I am pleased to cosponsor this Sense of the Senate resolution, has it exactly right. The payroll tax is regressive. The statistic he quoted bears repeating. Among families that pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes.

Mr. KERREY. And if we look further, we see this tax relief and payroll tax relief, Albert Hunt, writing in today’s Wall Street Journal, agrees, noting that for most families it is “the most regressive levy.”

Even excluding interest income, the Social Security Trust Funds will generate $698 billion of surpluses over the next 10 years. That is just about enough to finance the 2 percentage point reduction in payroll taxes that Senator KERREY and I have proposed in our comprehensive Social Security rescue plan.

In contrast, the operating budget will only have a $32 billion surplus over the next 10 years—and no significant surplus until 2006.

Finally, maybe we shouldn’t be considering any tax cuts. Those surpluses can easily evaporate, even in the absence of a recession. Growth of one percent for the next two or three years—rather than the 2 percent projected by CBO—just about wipes out surpluses for the next several years.

Mr. BREAUX. Mr. President, I am pleased to be an original co-sponsor of this Sense of the Senate offered by Senator KERREY and accepted tonight by unanimous consent regarding payroll tax relief.

We keep hearing the good news about surpluses but of the $1.55 trillion surplus over the next decade, all but $32 billion comes from the social security trust fund—from payroll taxes paid by working Americans on their wages—taxes that American workers paid to insure the viability of their Social Security benefits.

Of families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes. The payroll tax is the most regressive tax in America, disproportionately burdening low income families. Remember that almost 50 percent of households in this country earn under $35,000 per year and most of this income is from wages which are subject to the payroll tax. Given these facts, the payroll tax cut is clearly the tax cut this Congress should be discussing. And we should be discussing it along with the reforms necessary to fix Social Security for all Americans for all time. I know there are many Senators
here who share my sentiments. I served with Senator GLENN on a bipartisan commission that thoroughly studied this issue and we have recommended a comprehensive reform package. Senator KENNEDY and Senator McCOLLUM have been working on a bill. Others in this body are also working on social security reforms. I look forward to working with all of my colleagues in a bipartisan effort to not only reduce taxes but to shore up social security and create wealth for working Americans.

Mr. STEVENS. I ask for the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3478) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I state for the record, according to my understanding, the only amendment we have not disposed of that was listed on the two to go pending amendment is Senator HARKIN is ready to discuss.

Does any Senator have another amendment?

Mr. President—I repeat the request—does any Senator have another amendment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I state for the record, according to my understanding, the only amendment we have not disposed of that was listed on the two to go pending amendment is Senator HARKIN is ready to discuss.

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The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I state for the record, according to my understanding, the only amendment we have not disposed of that was listed on the two to go pending amendment is Senator HARKIN is ready to discuss.

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The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I state for the record, according to my understanding, the only amendment we have not disposed of that was listed on the two to go pending amendment is Senator HARKIN is ready to discuss.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
Control Act, for the Department of Defense for fiscal year 1998, including supplemental, transfers, rescissions, and any other adjustments;
4. An analysis by CBO and the Administration, submitted as a part of their fiscal year 2000 Presidential budget presentations, of the outlays and outlay rates originally estimated by CBO and the Administration for the fiscal year 1999 Department of Defense budget when that budget was originally presented to Congress, and (b) any revised outlays and outlay rates estimated for the fiscal year 1999 Department of Defense budget, pursuant to Section 251 of the Balanced Budget Enforcement and Deficit Control Act, to date, for the Department of Defense for fiscal year 1999, including supplemental, transfers, rescissions, and any other adjustments;
5. A timely explanation by DoD of (a) any policy initiatives in the fiscal year 2000 DoD budget that, in DoD’s judgement, CBO did not recognize in the latter’s scoring of the fiscal year 2000 DoD budget, (b) DoD’s analysis of how such policy initiatives will affect outlays in fiscal year 2000 and subsequent years, and (c) how DoD intends to implement the policy initiatives.

Pursuant to your amendment we are also looking into the issue of non-defense outlays scoring and will report back to you shortly. I look forward to working with you on this year’s DoD appropriation and on action to ensure we have the most accurate estimate possible for defense expenditures in future years.

With best regards,

PETE V. DOMENICI,
Chairman.

Mr. HARKIN. Now, why am I taking the time here late at night to talk about this? Because we are about to go out on a break. We are going to go out for the month of August. In the first week of September when we come back the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, the largest of the nondefense appropriations subcommittees—and that is my colleague and my friend, Senator SPECTER from Pennsylvania—will be calling us together to mark up the nondefense portion of the appropriation bill.

Right now, the allocation that was given to our subcommittee with respect to outlays is almost $300 million below a freeze from last year—$300 million below a freeze from last year.

The House, using those figures, marked up a bill, and the only way they marked it up was by completely eliminating the funding for Head Start, the summer job program and all of the funding for the heating assistance for the elderly and poor—the LIHEAP program. They just eliminated all of that, and then they came in with the allocations that they had.

What my amendment basically says is that the chairman of the Budget Committee ought to apply the same rationale, the same decision, on using OMB estimates for nondefense as he did for defense and apply the outlaws that this amendment will give us to fund programs important to Members on both sides of the aisle. This is not a Democrat amendment.

Now, we have heard many calls on the other side of the aisle to get more funding for IDEA, the Individuals with Disabilities Education Act. We have had more calls from the other side of the aisle to fund more programs for the National Institutes of Health. We have heard calls on the other side of the aisle for more funding for Head Start, for low-income heating energy assistance programs for the elderly and the working poor. This cuts across both sides of this aisle. Those are just a few of the programs that I think you might want to speak on this side of the aisle to fund more programs for the elderly and the working poor.

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

Mr. HARKIN. I am delighted to yield to my friend and chairman.

Mr. SPECTER. An amendment on which the Senator from Iowa joined this Senator from Pennsylvania.

Mr. HARKIN. I am aware of the Senator from Pennsylvania, I think, within a week after that, offered an amendment.

Mr. SPECTER. An amendment on which the Senator from Iowa joined this Senator from Pennsylvania.

Mr. HARKIN. I proudly did so.

Mr. SPECTER. I believe the Senator from Iowa raises a valid point on having the same scoring for the Subcommittee on Labor, Health and Human Services, and Education as for the Department of Defense. I am optimistic that in working with the distinguished chairman of the Budget Committee there are ways that we can resolve these differences on policy grounds. The Senator from Iowa and I have worked very closely for many years now, when the Senator from Iowa was chairman and I was ranking—in reverse. We will move ahead with our markup on September 3, the day after we get back. The chairman has agreed to have the markup on September 3 to bring this complex bill to the floor at an early date. I have taken the preliminary step in a very small meeting with Secretary Gutalala of Health and Human Services and Secretary Riley of Education and Secretary Herman of Labor, to try to ascertain their real priorities so that we can try to move this bill ahead and get it passed.

I think the Senator from Iowa is performing a real service in highlighting the necessity for similar scoring so we can have additional funds. I think we will get there. I thank my colleague for his yielding and for his cooperation this year and through the years.

Mr. HARKIN. I thank my chairman for his kind words. We have worked collaboratively. I could not ask for a better chairman than Senator SPECTER. We have worked closely together. We have talked privately about this, and, quite frankly, I believe we are going to be able to work this out. That is why I will, at the appropriate time, withdraw my amendment, because I do believe we are going to be able to work this out with the chairman of the Budget Committee and with the chairman of the Labor-HHS appropriations subcommittee. I believe we will be able to work this out in a manner that will be, I hope, conducive to getting the money that we need immediately—just the basic requirements that we want for the National Institutes of Health, that we want for LIHEAP, and a lot of the other programs. If the Members support here, I wanted to raise this issue because I think it is vitally important that we use the same set of scoring for both defense and nondefense.

So, Mr. President, with the assurances of my chairman that we will be able to get this thing worked out, I just wanted to refer to one thing on the chart. With the reallocation, with the $500 million of money we would get from the rescoring, we would have $770 million. That would get us the money that we need for NIH. That would get us the money that we need for LIHEAP and for the other programs—Head Start and others—that we need, which Senators support here.

Mr. President, again, I raise this issue because it is vitally important. I don’t know how many other Senators want to speak on this issue. But I would be willing to yield at this time for any other Senators who might want to speak on the issue.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I yield 3 minutes of the time I have to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I believe one of the most difficult bills to appropriate and stay within the caps and the allocations under the Balanced Budget Act is the bill that the distinguished Senator, Senator HARKIN, is referring to. It is difficult every single year. It will be difficult this year; he knows it and I know it.

I want to make sure that everybody understands that the Senator from New Mexico did not adopt OMB numbers in arriving at the corrections that
were made in the amounts of money available for the Defense appropriations bill. We will be very glad to show Senators precisely what we did. In fact, I am going to insert a statement into the RECORD—I won't give it—showing that we did make policy adjustments that permitted the changes in the expectation of expenditures, and then on top of that we allowed for the sale of assets that were a certainty, and we counted those sales in terms of receipts that could be spent in this bill. What I am going to say to Senator Specter, chairman of the committee—and I told him this already—is that the staff and I are going to work with them, and we intend to do everything in our power to adjust the numbers so that they get the benefit of any policy changes that are justifiably on the side of OMB's different numbers. If that yields more money to spend, we are going to do that, and we are going to try our best. Let me repeat that we did not use OMB's numbers; we used OMB policy adjustments in a very confused procurement account, and they convinced us that in the policy that they were going to adopt, there would be more net outlays than we had expected—or less, whichever the case may be that yields more money to spend.

I also want to say to the distinguished chairman and ranking member of the Subcommittee on Labor, Health and Human Services, and Education that they chose last year to forward-fund a lot of their accounts. I am not critical. What they did is, they said, on a number of big accounts, we will not fund them at the end of the year, thus, not accurately characterize what has been done respecting outlays for the National Defense budget function.

There has been no arbitrary adjustment of CBO's scoring of defense outlays as some characterize. Instead, the following actions have been taken:

1. The DoD Authorization bill contains legislation to reduce outlays in DoD's Working Capital funds by $1.3 billion.
2. The DoD Authorization bill also implements policies that would reduce outlays in two Air Force accounts in classified programs by $700 million.

The DoD Appropriations bill we are debating today contains a new Pentagon Renovation Fund; there has been a scoring adjustment for this new fund to bring its outlays in line with typical military construction outlay rates, rather than the higher overall rates that CBO would otherwise attribute to this spending. This adjustment amounts to about $190 million.

That's the totality of any outlay scoring adjustments in this bill. There are no other adjustments to CBO scoring. I believe it is important to realize that for the adjustments that have been made, in each case there is a specific legislative and/or policy provision that is key to the adjustment, and each legislative provision should have a material impact on outlays.

Mr. STEVENS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. The remaining speaker is the Senator from New Jersey, is that correct?

Mr. LAUTENBERG. Mr. President, I say to the distinguished chairman that I am going to be very brief, in view of what has just been said. I trust the chairman of the Budget Committee. There is some time available, is there not, Mr. President?

The PRESIDING OFFICER. Yes.

Mr. LAUTENBERG. Very quickly, I am pleased to hear the assurances. First, I commend the Senator from Iowa for bringing this to our attention because we were both of the same mind. Even as I read the letter sent to Senator STEVENS and Senator THURMONT, to me, it looked like we were going to be put in a position where defense was going to be particularly well treated, and nondefense was going to be left out. But we have had an interesting colloquy here, a dialog, and I trust the chairman of the Budget Committee, I work with him all the time and have great respect for him.

When he gives us an assurance that there will be no distinction, or no difference between the treatment given to defense and nondefense, I don't have to go a lot further. We have heard it. We have heard it directly from the chairman. We have heard it in this public forum.

Mr. President, I yield the time I have in the interest of moving this along.

Mr. HARKIN. Mr. President, I have an amendment.

Mr. STEVENS. Mr. President, I say to the Senator, under the agreement the amendments, if they are not called up, just go away. We do not offer them all. But the Senator is at liberty to withdraw his amendment.

Mr. HARKIN. Was it called up?

Mr. STEVENS. It is not called up. Mr. HARKIN. That is fine.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to H.R. 4103, all after the enacting clause is stricken, the text of S. 2323 as amended, is inserted in lieu thereof.

The House bill is considered a third time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that we stop there for just one moment for leaders to have a chance to talk about this bill just briefly.

I want to make a statement to the Senate. I often make mistakes. I have not made one as great as the one I made tonight when I interrupted the Senator from West Virginia. I had no intention of interrupting him. I know he intended to make his speech. I assured him that he would have the time to make the speech that he wished. We had entered into an agreement concerning a time limit on the amendment of the Senator from Illinois.

I deeply regret the misunderstandings that occurred. I know a good friend from West Virginia has a long and serious speech to make about the war powers and the amendment that was offered by the Senator from Illinois concerning the power of Congress to declare war.

I admire and respect him greatly, and I sincerely regret that incident.

Mr. LOT'T addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOT'T. Mr. President, for the information of all Senators, the Senate will momentarily proceed to passage of the Department of Defense appropriations bill.

But I can't let this moment escape without first commending the chairman, Senator STEVENS, and his ranking member, Senator INOUYE, for the unbelievable speed in which they have been able to handle this appropriations bill and bring it to a close.

They are absolutely the best when it comes to knowing this legislation, and perhaps all legislation. I think they probably have set a record. But I think they did it in a way that was sensitive to all Senators' needs. And it took a lot of cooperation on both sides of the aisle.

So I thank Senator STEVENS. He set an example for all of us to follow. And the better part of wisdom was for me to get out of the way and let him do his job. He did a great job. I thank him, and I know that all Senators extend their thanks to him, and congratulations.

Having said that, the Senate still must consider two additional items before I can announce the voting situation for the rest of the evening.

Those items are the Emergency Farm Financial Relief Act, and legislation coming from the House relative to H-
Resolved by the Senate (the House of Representatives concurring), That, in accordance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate reconvenes after adjournment at the close of business on Friday, July 31, 1998, Saturday, August 1, 1998, or Sunday, August 2, 1998, pursuant to a motion made by the Majority Leader or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, August 31 or Tuesday, September 1, 1998, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

S. Con. Res. 114

The following named officers for regular appointment in the United States Navy under Title 10, U.S.C. Section 531:

To be lieutenant colonel

JEFFREY F. ALLETTON, 0000
DALE B. BOWEN, 0000
MARK C. BRYANT, 0000
STUART D. EASTFORD, 0000
KENNETH R. HEUERMANN, 0000
ROBERT R. SELLERS, 0000
JOHN F. SIMPSON, 0000
MICHAEL J. SUTTON, 0000
DAVID R. TAYLOR, 0000
THOMAS E. WIGGS, 0000

To be major

* RICHARD B. DIELSON, 0000
JOHN V. EASTON, 0000
STEPHEN K. KENNEDY, 0000
TERRY J. LEWIS, 0000
JORDI J. SCHRAMM, 0000
ANA Y. VALDEZSCALICE, 0000

The following named officer for a regular appointment in the United States Air Force under Title 10, U.S.C. Section 331:

To be captain

NEAL A. THAGARD, 0000

In the Army

The following named officers for appointment to the grade indicated in the reserve of the Army under Title 10, U.S.C. Section 1288:

To be colonel

DAVID W. BROOKS, 0000
ROBERT M. FACKER, 0000
SHERILY R. PEARCY, 0000

To be lieutenant

DAVID W. DAMON, 0000
EDWARD R. DICKERSON, 0000
JEREMY D. EMERY, 0000
JONATHAN P. HARTMAN, 0000
KURT A. LAMBERT, 0000
BRIAN E. MILLER, 0000
SCOTT S. PATRICK, 0000

To be lieutenant (junior grade)

CHRISTOPHER E. ARCHBECK, 0000
DENNIS J. BICKERTON, 0000
JOHN S. DUCASAS, 0000
DANE L. GORSKI, 0000
DEVEN T. LALALME, 0000
KEVIN T. LOWMAN, 0000
STEPHANIE E. MERRILL-MITH, 0000
RICHARD R. RIEKE, 0000
JAY W. ROGERS, 0000
JOHN A. VILGOTTA, 0000

To be ensign

DOUGLAS W. ABBREY, 0000
GREGORY A. BESKOW, 0000
WILLIAM M. FRIELIKE, 0000
PATRICK L. LAFUZZ, 0000
SHAWN D. MERRICK, 0000
MICHAEL Y. SNELLING, 0000

The following named officers for regular appointment in the grades indicated in the United States District Court of the United States Navy under Title 10, U.S.C. Section 531:

To be commander

MARTIN J. SHERWOOD, 0000

To be lieutenant commander

STEVEN L. BARKER, 0000
LAFAYETTE B. BELK, JR., 0000
FRANK A. DEVINS, 0000
ROBERT BUCKLEY, 0000
THOMAS R. CAVITT, 0000

In the Navy

The following named officers for appointment to the grade indicated in the reserve of the Navy under Title 10, U.S.C. Section 331:

To be commodore

DONALD J. REYNOLDS, 0000

To be rear admiral

YVONNE ANDERSON, 0000
BRUCE E. AUGER, 0000
MARK A. CHAMBERS, 0000

To be vice admiral

TIMOTHY S. ALLEN, 0000
GREGORY E. BONNETT, 0000
DAVID B. CRAIG, 0000

To be admiral

TIMOTHY A. ACKERMAN, 0000
RABERT D. ADAMS, 0000
RICHARD E. AGUILA, 0000
MICHAEL T. AKIN, 0000
RICHARD E. AGUILA, 0000

In the Air Force

The following named officers for appointment to the grades indicated in the United States Air Force and for regular appointment (identified by an asterisk *) under Title 10, U.S.C. Sections 624, 628, and 531:

To be colonel

JEFFREY C. MABRY, 0000

To be lieutenant colonel

JEFFREY P. ALLETTON, 0000
DALE B. BOWEN, 0000
MARK C. BRYANT, 0000
STUART D. EASTFORD, 0000
KENNETH R. HEUERMANN, 0000
ROBERT R. SELLERS, 0000
JOHN F. SIMPSON, 0000
MICHAEL J. SUTTON, 0000
DAVID R. TAYLOR, 0000
THOMAS E. WIGGS, 0000

To be major

* RICHARD B. DIELSON, 0000
JOHN V. EASTON, 0000
STEPHEN K. KENNEDY, 0000
TERRY J. LEWIS, 0000
JORDI J. SCHRAMM, 0000
ANA Y. VALDEZSCALICE, 0000

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.
CONGRESSIONAL RECORD — SENATE

S9409

July 30, 1998

HENRY A. JOHNSON, 0000
MARK E. JOHNSON, 0000
DISCHEN A. KLEIN, 0000
LAURA A. KNABB, 0000
KEKE A. KREHER, 0000
ABRIL W. LAYTON, 0000
TIPPANY A. LEBANE, 0000
GRIGORE D. LEWIS, 0000
JEFFREY M. LISIK, 0000
RONALD B. LOTT, JR., 0000
JAMDS MATHEES, 0000
TODD D. MOORE, 0000
JEFFREY A. NERZHEM, 0000
BRIE L. NICKSON, 0000
GRIGORY J. OSTRISKY, 0000
SANNETTE M. PACO, 0000
CHRISTOPHER F. PKUST, 0000
JASON A. REIFERT, 0000
MARIANNE W. REMMERMANN, 0000
GRIGORY S. RYBOMAN, 0000
BRIAN L. SCHRINDEN, 0000
PHILIP G. URSO, 0000
ROBERT J. WICK, 0000
BRICE C. WOHR, 0000
STEVEN J. WICKEL, 0000
MARK A. WINTER, 0000
MATTHEW A. WISE, 0000

The following named officers for regular appointment in the grades indicated in the United States Navy under title 10, U.S.C., sections 531 and 542:

To be lieutenant
NORA A. BURGHARDT, 0000
BRYAN H. ELLER, 0000
MARK E. L. FETTS, 0000
STEVEN D. WATSON, 0000

To be lieutenant (junior grade)
DAVID M. ALGIR, 0000
JEFFREY R. BINGHAM, 0000
JAN C. CUNNION, 0000
KEITH K. MASON, 0000
ALLEN R. SULLIVAN, 0000

To be ensign
KEITH K. BENSON, 0000
MICHAEL D. BLAYN, 0000
AMANDA K. MORRIS, 0000

The following named temporary limited duty officers for permanent appointment in the grades indicated in the United States Navy under title 10, U.S.C., sections 531 and 542:

To be lieutenant
CHARLES W. CORDELL, 0000
STANLEY D. WILLIAMS, 0000
JOHN E. ANDERSON, 0000

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 30, 1998:

DEPARTMENT OF LABOR

RAYMOND L. BRAND, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF LABOR.

UNITED STATES INTERNATIONAL TRADE COMMISSION


JENNIFER ANNE HILLMAN, OF INDIANA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 18, 2000.

EXECUTIVE OFFICE OF THE PRESIDENT

DIDIER A. LIE, OF OKLAHOMA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

RODI M. RIZATION, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

CENTRAL INTELLIGENCE AGENCY

L. BRISS SNIDER, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY.

FEDERAL ELECTION COMMISSION


UNITED STATES INFORMATION AGENCY

JONATHAN R. SPALTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HUGH Q. PARMER, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF DEFENSE

CAROLYN H. BELK, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY:

RICHARD E. DESMEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE:

FATHER T. J. GALLAGHER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMED FORCES.

CORPORATION FOR PUBLIC BROADCASTING


DEPARTMENT OF TRANSPORTATION

KELLEY S. CONRER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

CORPORATION FOR PUBLIC BROADCASTING


IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

TO BE A BRIGADIER GENERAL

BRIG. GEN. RICHARD C. COSGRAVE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY, AIR FORCE, AND MARINE CORPS FOR APPOINTMENT IN THE RESERVE FOR THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 50A:

TO BE A MAJOR GENERAL

MAJ. GEN. ROBERT K. HURD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY, AIR FORCE, AND MARINE CORPS FOR APPOINTMENT IN THE RESERVE FOR THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 50A:

TO BE A BRIGADIER GENERAL

COL. STEPHEN J. KENNEFICK, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY FOR APPOINTMENT IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 50A:

TO BE A MAJOR GENERAL

MAJ. GEN. ROBERT W. MILLER, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY FOR APPOINTMENT IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 50A:

TO BE A BRIGADIER GENERAL

COL. ROBERT T. DAIL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY FOR APPOINTMENT IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 50A:

TO BE A MAJOR GENERAL

MAJ. GEN. ROBERT F. FOLEY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY FOR APPOINTMENT IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 50A:

TO BE A BRIGADIER GENERAL

COL. DAVID L. WALLACE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE AS CHIEF OF STAFF, UNITED STATES AIR FORCE, AND TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 50A:

TO BE A MAJOR GENERAL

MAJ. GEN. STEPHEN J. KELLY, 0000.
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 624:

**Title 10, U.S.C., Section 12203:**

The following named officer for appointment in the United States Army to the grade indicated:

- LT. GEN. THOMAS A. SCHWARTZ, 0000.
- COL. THOMAS J. ROMIG, 0000.
- COL. LAWRENCE F. LAFRENZ, 0000.
- COL. ROBERT J. HAYES, 0000.
- COL. LARRY D. HAUB, 0000.
- COL. BARRY A. GRIFFIN, 0000.
- COL. HOWARD A. DILLON, JR., 0000.
- COL. DANIEL P. COFFEY, 0000.
- BRIG. GEN. BENNY M. PAULINO, 0000.
- BRIG. GEN. LLOYD E. KRASE, 0000.
- BRIG. GEN. PAUL J. GLAZAR, 0000.
- MAJ. GEN. DAVID H. OHLE, 0000.
- COL. JAMES P. COMBS, 0000.

While assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

- NAVY NOMINATIONS BEGINNING TADD JOHNSON, OF MINNESOTA, TO BE CHAIR OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS, WHICH WAS SENT TO THE SENATE ON OCTOBER 22, 1997.

Legislative Session

The Presiding Officer. Under the previous order, the Senate will now return to legislative session.

Orders for Friday, July 31, 1998

Mr. Jeffords. For the information of all Senators, when the Senate reconvenes on Friday, there will be a period of morning business, with Senators permitted to speak for up to 5 minutes each.

The Presiding Officer. Without objection, it is so ordered.

Program

Mr. Jeffords. For the information of all Senators, when the Senate reconvenes on Friday, there will be a period of morning business, with Senators permitted to speak for up to 5 minutes each. The Senate may also consider any executive or legislative items that may be cleared for action. The majority leader has announced there will be no rollcall votes during Friday’s session and would like to thank all Members for their cooperation this week and wishes them a restful and productive August break.

If there is no further business to come before the Senate, I now ask that
The Senate stand in adjournment under the previous order.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 10 a.m., Friday, July 31, 1998.

Thereupon, the Senate, at 11:05 p.m., adjourned until Friday, July 31, 1998.
ISSUES OF CONCERN TO YOUTH TODAY

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD statements by high school students from my home state of Vermont, speaking at my recent town meeting on issues facing young people today. I am asking that you please insert their statements in the CONGRESSIONAL RECORD as I believe that the views of these young persons will benefit my colleagues.

STATEMENT BY RACHEL SALYER REGARDING
SUBSTANCE ABUSE

Rachel Salyer: My name is Rachel Salyer. I am a senior at the Bellows Free Academy in St. Albans. I think there are so many issues surrounding the youth of Vermont that don't get the attention they deserve. We are pressured to succeed in life, whether that is monetarily, or just self. And the adults in the community don't seem to be helping very much. We have been asked, and other adults alike throughout Vermont and the nation characterize teenagers as all being troublemakers or all being people who drink or party, then they are sending a message to the youth of the community that they don't care about our future, because it is our future, and they are not going to be there for it, and it is our own fault, basically.

These stereotypes are wrong. Not all youth in Vermont are people who like to drink, people who like to do drugs, people who go to parties every weekend. That's why organizations such as Green Mountain Prevention Project are such an important part of Vermont youth, because they sponsor programs like the Green Mountain Teens, which is a group of teens who have gotten together, who try to make other teens aware that there are healthy activities surrounding them, that parents and adults have this image of us, and we want to try and change it. Basically, what the Green Mountain Teens do is, we are a peer-awareness and prevention group. We provide healthy alternatives to doing drugs or drinking and things like that. We have coffee houses, we have haunted houses, winter balls, dances, anything you can imagine, any other kind of healthy lifestyle habit, we promote that, in order to tell these young people things that we have learned.

CARL HALBACH: A lot of groups here are talking about things they would like to do and things that they think need to be done, or processes they may need to go through in order to prove that works. We did a lot of community service and got help from a lot of community members in order to enhance what we want to do. And this is one of those things that a lot of these groups out there need to think about doing, and this is how they need to do it, just let a lot of help from the community and be sure to follow the guidelines that the adult world uses, and not dwell on the fact that they need to let us do what we want to do, because we are going to do it anyway.

Richard Gonzales: Basically, I looked at the State of Vermont, and I seen that they don't recognize extreme sports as one of the big issues, as like physical activities, and, you know, we just took it upon ourselves to build our own park and raise money, and do stuff like that, to try to help our city.

Josh Lemieux: Right now, we are building a new skate park. We just got done. It ran for like five years, and was getting too small. Right now, we are moving and expanding to a bigger skate park, and doing this by ourselves. And we are trying to get a grant from a couple of companies, and we are just raising money right now. We have the communities behind us, just trying to. Sorry, did you want to add something?

Carl Halbach: Yes. Basically went around asking for donations, seeing who would like to help us. A lot of the times, we worked for the money, instead of having it handed to us.

There is a sliding hill near our town. And we decided to clean it up and put up all new fences, and then we took the bottom half down and rebuild them again, so they are in a much better condition, and made the sliding hill much more safe.

Congressman Sanders: Are we talking about St. Albans?

Carl Halbach: Yes. Congressman Sanders: Mark, did you want to add anything?

Mark Boyle: We have done this all by ourselves. We have guidance of some outstanding citizens of our community, Miss Grinnell and Doctor Crenshaw. They don't do work for us, but they help organize stuff, because not all community members are going to be totally accepting of a bunch of rag-tag kids, but they can do some work for money so we can do this, or we can have community support, and she helped us work through the right channels and we really appreciate it.

Congressman Sanders: This is an excellent presentation.

STATEMENT BY JESS WALTERS AND LINH NGUYEN AND RYAN LEFEBVRE, AND GARY BAILEY REGARDING BURLINGTON'S OLD NORTH End

Ryan Lefebvre: Hello. My name is Ryan. I am here to represent Burlington's Old North End. Ryan Lefebvre: Hello. My name is Ryan. I am here to represent Burlington's Old North End. We decided that one of the most important issues to us is how teens in the Old North End spend their out-of-school hours.

Each day, teens in the Old North End decide how they will spend at least five of their waking hours. The Old North End is the center of color in the city. Over half of the households are female-headed, and over 60 percent of these families live below the poverty line.

Poverty is especially pronounced for the Old North End's children, 42 percent of whom lived in poverty in 1990. That percentage is higher today. The Old North End has 32.1 percent of its residents living below the pov-

erty level, compared with 19.3 percent for the city as a whole.

Recently, a number of focus groups were held, where youth, senior citizens, and business people spoke out about concerns they have about the Old North End. The following concerns were continually mentioned: Public drinking, drug dealing, continuing poverty, racial tensions, and potential gang violence.

We proposed a teen center that would directly address many of our community concerns, as well as issues many of you will be presenting later today. J essica is now going to tell you why there is a need for our teen center in Burlington.

Jessica Walters: Hello. My name is Jessica Walters. Yes, there are other teen centers in Burlington, but there are many reasons why they do not meet our needs.

First, they all have limited teen hours. For instance, I have nowhere to go after school until 5:30, and most youth centers close at 5 o'clock. My friends usually hang out on the street until teen hours start or until they have to go home.

Due to things mentioned by Ryan, North Side doesn't really a safe place for teens to hang out. Most of the teens that live in the Old North End go to Burlington High School, where there is no computer and Internet access. It is not possible to use it. Currently, there is nowhere to go to do research or study after school hours. The other youth centers don't have a place for us to do this. The final issue is the adults' role. Other youth centers have too much supervision and not enough opportunity for independence and creativity. There are also a lot of little kids around.

Now Gary is going to tell you about what our teen center will be like.

Gary Bailey: Hello. My name is Gary, and I would like to tell you about our teen center.

Our teen center will be run by youth, it will be for ages 13 through 19, and it will be free of charge. We feel that it should be open for longer hours, like said she before, because other teen programs like the one we want to open will have to be open for younger children also, so we only have a section of the day that we can go there, so we are still out in the streets.

Our teen center, it should have a resource room run by adults, with a minilibrary, mentoring and tutoring facilities, a career college center, and information on social services, so a job card for a listener person to:

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
get jobs easily, and maybe once a week somebody in there helping them out, somebody like Becky Trudeau or something, where they won't have to go five different places to look, they can just go there and have one place to look.

We feel that it should have a computer room, with Internet access. A lot of people work right after school, and they have to be there around 3:30, including us. And we don't have the time to go after school and work on the computers to get an essay done, so we feel that it should have computers where it will be available for us after work.

We think there should be recreational rooms, including a gym, a game room. Also special events, such as once a month a dance or some sort like that. We also think there should be a lounge so that we can relax and watch TV.

Congressman SANDERS: Good. Linh, do you want to begin?

Linh Nguyen: My name is Linh Nguyen. We would like to ask for continued support in finding out how we should embark on this teen center and after school program. We strongly believe this would make the Old North End a better place for teens, and not only the teens, but the community as a whole. As we would, as well, be a model to replicate in the rest of Vermont.

Congressman SANDERS: Thank you very much. Thank you all very much.

REMEMBERING THE FLOOD VICTIMS OF FORT COLLINS AND LARIMER COUNTY, COLORADO

HON. BOB SCHAFER OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. SCHAFER of Colorado. Mr. Speaker, I rise today to recall Monday, July 28, 1997 and to describe to the House, one year later, a natural disaster which occurred in Colorado on this date, when an intense storm produced record-breaking rainfall in Fort Collins and unincorporated Larimer County, Colorado. The storm devastated area residents as they watched their homes, schools, and churches roll into the immense current which swept through their city. However, the loss far more costly was that of human life. JoAnn Roth, Rose Marie Rodriguez, Sarah Payne, Estafana Guaraneros, and Cindy Schulz died as they attempted to escape the storm. Although this event caused a multitude of pain and sorrow, it also enabled members of our community to reach out to one another, individuals struggled together out of the pieces of their lives back in place. As a Member of Congress representing Colorado's Fourth District where citizens worked together to restore their way of life, I hereby commemorate the victory achieved through this widespread community spirit and recall the names of those who perished.

As we reflect on the events of the past year, we recall the words of Luke 8:23-24, "... . A windstorm swept down on the lake, and the boat was filling with water, and they were in danger. They went to him and woke him up, shouting, "Master, Master, we are perishing!' And he woke up and rebuked the wind and the raging waves; they ceased, and there was a calm.'"

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. FORTNEY PETE STARK OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1998

The House in Committee of the Whole on the State of the Union had under consideration (H.R. 3084) 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:

Mr. STARK. Mr. Chairman, today I join with Congressman Tim ROEMER and Congressman DAVE CAMP to take a stand for common sense and fiscal responsibility when it comes to our budget.

When Congress first approved the International Space Station in 1984, the original price tag was $8 billion. A recent General Accounting Office [GAO] report projects the station's total operating costs at $95.6 billion. Congress keeps throwing taxpayer dollars into this money pit, and we have no tangible benefits to show for it.

Since its conception in 1984, the station has been redesigned three times. The latest model would accomplish only two of its eight original scientific missions. Furthermore, many of the remaining goals envisioned for the station could be accomplished aboard unmanned satellites or aboard the space shuttle for a small fraction of the cost.

Furthermore, the station's rising costs are a threat to other promising projects. Already, NASA has shifted $200 million from other programs like space shuttle safety and space education grants to pay for station cost overruns. This year, NASA has requested the authority to shift an additional $375 million. As the station experiences more cost overruns, the space station budget will literally consume the NASA budget at the expense of proven programs like probes within our solar system, the Space Shuttle, earth sciences, and aeronautics.

Every year we pour billions upon billions of dollars into NASA and the International Space Station at the expense of schoolchildren, the elderly and the infirm. We cannot afford the price of the space station when we have such pressing needs here on planet Earth. If we choose to look to the stars, we must first have our feet planted firmly on the ground.

THE LONG TERM CARE ADVANCEMENT ACT OF 1998

HON. CHRISTOPHER H. SMITH OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. SMITH of New Jersey. Mr. Speaker, the Long Term Care Advancement Act of 1998 will assist Americans preparing for their future long term care needs. The Medicaid program already spends over $50 billion on long term care services for senior citizens. These expenditures are projected to increase by over the next two decades.

A vital part of any comprehensive response to these trends must be the promotion of private long term care insurance (LTC) for Americans. Although the number of persons insured under LTC policies has nearly doubled between 1992 and 1996, this growth is from a very low base. The fact of the matter is that the overwhelming majority of Americans still do not have any private LTC insurance coverage at all. This needs to change, and soon.

Mr. Speaker, the Long Term Care Advancement Act of 1998 will assist Americans preparing for their future long term care needs. My bill will allow penalty-free withdrawal from IRAs and 401(k) plans when the funds are used to pay for qualified LTC insurance premiums (as defined by the Health Insurance Portability and Accountability Act of 1996).

In addition, a certain portion of the IRA/401(k) withdrawals used for LTC will be excluded from taxable income. Depending on one's tax bracket, age, and type of policy purchased, the savings on a long term care insurance policy under my bill are considerable, and could range from 15 to 25 percent.

Lastly, the Long Term Care Advancement Act will provide a refundable $500 tax credit for families caring for a dependent elderly...
House of Representatives.

be forever recognized by the Members of the
country. We know they will not be forgotten and their contributions will
despite the challenges and the work they do. Their contributions will
be forever recognized by the Members of the House of Representatives.

By encouraging more Americans to plan for their future care needs we believe we can in-
crease the medical, social, and financial well-being of families, as well as provide substan-
tial future savings to the Medicare and Med-
care programs. According to the John Han-
cock Mutual Life Insurance Company, there is a
48% chance of any given individual of need-
ing long term care in one’s lifetime. And the
costs of nursing home care for one year is ap-
proximately $40,000. The potential for savings to
American families, as well as the Medicaid and Medicare programs, by encouraging fami-
lies to purchase LTC insurance is simply enor-
mous.

I look forward to working on and discussing
long term care issues with my colleagues dur-
ing the remainder of the 105th Congress, and
urge all of my colleagues to support this im-
portant initiative.

\[ \text{In Tribute} \]

\[ \text{Speech of Hon. Charles B. Rangel} \]

\[ \text{of New York} \]

\[ \text{in the House of Representatives} \]

\[ Tuesday, July 28, 1998 \]

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute
to Capitol Police Officers John Gibson and
Jacob Chestnut who gave their lives last week in
a vicious attack by a deranged gunman.

My heart goes out to the families of these
officers, both of whom spent 18 years in cour-
gageous and devoted service to their country
as members of the Capitol Police. They gave
their lives, not only protecting Members of
Congress, but the thousands of Americans and
foreign visitors to this great monument,
the people's house of government.

Officers Gibson and Chestnut were both
known as kind, personable men who were es-
specially devoted to their families. They per-
formed their jobs with a special kind of pride
in playing a small part in the smooth and ef-
cient conduct of the processes of government.

As we go about our business in the Capitol,
we tend to take for granted the freedom and
protection we enjoy because of the selfless
contributions of our Capitol Police who are
constantly on guard against the type of insane
acts which took the lives of Officers Chestnut
and Gibson and wounded an innocent civilian.

This horrible act reminds us once again of
the debt we owe to those officers who do their
jobs daily in protecting those who work here
and those who visit. With few exceptions,
problems, large and small, are prevented so
we are left free and comfortable to perform
our jobs in peace.

We owe these men and their families a
great debt of gratitude for their sacrifice. They
will not be forgotten and their contributions will
be forever recognized by the Members of the
House of Representatives.

\[ \text{In Tribute} \]

\[ \text{Speech of Hon. Donald A. Manzullo} \]

\[ \text{of Illinois} \]

\[ \text{in the House of Representatives} \]

\[ Tuesday, July 28, 1998 \]

Mr. MANZULLO. Mr. Speaker, I rise today to help express my thoughts to the families of
slain Capitol police officers John Gibson and
Jacob Chestnut. I say "help express" because there is no total way to thank these men for
laying down their lives for others. I would defer
to the words of my wife, Freda, for these re-
marks, in the joint letter she sent to the Gib-
son and Chestnut families.

To the families of Officer John Gibson and
Officer Jacob Chestnut:

My heart today is filled with a tremendous
sense of debt and gratitude to your fathers
and husbands and the sacrifice they have made. Scripture tells us in john 15:13,
"Greater love has no one than this, that one
day lay down his life for his friend." Indeed, we
consider each officer at the Capitol a friend. Daily we give thanks for the constant care-
ful watch of the members of congress and the
millions of visiting tourists. Last night as
we welcomed my husband, Congressman
Donald Manzullo, home we breathed a prayer
of thanksgiving for his safe return. But also
your families and great loss were uppermost
in our thoughts. Our heartfelt thanks pour
out to you. Our sorrow at your loss is over-
whelming. Another scripture comes to mind,
one that I believe the Lord said as he re-
ceived your loved ones into this eternal
kingdom. "Well done, good and faithful serv-
ants; you were faithful with a few things;
enter into the joy of your master," Matthew
25:23.

With love and gratitude.

FREDA MANZULLO.

\[ \text{In Tribute} \]

\[ \text{Speech of Hon. Joseph P. Kennedy II} \]

\[ \text{of Massachusetts} \]

\[ \text{in the House of Representatives} \]

\[ Tuesday, July 28, 1998 \]

Mr. KENNEDY of Massachusetts. Mr.
Speaker, I rise today to pay tribute to the two
men who gave their last full measure of devo-
tion in defense of the people's House, the
U.S. Congress.

Capitol Police Officers John Gibson and J.J.
Chestnut leave behind friends and family who
will mourn their sacrifice for years to come.
Today, a grateful Nation mourns with them.

Thousands of Americans are paying tribute
as we speak, filing past their caskets in the
Capitol Rotunda just a few hundred feet from
where they died.

In the last few days, we've learned a great
deal about Officers Gibson and Chestnut—
their love of family and country, the many
kindnesses they showed over the years to ev-
everyone on Capitol Hill, from committee chair-
men to wandering tourists.

The focus on the lives of these two coura-
geous men has been a poignant reminder of
what America is really all about.

In death, Officers Gibson and Chestnut have
been honored as heroes, but they were
quiet heroes each and every day of their lives.
They symbolize what all of us strive to
achieve.
American heroes. They gave their lives protecting us, our staffs, and visitors to the United States Capitol. This tragedy reminds us that the members of the Capitol Police and other police officers across the country put their lives on the line for us every day. We honor Officers Chestnut and Gibson for their bravery and service. We lost two good men and fine police officers. No words can adequately express our feelings on this sad occasion. Our hearts go out to their families and to their fellow officers. This tragedy highlights a dilemma as old as democracy itself: the balance between security and openness. We have made a decision—the correct decision, I believe—to maintain public accessibility to the Capitol. The people’s business must be open to the public gaze. Every year people from our districts, some traveling literally thousands of miles, visit the Capitol to share their views and urge us to support or oppose this or that bill. They come to partake of the history that walks these halls. They come simply to see us in the flesh, look us in the eye, and take the measure of the men and women who have elected to make our laws. Their right to do so is enshrined in the very concept of democracy. Nowhere is it more appropriate to exercise that right than here in the people’s house.

At the same time, we cannot escape the reality of the world in which we live. There are some individuals who would take advantage of that openness to enter this building and do violence to those engaged in the people’s business. Their actions defile this temple of democracy. That is why it is necessary to have a Capitol Police force. Its members not only protect us as individuals, they defend the accessibility of this building, accessibility which is so important to our democracy.

On Friday, July 24, 1998, two of those officers made the ultimate sacrifice. Their bravery and devotion to duty enshrine the names of Jacob Chestnut and John Gibson among the heroes of our nation. We bow our heads in sorrow and gratitude. We pledge to honor their memories by keeping our nation’s Capitol open, accessible, and safe for everyone who desires to enter this building, the people’s house.

AN EXPRESSION OF CONGRATULATIONS TO COLONIA COUNTRY CLUB ON ITS 100TH ANNIVERSARY

HON. BOB FRANKS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 29, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to congratulate the officers and members of Colonia Country Club on the occasion of their Club’s 100th anniversary.

Colonia, the business of both the Club and the section of Woodbridge, New Jersey in which it is located, is a derivation of the word, colony, a term defined by Webster as “a body of people living in a new territory.” Colonia is a most appropriate designation for the community—originally Houten Ville—that was the site of many Revolutionary War events. Immediately adjacent to Colonia Country Club is the highway on which George Washington traveled on his way to his first inauguration. That roadway was also a main north-south artery during the Civil War and was later named The Lincoln Highway. In Colonia, the highway is also bound, on its east side, by the nation’s major east coast rail line.

It was in 1898 that a group of area residents agreed to form a golf and country club, using an Im contract held by the Union to the Civil War as its clubhouse. Designed to serve as a gathering place for sport and social occasions, their new “home-away-from home” was to be called Colonia Country Club. Part of their agreement called for the purchase of a horse-drawn lawn mower, and from what would become a nine-hole golf course.

The century that followed will be remembered by the citizens of America and, indeed, the world, as one filled with joys and achievements unparalleled in recorded history and with trials and tragedies that would test human endurance. A microcosm of that world, Colonia Country Club rose from a small gathering of neighbors to become a proud and prominent member of its region’s social fraternity, the site of a modern clubhouse and one of its region’s most challenging 18-hole golf courses. In the process, those that charted the course of its progress proved they had the grit and determination to withstand depressions and years of mid-century decline. Colonia Country Club, like many venerable, sturdy American institutions, stands today as a model of a modern America. It is a story of people overcoming difficulty and proving their endurance as they share prosperity and camaraderie—and it offers its one hundred year history as evidence of that achievement.

Mr. Speaker, I ask you, my neighbors in the 7th Congressional District of New Jersey and my colleagues to join me in offering our congratulations to Colonia Country Club as it celebrates its 100th anniversary.

IN TRIBUTE

SPEECH OF
HON. BILL LUTHER
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 28, 1998

Mr. LUTHER. Mr. Speaker, I would like to add my voice today to the much-deserved tributes being paid to U.S. Capitol Police Officers Jacob Joseph Chestnut and John Michael Gibson. This is a sad day for Congress and our nation. Just a few short steps from here two American heroes lay in honor in the rotunda of the United States Capitol. This past Friday these men made the ultimate measure of devotion to their country. Their honored sacrifice no doubt saved numerous lives and served as a stark reminder of the reality of the violent world in which we live. This tragedy also reminds us of the price that must sometimes be paid for the great privilege of having our democratic form of government.

So today it is appropriate that all of us pause for a moment to thank officers Chestnut and Gibson for what they did last week. Their sacrifice will never be forgotten. And we should also extend our thanks to all of the members of the Capitol Police force and all other law enforcement officers throughout our nation. They have an incredibly difficult mission—providing security while serving as goodwill ambassadors for their communities. They do a terrific job day in and day out and frankly we don’t do enough to show our appreciation for all of their hard work.

And finally, Mr. Speaker, I just want to point out that this seems like a different place today than it did when I left here on Friday. The tragic events of this last week seem to have pulled us together. Democrats and Republicans, Members and staff, as well as so many people of our country have all joined hands in coming to terms with what happened here. If there is a silver lining in these tragic circumstances perhaps it is that we all may have a little more appreciation for the people we work with on a daily basis and for the wonderful country we are proud to call our own. The differences we have pale in comparison to the bonds we share as Americans. A tragedy like this reminds us of this simple truth and affords us the opportunity for a renewed perspective as we face the challenges ahead.

IN TRIBUTE

SPEECH OF
HON. CIRO D. RODRIGUEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 28, 1998

Mr. RODRIGUEZ. Mr. Speaker, I wish to pay tribute to the ultimate sacrifice made by Detective John Gibson and Officer Jacob J.J. Chestnut while conducting their duty protecting the Capitol. I admire the tremendous sacrifice made by these individuals and my thoughts are with their families as they cope with the departure of their loved ones. Like countless others, I did not personally observe the tragedy. But like them, I have been shaken by the event and moved by the warm reception all have provided in memory of the fallen men.

No one can bring back these brave officers who gave their lives to protect us. But I stand today to recognize the risks that our law enforcement personnel face each day. I express the gratitude that I have for the dedication of these people, who each day leave the security of their homes and families to protect and serve those in need all across America.

PERSONAL EXPLANATION

HON. JOSE E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 29, 1998

Mr. SERRANO. Mr. Speaker, earlier today, I was recorded as voting in favor of agreeing to the conference report on H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact.

As should be obvious from my vote against the rule providing for consideration of the conference report, I had intended to vote against the conference report itself.

I am in complete agreement with my colleagues from Texas and elsewhere who have fought against the imposition of what could become the nation’s major repository for low-level radioactive waste on the already depleted minority community of Sierra Blanca, Texas.

I understand and share the concerns of Sierra Blanca and other minority communities.
The siting of a disproportionate number of New York City's waste transfer and waste processing facilities in the Hunts Point area of my South Bronx congressional district, and the related particulate-spewing diesel truck traffic, have led to disproportionate levels of asthma and other respiratory illnesses among my Hunts Point constituents, especially the children. Without attention to environmental justice, the more disenfranchised a community is, the likelier it is to find itself the depository for more powerful people's waste.

Tribute to the Honorable Louis Stokes

SPEECH OF
HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 23, 1998

Mr. LEWIS of California. Mr. Speaker, I insert the following for the RECORD:

I want to add my voice to the tributes offered by the Congressional colleagues of the Honorable Louis Stokes. When I first came to Washington, nearly six years ago, as the Assistant Secretary of Community Planning and Development at the Department of Housing and Urban Development, LOUIS STOKES was Mr. Chairman. He was the Chairman of the Subcommittee that controlled the purse strings for all the creative ideas that a new Administration wanted to implement—an unprecedented increase in funding for the homeless, funding for partnerships between the Federal Government and not for profit organizations to build and rehabilitate affordable housing, a new economic development grant program.

And he agreed with those initiatives and helped restore the Department as the agency that is dedicated to assisting the most vulnerable among us and to revitalizing our cities and towns.

Now as ranking member of that same Subcommittee, he continues to help this Administration and me as Secretary of the Department. He has been with me every step of the way as we have "reinvented" HUD and I counted on his advice and counsel. Now that we are beginning to see the results of that re-invention, he has fought to give the Department the resources it needs to create jobs and economic opportunity to meet the challenges of the global economy and the demands of American cities. He has fought steadfastly to expand and preserve housing opportunities for renters in public and assisted housing, for homebuyers, and for the homeless. He has fought unabashedly to end the scourge of housing discrimination. He has taken on all these battles even in the face of terribly tight budget strictures.

Perhaps it was growing up in public housing, but, whatever the reason, Congressman Stokes sought to serve on the two appropriations subcommittees that reach those most in need—VA, HUD and Independent Agencies and the Labor, Health and Human Services, Education, & Related Agencies. And serve those in need, he has. He is a man who cares deeply about the programs of this Department and the people they impact.

So I want to pay tribute to him and to say how deeply I appreciate his long, hard work. I will miss him and the people who rely upon HUD's programs will miss him.

In Tribute

SPEECH OF
HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 28, 1998

Mr. UNDERWOOD. Mr. Speaker, upon my return from my home district of Guam yesterday, I had the privilege to pay respects to slain Officers Jacob J. Chestnut and John Gibson. As Members of Congress join the nation in mourning the loss of these two gentlemen who paid the supreme sacrifice for our safety and protection, I could not help but reflect upon my constituents from Guam, people who, like me, have to overcome the rigors of traveling several thousand miles in order to experience, to participate, or maybe even just to catch a glimpse of their government at work.

As with everyone, the highlight of my constituents' Washington, D.C. trip is a visit to Members' offices and a tour of the Capitol. Times like these remind us of the invaluable service provided by police officers stationed at different posts within the Capitol complex ensuring the safety of constituents who travel the many miles in order to visit members who represent them in this body.

Speaking not only for myself but for the people of Guam, I wish to express appreciation to the Capitol Hill Police Force who, by the loss of Officers Gibson and Chestnut, demonstrated their willingness to lay down their lives for the safety and protection of Members of Congress and our constituents. As quoted from the Book of John, "Greater love hath no man than this, that a man lay down his life for his friends." John Gibson and J.J. Chestnut gave their lives so that others may live.

Roman Benavente, a retired Capitol Police officer—a native son of Guam who has chosen to reside in the State of Maryland, has called together members of the Guam Society of America to honor the slain officers in a Memorial Mass to be celebrated this Friday at St. Ignatius Catholic Church in Oxon Hill, Maryland. I hope that my colleagues would be able to join Guam residents in the area for this memorial service.

The sacrifice of Officers Gibson and Chestnut will never be forgotten. On behalf of the people of Guam, I extend sincerest thanks to Officer Chestnut and Officer Gibson for their sacrifice. To the families and loved ones of these two American heroes, we offer our most heartfelt sympathies.

Funding for the International Space Station

SPEECH OF
HON. TIM ROEMER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 29, 1998

Mr. ROEMER. Mr. Speaker, this year, to my disappointment, the House of Representatives voted to continue funding the International Space Station. The amendment I introduced with Representative CAMP to cancel the space station program would have ended the single largest wasteful government program in history.

Today, I am proud and pleased to have introduced my amendment to the VA-HUD appropriations bill for fiscal year 1999 that was supported by 109 Representatives. I strongly believe that my amendment reflects the best interests of the United States, the taxpayers and certainly of NASA and the American space program.

Like most of my colleagues, I am a strong supporter of the American space program. However, I find it sad to see that productive and more worthwhile space programs are being shut down so large and larger amounts of NASA funding are claimed by a space station program that has already cost almost $20 billion with no hardware in space to show for it.

In 1993, upon NASA's final redesign of the space station, we were told that the program would cost no more than $17.4 billion and that our partnership with the Russian Government would save American taxpayers around $2 billion. This was still a huge increase over the Reagan Administration's initial plan to build the station for $8 billion and complete it by 1996. Now NASA has acknowledged the Cost Assessment and Validation Task Force, also known as the independent Chabrow committee, which concluded the program will cost $24 billion and an additional $130 million to $250 million for each month that the station assembly is delayed. And it will be delayed—probably by at least two years.

Also, Mr. Speaker, GAO now tells us that the program will cost more than $100 billion. This does not include additional costs associated with Russia's withdrawal from the partnership or the costs of upgrading the station's defense system to protect it against meteorites and orbital debris. Nor does the $100 billion pricetag include disassembly costs, which GAO says could be "prohibitively expensive" and could exceed $5 billion. These "unforeseen" funding contingencies are indeed shocking and clearly jeopardize the future and integrity of the entire U.S. space program.

The magnitude of these dramatic cost overruns and assembly delays are unacceptable and sure to result in the cannibalization of the so-called "smaller, better, faster, cheaper" space missions. If we do not move to cancel the space station now, then these smaller, but important, missions will most likely never happen. The tremendous success of projects like the Hubble Space Telescope and the Mars Sojourner Pathfinder. This is a shame, and a disappointment to the entire scientific community.

While the Russians remain competent in repeating missions that have been flown for three decades, they have been unable to fund development of reliable new technologies or to deliver critical component parts such as the Service Module. Everything that worked on Mir involves 20-year-old technologies. A year ago, when a fundamentally new space docking procedure was attempted, the result was a collision that punched a hole in the space station, crippling it and almost killing the crew. Other new Russian space vehicles such as the Mars probe and its plutonium batteries have also failed. This does not bode well for the space station.

The Russians have repeatedly promised to develop a series of new and improved space vehicles to help assemble the space station.
However, over the past several years, Russia's work on the components has fallen far behind schedule, causing significant delays and cost overruns which have spilled over into NASA's share of the work. Russia's Finance Ministry has repeatedly misled NASA and the American people, and we should not tolerate this kind of gaming. As I have said over the past six years, NASA's dependence on Russian participation in the space station will cripple other, more worthwhile U.S. space programs, and this will most likely continue to result in more assembly delays and cost overruns.

When the Administration approved the space station redesign in 1993, NASA promised the taxpayers that no more than $2.1 billion would be spent each year for the program. At that time, it was estimated that Russia's inclusion as a partner would reduce costs by $1.6 billion. Nevertheless, NASA has told us that the cap should be broken, despite Russia's repeated promises that the money and the critical hardware components like the Service Module would be delivered.

Far too many questions remain unanswered. NASA has yet to determine or release any cost figures for the program reflecting the likely scenario that Russia will drop out of the partnership, but continues to offer robust assurances that it will save money. While I support efforts to engage our former adversaries, and sharing our knowledge of important scientific issues, I do not believe it is prudent to perpetuate a back-door foreign aid project that makes Russia look more like an international welfare recipient than the major partner in the single largest construction project in the history of mankind.

While space station cost overruns to date are currently estimated at $800 million, NASA has cut mission control, shuttle safety, and more deserving programs such as Mission to Planet Earth and space education grants. Already $227 million has been diverted from space station science and $200 million has been shifted from the space shuttle payload and utilization operations. This year, NASA has asked for the authority to shift an additional $75 million.

Like our efforts abroad, Mr. NASA has cannibalized the station's scientific research missions simply because all the funds are being consumed on construction. NASA has transferred a whopping $462 million from its science funding to space station development in fiscal years 1996 through 1998. Case in point: NASA dropped the centrifuge, a critical research component, and now depends on negotiations with the Japanese Government to provide it.

Throwing more money at the space station is adding fuel to the fire. We should not continue to approve NASA's repeated request for supplemental funding. Rather, we should hold NASA and the Russian Government's feet to the fire. The American taxpayers deserve accountability and demand that the integrity of our space program be maintained. We should therefore end this program before it kills NASA and its mission.

Mr. Speaker, for several years, we have known the solution to the many problems associated with the space station. In fact, the House almost got it right in 1993, when my amendment to terminate space station funding lost by a single vote. I suggest that we allow NASA the time and resources to improve its management structure, redefine its mission first, rather than move ahead with a mammoth, multi-billion dollar program whose costs will assuredly go over and beyond all reasonable budgetary expectations. All of the station's problems can be solved by simply canceling this wasteful, over-budget boondoggle, returning $80 billion to the American taxpayers, and saving the life and health of the rest of the U.S. space program. I will continue to fight this program and strongly encourage my colleagues to closely monitor this program as cost overruns and schedule delays will most assuredly continue to cheat the scientific community of funding that could be better spent on more worthwhile space research endeavors.

Mr. PACKARD. Mr. Speaker, I would like to acknowledge a brave soldier, strong leader, caring father and a very good friend. Major General Claude W. Reinke is the retiring Commanding General of the Marine Corps Base, Camp Pendleton, which is located in my District. I have grown very fond of General Reinke and would like to commend his leadership at the base.

General Reinke is a Texan by birth but has always been ready to move anywhere the Marines needed to send him, including a tour in Vietnam. The position of Commander General to a base like Pendleton is often like being the mayor of a city, as both require outstanding managerial skills. General Reinke has gone above and beyond the call of duty as Commander. His leadership has had a positive impact on both the Marines and the entire community.

Part of what makes General Reinke so special is how much he cares for his troops. Very few Commanding officers are more sensitive to the needs of their troops than Claude Reinke. General Reinke has become a champion for quality of life for our troops by emphasizing the need for improved base housing and training facilities for members of the Corps.

General Reinke has been decorated with the Legion of Merit, Bronze Star Medal with Combat "V," Meritorious Service Medal and the Combat Action Ribbon. He is a proud husband and father of five. I might also add that he plays a very good game of golf! If he reacts to the challenges of work like he reacts to the challenges on the golf course, I think the men and women of Camp Pendleton have been in very able hands!

Mr. Speaker, I would like to wish Claude my best and commend him on a job extremely well done.
I would have voted "no" on rollcall votes 315 and 320 and "yes" on rollcall votes 315 and 320. Let the RECORD state that I would have voted "no" on rollcall votes 315 and 320 and "yes" on 319.

Mr. RADANOVICH. Mr. Speaker, I was unable to be present for rollcall votes 315, 319 and 320 last week. Let the RECORD state that I would have voted "no" on rollcall votes 315 and 320 and "yes" on 319.

Mr. LINDER. Mr. Speaker, today the American people are feeling the pressure of rising health care costs paired with dwindling health care choices. They have called on us to do something that would make their lives better, to put health care decisions back in their hands.

Given that mandate, we have two choices. We can choose to task the government and lawyers with improving our health options. Or, we can choose to task the marketplace with offering us more health choices. My constituents have tasked me to do the latter.

For those who believe in the benevolence of lawyers, for those who believe in the wisdom of bureaucrats, the Dingell substitute is available to you today.

But for those who believe that the individual makes better choices about his family's health care than a government official does, you will share my excitement about the Patient Protection Act introduced by Speaker Gingrich and Mr. HASTERT.

The Patient Protection Act protects the patient in three key ways. First, this legislation protects the patient's choice of doctors. For all patients in HMO's, the bill provides that they have a point-of-service option—so that patients can visit doctors outside of their HMO network. For those patients not in HMO's, the bill expands their access to Medical Savings Accounts—accounts that offer complete free choice of doctor. For all patients, the bill—for the first time—allows a woman to choose an OB/GYN as her primary care physician and allows a parent to choose a pediatrician as his child's primary care physician. These new choices assure patients that they will be able to find the best doctor for their health care needs.

Second, the Patient Protection Act protects the individual's access to the care to which he is entitled. The bill moves the decision about access to care away from the insurance company and back to the patient and the doctor. For example, when a patient reasonably believes he or she is having a medical emergency, he or she should be able to seek care at a local emergency room and that care should be paid by his or her insurance plan. Under the Patient Protection Act, the patient now has that freedom without being second-guessed by the insurance company. The Act also prohibits "gag rules"—insurance company restrictions on what information a doctor can give a patient. With the prohibition, we restore the complete disclosure—the complete freedom of communication—that is so essential to the doctor-patient relationship.

Finally, the Patient Protection Act protects the individual from arbitrary decisions from the insurance company to deny care. We are all aware of the too familiar pattern of a patient calling his or her insurance company to request care and having the untrained, non-medical reviewer deny the care without even reviewing the patient's medical history. The Patient Protection Act ends that practice forever. Under this bill, if the patient and her doctor believe that a certain medical procedure is indicated—but the insurance company declines to cover the expense—the patient has the right to an immediate appeal to a panel of doctors—not bureaucrats—who will decide whether the medical care is necessary. This new right of appeal will ensure that only medical professionals will make decisions about a patient's need for health care.

We have heard so much in this debate about the patient's right to sue. I'm so tired of that red herring. Patients sue their doctors and sue their insurance companies every day. While I abhor the litigious nature of our society today, I certainly support the patient's right to be made whole when malpractice of breach of contract or any other misconduct occurs.

In all my years, however, I've never met a patient who really believes that the legal process makes them whole. When you lose some of your hearing, or part of your sight, or any of your abilities, money is no substitute. Unfortunately, after the harm has occurred, money is all that society has left to offer. After the harm has occurred, it's too late to be made whole.

This is why the Patient Protection Act focuses on preventing the harm from occurring. Why spend two years to win a lawsuit for your injury when you can spend 1 hour on an appeal to your doctor that will prevent the injury all together. Our bill is about patients and doctors and healing. We provide access to the doctors, assure choice for patient, and believe that gives us the best chance at healing.

My constituents and I thank all of my colleagues for the many months of hard work that went into this bill. With the very first patient that is healed by a doctor rather than frustrated by an insurance company, we can all be certain that we have succeeded in our efforts.
of a 200 page bill full of mandates and Federal interference, I proposed a two-page clarification of the ERISA preemption that would get the Federal government out of the way of states to address these problems. I told him that the problem was with ERISA preemption. I asked Chairman FAWELL if he could assure me that the changes would not do anything to strengthen or broaden the ERISA preemption.

Chairman FAWELL assured me that H.R. 4250, the Patient Protection Act, does not amend the ERISA preemption clause. Therefore, it makes it neither broader nor narrower. We have left this to the courts to continue to develop.

Seeking further clarification, I told Chairman FAWELL that I appreciated his putting language in the committee report at the request of members of the Texas delegation to ensure that the Patient Protection Act neither broadens nor changes the current scope of the ERISA preemption as it is being developed in the courts. Again, Chairman FAWELL assured me that was the case.

I explained to Chairman FAWELL that the United States Supreme Court, in the last three years in cases like Travelers, Dillingham, and DeBuano, have narrowed the previously broadly interpreted scope of the ERISA preemption and clarified that ERISA does not preempt traditional state law areas of regulation such as “quality standards in health care.” Federal Circuit courts of appeal have likewise been holding more recently that ERISA does not and should not preempt patient quality of care cases against HMOs like the 3rd Circuit held in the last three years in cases like Travelers, Dillingham, and DeBuano. My colleagues in expressing my thanks and appreciation for the Harold A. Decker Choral Award, according to Dr. Sparger, who chose to make his career at a community college in Belleville, Illinois and its founder and director, Dr. A. Dennis Sparger.

Masterworks Chorale began under the sponsorship of Belleville Area College as the RAC Community Chorus. In 1982, the chorus left the college and officially incorporated under the name Masterworks Chorale, Inc. The 65 members of the adult chorus must audition for their place in the group. The chorus has been awarded the first place gold medal at the Great American Choral Festival competition, made the European Tour twice, sung with the St. Louis Symphony under the direction of Leonard Slatkin, and has been a major force in the arts in our community.

Mr. Costello, Mr. Speaker, I rise today in honor of the 25th Anniversary season of the Masterworks Chorale in Belleville, Illinois and its founder and director, Dr. A. Dennis Sparger.

Masterworks Chorale began under the sponsorship of Belleville Area College as the RAC Community Chorus. In 1982, the chorus left the college and officially incorporated under the name Masterworks Chorale, Inc. The 65 members of the adult chorus must audition for their place in the group. The chorus has been awarded the first place gold medal at the Great American Choral Festival competition, made the European Tour twice, sung with the St. Louis Symphony under the direction of Leonard Slatkin, and has been a major force in the arts in our community.

Dr. Sparger recently retired from the music faculty at Belleville Area College, where he served for 32 years. Under his direction, the Chorale has performed more than fifty major choral-orchestral works in the past 25 years. In addition to founding the Chorale, Dr. Sparger also founded the Masterworks Children’s Chorus and was its director until 1990. In 1986, he was appointed music director and conductor of the Bach Society of St. Louis.

A native of Chicago, Dr. Sparger began musical studies at the age of eight and began conducting at sixteen. He earned both his bachelor’s and master’s degrees from Eastern Illinois University. In 1981, he was awarded a Doctor of Musical Arts degrees in conducting from the University of Illinois, where he studied under Harold Decker. According to Dr. Sparger, Harold Decker is responsible for teaching about 75 doctoral candidates during his career. These students have taken positions at major universities and with symphonies around the nation. Dr. Sparger is the only one who chose to make his career at a community college. All of this makes Dr. Sparger’s selection for the Harold A. Decker Choral Award, presented to him by the American Choral Directors Association of Illinois earlier this year, even more meaningful.

Masterworks Chorale is a member of the Arts and Education Council of Greater St. Louis and the Illinois Mackinac Arts Council. The Chorale is a member of the Renaissance Chorus Association of Illinois and the Illinois Choral Directors Association. The Chorale is also a member of the Greater St. Louis Choral Society.

Mr. Speaker, I rise today in honor of the 25th Anniversary season of the Masterworks Chorale in Belleville, Illinois and its founder and director, Dr. A. Dennis Sparger.
Mr. ADERHOLT. Mr. Speaker, today we continue to mourn the loss of two of the finest men this Capitol has known. John 15:13 states that, “Greater love hath no man than this, that a man lay down his life for his friends.” Had John Gibson and J.J. Chestnut not put themselves in harm’s way, the lives of many would have been lost in last week’s tragic event. These two men of courage laid down their lives so that their friends, coworkers and tourists visiting from around the world would be safe. We are truly blessed to have men and women of such noble character and bravery serving on the Capitol Police force.

As thousands of visitors came together yesterday to walk through the Capitol Rotunda to pay their respects to these men of courage, I realized that we are only able to safely visit this building which is a symbol of freedom because of the service of the many other members of law enforcement we have here in Washington. We must never take for granted those who serve to protect and preserve the freedoms that we enjoy here in the United States Capitol, and across this nation.

My prayers go out to the families of these two heroes who died that we might live. The memory of their actions will not be soon forgotten.

Mr. NEY. Mr. Speaker, I rise today to submit this open letter on behalf of many associations and federations from the state of Ohio:

We respectfully and urgently request you to reject efforts to accept the United Nations treaty signed in Rio de Janeiro, Brazil and further revised in Kyoto, Japan that deals with greenhouse gas emissions. Acceptance of this treaty would bind the U.S. to restrict fossil fuels (coal, natural gas and petroleum) use which together provide 80% of America’s energy, while exempting 2.5 billion people in foreign countries from these reductions. These reductions will greatly force up the price of coal, natural gas, gasoline and electricity. Ohioans’ cost for each of these necessities could rise by roughly 50% by 2010.

The result will be anti-family; as families are forced to pay much more for the basic necessities of electricity, anti-farm; as the cost of farming and selling jobs; as 56,000 Ohio-based jobs are lost, many going to the exempted foreign countries. All of this will devastate Americans and Ohioans in particular. Economic estimates suggest by the year 2010, Ohioans will pay $350 more for every man, woman and child in our state. This means we will together annually pay $3.8 billion dollars more to heat our homes, run a business, or care for our loved ones. This will be especially harsh and unfair to Ohio seniors, the poor and others.

Global warming warrants thoughtful study but it does not make sense to starve 80% of America’s energy foundation while over half the world’s population is exempted for this treaty’s reach. Ohioans deserve better than this.

Please don’t force Ohio families, seniors, those on the edge of poverty, our farmers and businesses to be saddled with this United Nations treaty.

J. Joel Hastings, Director of Local Affairs, Ohio Farm Bureau Federation, Columbus—192,000 members; Kelly McGivern, Director of Environment and Health Care Policy, Ohio Chamber of Commerce, Columbus—J. John C. Mahaney, Jr., President, Ohio Council of Retail Merchants, Columbus—3,000+ members; Alon Apel, Director of Government Affairs, Ohio Pharmacists Association, Dublin—4,000 members; Tom King, Executive Vice President, Ohio Trucking Association, Columbus—1,000; Sherry Weisgarber, Managing Director, Ohio Aggregates Association, Columbus—197 members; Ruth Ann Wilson, Executive Secretary, Ohio Assoc. of Meat Processors, Delaware—500 members; Gary A. Murdock, President, Ohio Valley Automotive Aftermarket Association, Hilliard—1,000; Roger P. Jones, President, Ohio Ready Mixed Concrete Association, Columbus—210
members companies; Michael H. Cochran, Executive Director, Ohio Twp
Assocs., Columbus—8,600 members; Holly Saelens, Director—Public Policy
Services, Ohio Manufacturers’ Association, Columbus; Sheila Adams, President,
CEO, Urban League of Greater
Cincinnati—700 members; Bernard Shoemaker, President (Master), Ohio State
Grange, Columbus—17,000 members; Bryan Bucklew, Director—Government
Affairs, Columbus—585 members; James H. Lee, Executive Director, Ohio
Forestry Association, Columbus; Susie Calhoun, Executive Director, Ohio Soy
bean Council, Columbus—1,500 members; Jack Heavneridge, Executive Vice
President, Ohio Poultry Association, Columbus—200 members 

David M. Kelly, General Manager, Ohio Potato Growers Association; Tim Wil-
liams, Executive Vice President, Ohio Maple; Jack H. Lanning Jr., Fding, Asso-
ciate, Dublin—500 members; David L. Kahler, Executive Vice President/CEO,
Ohio Equipment Distributors Association, Columbus—121 members; 52,420 employ-
ees, Michael L. Wagner, Executive Director, Ohio Corn Growers Association,
Marion—1,800 members; Jim Silvaci, Executive Director, Ohio Association
Security & Investigative Services, Columbus—33,000 members; John R. Lantaff,
President, Mid-Ohio Electric Co., Columbus; Carmine J. Torio, Executive
Vice President, Home Builders Association of Great Akron, 750 mem-
bers; companies; 9,000 employees; Robert D. Horne, President, United Steel
Workers of America, Local 9—Akron, 1,400 members; Gabriel L. Neff, Execu-
tive Director, Ohio Mid-Eastern Governments Association, Cambridge, serves a
to county area; Judy R. Bastian, President, Ohio Glass Association, Cleve-
land—250 members; Roger Tredick, Secretary/Treasurer, Ohio Dairy Farmers
Association, Gahanna—1,000 members; Paul S. Burden, Executive Vice
President, Ohio Auto and Truck Recyclers Association, Columbus; Donald
Cochran, President/Secretary, Midwest Dairy Foods Association, Inc.,
Columbus—52 companies; Amira F. Gohara, Vice President for Academic Aff
airs, Ohio University of Ohio State, Columbus—1,400 members; Peggy J.
Smith, Executive Director, Ohio Chemical Council, Columbus—100 members;
Patricia S. Cooksey, President, True Blue Patriots, Cincinnati—10,000 mem-
bers; Thomas L. Hart, Executive Direc-
tor, The Building Industry Association of Central Ohio, Columbus—1,226 mem-
bers; Richard Greenwalt, Camp Sec-
retary, Sons of Union Veterans of the
Civil War-McCleien Camp, No. 9—Al-
lam
Joseph Divito, Financial Secretary &
Treasurer, Iron Workers Local Union
No. 172, Columbus—723 members; Sue Yang, Program Coordinator, Inter-
national Community Empowerment Project A.S.I.A., Inc., Akron—50 fami-
lies; Peoples, Director of Volunteers, Habitat for Humanity of Greater
Akron, Akron—100 volunteer members; Carole Richards, President, Cre-
ston Institute, Chardon—50 people served; Mike P. Reilly, President-Elect,
Cincinnati Master Plumbers Assoc., Cincinnati—80 con-
tracts; Mil Kilway, Jr., Summit County Medical Society, Akron, 460 members; David L. Kahler, 

Executive Vice President/CEO, Ohio-
Michigan Equipment Dealer Associa-
tion, Dublin, 865 members/14,272 em-
ployees; Edward Tumulty, Regional Di-
rector, Associated Press; Concrete In-
stitute, Central Region Columbus; Russell K. Tippett, Dean, School of
Natural Resources, Hocking College, Nelsonville, Financial Secretary, Glass, Molders, Pottery,
Plastic and Allied Workers Local 7A, Tiffin—90 members; Margaret R.
Planton, Mayor, City of Chillicothe, 270 members; Bill Hucek, President,
Central Ohio Flower Growers, Dela-
wore—100 members; Paul Mullins, Presi-
dent, Central Ohio Chapter, Air Con-
ditioning Contractors of America, Co-
lumbus—106 member companies; James Tann, President, Brick Institute of
America, Mid East Region, North Can-
ton; Ronald L. Kolbash, President, Ohio Mining & Reclamation Associa-
tion, Columbus, 121 member companies;
Carl Hannon, Jr., Chairman of Legislative Committee, Board Member,
Carroll County Chamber of Commerce, Carroll—103 members; John Nava, Asso-
ciated Director, Associated Risk Managers of Ohio, Powell; Jim Frost, Secretary/Trea-
surer, Akron/ Medina County Labor Council AFL-CIO, Akron—18,000 mem-
bers.

PATIENT PROTECTION ACT OF 1998

SPEECH OF
HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 24, 1998

Mr. PAUL. Mr. Speaker, I appreciate the oppor-
tunity to explain why I cannot vote for the Pati-
et Protection Act (H.R. 4250). However, I
would like first to express my support for two
of the bill’s provisions, relating to Medical Sav-
ings Accounts and relating to the proposed
national health ID.

Earlier this week I introduced legislation, the
Patient Privacy Act (H.R. 4281), to re-rule
those sections of the Health Insurance Port-
ability and Accountability Act of 1996 that au-
thorized the creation of a national medical ID.

I believe that the increasing trend toward al-
lowing the federal government to track Ameri-
cans through national ID cards and numbers
represents one of the most serious threats to
liberty we are facing. The scheme to create a
national medical ID to enter each person’s
medical history into a national data base not
only threatens civil liberties but it undermines
the physician-patient relationship, the corner-
stone of good medical practice. Oftentimes,
effective treatment depends on a patient’s ability
to place absolute trust in his or her doctor, a
trust that would be severely eroded if the pa-
tient knew that any and all information given
to their doctor could be placed in a data base ac-
cessible by anyone who knows the patient’s
unique personal identifier.

While I was not here in 1996 when the med-
ical ID was authorized, it is my understanding
that this provision was part of a large bill
rushed through Congress without much de-
avow. I am glad that it was decided to at
least take a second look at this proposal and
its ramifications. I am quite confident that,
after Congress hears from the millions of
Americans who object to a national ID, my col-
leagues will do their best thing, at the same time pass legis-
lation forbidding the federal government from
instituting a “uniform standard health identi-
fier.”

Mr. Speaker, I am also pleased that Con-
egress is addressing the subject of health care in
America, for the American health care sys-
tem does need reform. Too many Americans
lack access to quality health care while mil-
ions more find their access to medical care
blocked by a “gatekeeper,” an employee of an
insurance company or a Health Maintenance
Organization (HMO) who would have the au-
rity to override the treatment decisions of physicians!

An ob/GYN with more than 30 years ex-
perience, I find it outrageous that any insur-
ance company bureaucrat could presume to
stand between a doctor and a patient. How-
ever, in order to properly fix the problem, we
must understand its roots. The problems with
American health care coverage are rooted in
the American tax system, which provides
incentives for employers to offer first-dollar in-
urance benefits to their employees, while pro-
viding no incentives for individuals to attempt
to control their own health care costs. Be-
cause “he who pays the piper calls the tune,”
it is inevitable that those paying the bill would
eventually seize control over personal health
are choices as a means of controlling costs.

Because this problem was created by distor-
tions in the health care market that took con-
rol of the health care dollar away from the
consumer, the best solution to this problem is
to put control of the health care dollar back
into the hands of the consumer. We also need to
rethink the whole idea of first-dollar insur-
ance coverage for every medical expense, no
matter how inexpensive. Americans would be
more satisfied with the health care system if
they could pay for their routine expenses with
their own funds, relying on insurance for cata-


strophic events, such as cancer.

An excellent way of moving toward a health
care system where the consumer is in charge
is through Medical Savings Accounts (MSA’s).
I enthusiastically endorse those provisions of
this bill that expand access to MSA’s. It may
be no exaggeration to say that MSA’s are vital
to preserving the private practice of medicine.

MSA’s provide consumers the freedom to
find high-quality health care at a reasonable
cost. MSA’s allow consumers to benefit when
they economize in choosing health care so
they will be more likely to make informed
health care decisions such as seeking preven-
tive care and, when possible, negotiate with
their providers for the lowest possible costs.
Most importantly, MSA’s are the best means
available to preserve the patient’s right to
choose their doctor and the treatment that
best meets their needs, free from interference
by an insurance company or an HMO.

Mr. Speaker, all those concerned with em-
powering patients should endorse H.R. 4250’s
provisions lifting all caps on how many Ameri-
cans may purchase an MSA and repealing
provisions lifting all caps on how many Ameri-
cans may purchase an MSA and repealing
Congressional Record ÐJ uly 30, 1998
Extensions of Remarks
This legislation also allows both employers and employees to contribute to an employee’s MSA. It lifts the arbitrary caps on how one can obtain MSA’s and expands the limits on the MSA deductible. Also it provides that possession of an MSA satisfies all mandated benefits laws as long as individuals have the freedom to purchase those benefits with their MSA.

However, as much as I support H.R. 4250’s expansion of MSA’s, I equally object to those portions of the bill placing new federal standards on employer offered health care plans. Proponents of the standards claim that they will not raise cost by more than a small percentage point. However, even an increase of a small percentage point could force many marginal small businesses to stop offering health care for their employees, thus causing millions of Americans to lose their health insurance. This will then lead to a new round of government intervention.

Unlike Medical Savings Accounts which remove the HMO bureaucracy currently standing between patients and health providers, the so-called patient protections portions of this bill add a new layer of government-imposed bureaucracy. For example, H.R. 4250 guarantees each patient the right to external and internal review of insurance companies’ decisions. However, this does not empower patients to make their own decisions. If both external and internal review turn down a patient’s request for treatment, the average patient will have no choice but to accept the insurance companies’ decision. Furthermore, anyone who has ever tried to navigate through a government-controlled “appeals process” has reason to be skeptical of the claims that the review process will be completed in less than three days. Imposing new levels of bureaucracy on MSA’s is a poor substitute for returning to the American people the ability to decide for themselves, in consultation with their care giver, what treatments are best for them. Medical Savings Accounts are the best patient protection.

Perhaps the biggest danger these regulations pose is ratification of the principle that guaranteeing a patients’ access to physicians is the proper role for the government, thus opening the door for further federal control of the patient-physician relationship. I ask my physician-colleagues who support this regulation, once we have accepted the notion that federal government can ensure patients have access to our services, what defense can we offer when the government places new regulations and conditions on that access? I am also concerned that this bill further tramples upon state autonomy by further preempting their ability to regulate HMO’s and health care plans. Under the 10th amendment, states are to set standards for organizations such as HMO’s without interference from the federal government. I am disappointed that we did not get an opportunity to debate Mr. BRADY’s amendment that would have preserved the authority of states in this area.

In conclusion, Mr. Speaker, while the Patient Protection Act takes some good steps toward placing patients back in control of the health care system, it also furthers the federal role in overseeing the health system. It is my belief that the unintended, but inevitable, consequences of this bill will require Congress to return to the issue of health care reform in a few years. I hope Congress gets it right next time.

CONGRESSIONAL RECORD — Extensions of Remarks

E1475

Wednesday, July 29, 1998

HON. EVA M. CLAYTON OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Mrs. CLAYTON. Mr. Speaker, on Wednesday morning July 29, 1998 I was in my district attending to official business and as a result missed two roll call votes.

Had I been present, the following is how I would have voted:

"Aye" Rollcall No. 346 (the "Rule" on H.R. 629)
"Aye" Rollcall No. 344 (final passage of H.R. 629)

President pro tempore Mr. BONHAM announced that the Clerk had directed that the Speaker pro tempore be authorized to announce the results of rollcall votes in his absence.

HON. ELEANOR HOLMES NORTON OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Ms. NORTON. Mr. Speaker, today, I am introducing the Jacob Joseph Chestnut-John Michael Gibson Capitol Visitor Center Act of 1998 (Chesnut-Gibson Act).

I feel a special obligation to do so because I represent the District of Columbia in which the Capitol is located. I also introduce the bill because the necessity of a visitor center has perhaps been underestimated in recent years.

In 1992, when there was a large spike in crime in the District, Congress passed the United States Capitol Police Jurisdiction Act, a bill I introduced authorizing the Capitol Police to protect parts of the Capitol Hill residential community closest to the Capitol where various facilities of the Capitol are located. Capitol Police officers were not only willing; they were enthusiastic to use their excellent training and professionalism for the benefit of residents and the many tourists and visitors whose safety might be compromised by having to travel through high-crime areas in order to get to the Capitol.

My bill authorizes the Architect of the Capitol to plan, construct, equip, administer, and maintain a Capitol Visitor Center under the East Plaza of the Capitol” grounds. The primary purpose of the bill is to increase public safety and security. A second purpose is to provide a place to welcome visitors who are seeking tours, taking into account their health and comfort. To guard against excessive costs and to obtain quick action, the bill requires the Architect to consider existing and alternative plans for a visitor center and to submit “a report containing the plans and designs” within 120 days.

I have supported a Capitol Visitor Center since the House first extensively discussed it in 1991. During this decade of high deficits, the reluctance of Congress to appropriate funds for such a center has perhaps been understandable, until last Friday. No one knows whether Officer Chestnut or Detective Gibson or, for that matter, any other officer or individual working in the Capitol had a visitor center been in place. What we do know is that our nineteenth century Capitol was not built with anything like today’s security hazards in mind. According to the Capitol Police and the United States Capitol Police Board, a visitor center would provide significant distance between the Capitol and visitors, and for a host of reasons they have documented, would make the Capitol more secure.

Our foremost obligation is to protect all who visit or work here and to spare no legitimate consideration in protecting the United States Capitol. The Capitol is a temple of democracy and is the most important symbol of the open society in which we live. It is more than the White House, in part because the President’s workplace is also a residence and cannot be entirely open. However, the Capitol symbolizes our free and open society not only because it is accessible but also because of what transpires here. It is here that the people come to petition their government, to lobby and to persuade us, and ultimately to discharge us if we stray too far from their democratic demands. Thus, we neither have nor would we want the option to make the Capitol more difficult to access. After last Friday’s tragedy, we have an obligation to demonstrate that security is not inconsistent with democracy.

There is a second reason why this bill is necessary. Visitors are safe when they come to the Capitol, but the buildings the visitor encounters do not ensure their health, convenience, and cordiality, nor afford them the welcome to which they are entitled. Members address constituents seated on stone steps outdoors. In the blistering heat and merciless cold of Washington, visitors wait in line outdoors to tour the Capitol. During this summer, the hottest on record in the United States, it has not been uncommon for tourists to faint during lengthy waits on line and then be rushed inside to be treated by our physicians. Even if the Capitol had not incurred a terrible tragedy, we would be in need of a more civil way to welcome the people we represent.

I will seek cosponsors for this bill at once. I have not waited to do so because I believe a bill requiring plans for a visitor center is necessary to provide the assurance of safety and comfort the public has a right to demand. We must do more than try to recover from the shock of the invasion of the Capitol by a gunman. We must do more than mourn the irreparable loss of two fine men. We must do what we can and we must do it now.

CONGRESSIONAL RECORD — Extensions of Remarks

E1476

Wednesday, July 29, 1998

HON. ILEANA ROS-LEHTINEN OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Ms. ROS-LEHTINEN. Mr. Speaker, I want to speak to the Resolution of H.R. 629 which authorizes the United States Capitol Police Board to plan, construct, equip, administer, and maintain a Capitol Visitor Center.

This resolution, introduced by Ms. Norton, has the support of the House at large. The importance of a visitor center for the United States Capitol is self-evident. It is our foremost duty to protect all who visit or work here and to spare no legitimate consideration in protecting the United States Capitol.

The United States Capitol is a temple of democracy and is the most important symbol of the open society in which we live. It is more than the White House, in part because the President’s workplace is also a residence and cannot be entirely open. However, the Capitol symbolizes our free and open society not only because it is accessible but also because of what transpires here. It is here that the people come to petition their government, to lobby and to persuade us, and ultimately to discharge us if we stray too far from their democratic demands. Thus, we neither have nor would we want the option to make the United States Capitol more difficult to access.

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the small island of Grenada from the authori-
tarian government that, under the direction of
Cuban dictator Fidel Castro, had overtaken
that nation.

During the time the Castro regime manipu-
lated the government of the island in an at-
tempt to expand communism in the Americas,
the people of Grenada lost all semblance of
civil liberties and human rights that was then
returned to them.

Unfortunately, it seems that the present
Grenadian government has forgotten the re-
pression brought upon their country by the
Castro regime and it has invited the dictator
to visit the island this week.

The visit comes as the nations members of
the Caribbean Economic Community (CARICOM) continue to flirt with the Cuban ty-
rant, who desperately wants to enter the organ-
ization to obtain economic benefits that will
strengthen his oppressive regime.

How sad that after 19 American soldiers
died to liberate Grenada, that island’s govern-
ment now receives, with open arms, the dic-
tator who orchestrated the repression of that
island’s citizens.

Shame on the government of Grenada!

IN THE HOUSE OF REPRESENTATIVES

HON. SHERROD BROWN
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. BROWN of Ohio. Mr. Speaker, I rise to rec-
ognize and congratulate the people of
Grenada County on the 175th anniversary of the
Great Geauga County Fair. This special
gathering has always been a time for people
and families throughout Ohio to come to-
together. It’s also a wonderful way to celebrate
community and the values we hold dear.

The Great Geauga County Fair brings to
mind homemade pies, baking contests, 4-H
club activities, the annual petting zoo, music,
and pony rides for children. The Fair is also
about celebrating the locally produced maple
syrup, used in nearly every home throughout
the region. Finally, the Fair provides a special
moment for the community to honor area vet-
erans and their service to Ohio and the nation.

The history of the Great Geauga County
Fair is as rich as the Fair itself. In 1823, a
group of pioneers, some of whom were among
the first settlers in Ohio’s Western Reserve,
formed one of our state’s first trade soci-
eties—called the Geauga County Agricultural
and Manufacturing Society. The society was
formed to promote the region’s growing farm-
ing and manufacturing industries. To display
and share the bounty from their farms, society
members organized an annual county-wide
fair. While the early Fairs alternated between
the towns of Burton and Chardon, the Fair has
been held in Burton at the County Fairgrounds
since the mid-1800s.

This year’s Fair also celebrates another
birthday. Known as the oldest and only all-vol-
unteer band in the Buckeye State, the Great
Geauga County Fair Band turns 60 this year.
To most people who go to the Fair today, the
Band’s presence is a major presence. In a fitting
tribute to this milestone, the band this year will
play with three of the original “charter” band
members.

Labor Day is always a bittersweet time. For
kids, the holiday means back to school; for
parents, it means a welcome day off to enjoy
the good weather. Labor Day also means Fair-
time—the “grand finale” to summertime in
Geauga County. Without doubt, the Fair is one
of our region’s most important annual commu-

nity events—for families and all residents of
northeast Ohio. In fact, the “Great” in the Fair’s
name was officially added early this century
to signify the Fair’s senior standing as the
“Great Granddaddy” of Ohio’s county fairs.

The Great Geauga County Fair’s motto says
it all, “Something for Everyone Since 1823.” On
the 175th anniversary of the Great Geauga
County Fair, I’m proud to represent the people
of Geauga County, and proud to be a part of this
community.
[From the Washington Post, July 21, 1998]

At 18, IT'S SINK OR SWIM FOR EX-FOSTER CHILDREN TRANSITION IS DIFFICULT

(By Barbara Vobejda)

CINCINNATI—Seventeen-year-old Carrie Lucas can recall the two years at the embrace of the state. Her mother was mentally ill, her father in jail, and Ohio's child protection officials considered it their business to find a safe foster home.

Now she's about to be dropped. At the toll of her 18th birthday next spring, Carrie will be released from the state's child protection system. The system is a network of stay-at-home parents, blankets that fashioned themselves into a substitute family will declare themselves done. And like thousands of young people, she will return to the country each year. Carrie will be left to pay her own rent, fill her own refrigerator, manage her own budget. In essence, she will be expected to become her own parent.

"It's sort of scary to think I have to do this on my own," Carrie said. "I don't want to think about it too much."

If ever there was proof that, for many children, the foster care system does not offer a stable, surrogate family, it comes at the point they turn 18. The day the money stops, the car stops too.

While a minority of teenagers stay on for some time with their foster families, most grow up knowing exactly when their funding will end, knowing that they'll be forced to leave or near that birthday, knowing they'll be replaced by a younger child, who comes with money attached. The foster family, experts say, would have adopted. Most don't.

"We are falling "at 18,"' said Robin Nixon, director of youth services at the Child Welfare League of America, referring to the federal-state system that has responsibility for more than 400,000 children, most of them abused or neglected by their parents. "But kids in the average community are 25 and 26 years old before they're expected to live alone."

It is this large but mostly forgotten population of America's disadvantaged that social researchers now believe makes up a significant component of the nation's homeless population: One study found four of 10 of the nation's homeless are former foster children. Experts on homelessness say it is predictable—many of the homes that families often suffering from emotional problems, many of them former runaways, would end up in an emergency shelter. While some of these kids go to grandparent's or siblings for help, most are on their own.

The most recent study on the fate of foster children, conducted by University of Wisconsin researcher Mark Courtney, found that 12 to 18 months after they left foster care, just half were employed, one-third were receiving public assistance, and one-fifth of the girls had given birth, and more than one-quarter of the boys had been incarcerated.

Most of the teenagers had less than $250 in savings when they went out on their own. It is not uncommon for Kroner to get a call saying one of his teenagers has been arrested. He has had kids knocking on a landlord's door asking for money just a week after moving in. Some have been kicked out of the program for failing to follow the rules. The Kroner staff has found that placing kids in their own apartments is probably the most effective way to help them become independent.

Carrie Lucas, 18, as the former foster children are called, is 16-year-old Ricky Bryant, who has dropped out of high school. He lives in a second-floor, two-room apartment, where he sleeps on the living room floor. The dishes are carefully soaking in soapy water, and the refrigerator is virtually empty.

In just over a month of living on his own, it has become clear to Ricky that some things have been bought for him that he can't afford to do it. And keeping groceries in my house," he said. "I buy it and it's gone." He says this on a Wednesday, five days until he gets his next check from Wendy's, where he works nights. He has cereal in the cupboard, but no milk to pour on it. A loaf of bread, but nothing to put between the slices. He has, literally, little to eat.

When Kroner hears this, he gives Ricky a dollar and tells him to take the bus to the agency office and someone there will give him a food stamp to keep him from going hungry. "I was afraid to ask," Ricky said. "I don't want to aggravate nobody."

In 1986, after researchers began to notice the link between foster care and homelessness, a 1992 law, "independent living program" for states to help prepare foster children for life after 18. States can extend the program to older teens, which is common for those with disabilities.

Some states have established these programs, many are cursory—occasional weekend seminars on housekeeping and budgeting, for example. For example, and Courtney's study in Los Angeles County, where about 800 young people leave foster care each year, has pulled together a package of subsidized housing, job training and some entry-level employment to help those moving out of the system.

And in Hamilton County, Ohio, where Carrie lives, dozens of teenagers, some as young as 16, are living in apartments as a transition to independent living. "Independent living without housing experience is like driver's education without the car," says Mark Kossman. Hamilton County has an independent living program for Lighthouse Youth Services, a nonprofit agency contracted by Hamilton County to put young people in apartments.

"You learn to budget food money when you go a day without food. You learn to budget utilities when you come home to a dark apartment," he said.

When young people come into his program, having been referred by county social workers or juvenile judges, they are matched with an adult on Kroner's staff who helps them find an apartment, shops with them for furniture and helps them move. The social workers stop by weekly until the agency becomes the newest surrogate family.

But this family is dedicated to a daunting goal: sending a child, often one with emotional difficulties, out into the world.

It is not uncommon for Kroner to get a call saying one of his teenagers has been arrested. He has had kids knocking on a landlord's door asking for money just a week after moving in. Some have been kicked out of the program for failing to follow the rules. When Kroner finds that placing kids in their own apartments is probably the most effective way to help them become independent.

"We must have the goal: sending a child, often one with emotional difficulties, out into the world.

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"We must have the goal: sending a child, often one with emotional difficulties, out into the world."
PHYSICAL INJURY

26% of the males had been beaten or otherwise seriously assaulted.
15% of the females had been beaten.
10% of the females had been raped.

INCARCERATION

27% of the males had been incarcerated.
10% of the females had been incarcerated.

Other

33% were receiving some public assistance.
19% of the females had given birth to children.
37% had not finished high school.
50% were unemployed.

MENTAL HEALTH TREATMENT

Before leaving foster care: 47 percent were receiving some kind of counseling or medication for mental health problems.
After leaving foster care: 21 percent were receiving treatment, although there was no reduction in mental problems.
sacrifice, the laying down of his life for others. I am reminded of the Apostle Paul’s words in the Epistle to the Philippians: ‘Do nothing from selfishness or empty conceit, but with humility of mind let each of you regard one another as more important than himself; do not merely look out for your own personal interests, but also for the interests of others.’ J. John Gibson’s life and final sacrifice personified this ethic, and we are all humbly and eternally indebted to him.”

IN MEMORY OF THE HONORABLE CARL S. SMITH OF HOUSTON, TEXAS

HON. KEN BENTSEN
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of a legend in both Houston and Texas politics, my constituent, the Honorable Carl S. Smith, who died Tuesday afternoon, at the age of 89.

Carl S. Smith dedicated his life to public service. He served as the County Tax Assessor-Collector in 1947. He was elected in 1948 and re-elected an unprecedented 12 times, serving a total of 51 years. In fact, Carl was so dedicated to public service that he never considered his job “work.” That’s not just an assertion—Carl never retired. Throughout all these years, Carl helped Harris County residents meet their common obligations to one another and to their government by making it more convenient for citizens to pay taxes and register to vote. He was also responsible for car registration, alcohol license fees, and a host of state levies.

Carl lived a long and good life. He was born just as the combustion engine was first being applied in cars. He ended his life riding the crest of the information age. Not only can cars apply in cars. He ended his life riding the crest of the information age. Not only can cars apply in cars. He ended his life riding the crest of the information age. Not only can cars...
Well liked and respected at Commissioners Court, Smith was revered by many of his employees, from whom he insisted on unwavering courtesy to the public. A number of Smith’s employees have been with him for decades. It was frequently said that when Smith finally left office, the average age of tax office employees likely would decline significantly. In addition, the VA would also authorize the VA to distribute excess supplies and equipment to Stand Downs across the nation.

The first such special Stand Down, held in 1988, was the creation of several Vietnam veterans. The goal of the event was to provide one to three days of hope designed to serve and empower homeless veterans. Since the, Stand Downs have provided a means for thousands of homeless or near-homeless veterans to obtain a broad range of necessities and services including food, clothing, medical care, legal assistance, mental health assessment, job counseling and housing referrals. Most importantly, Stand Downs provide a gathering of volunteers and organizations over the past decade have done an outstanding job donating their time, expertise an energy to address the unique needs of homeless or near-homeless veterans at their homes. Currently, the VA coordinates with local veteran service organizations, the National Guard and Reserve Units, homeless shelter programs, health care providers and other members of the community in organizing the Stand Down events annually. However, much more action is needed to address the persistent and growing number of homeless veterans who have fought honorably to preserve our freedom and now face personal crisis in their lives.

Veterans in past service unconditionally stood up for America. Now we must speak up and stand up for veterans today. I urge all members to join with me in providing outreach assistance to veterans without homes by co-sponsoring the Stand Down Authorization Act of 1988.

INTRODUCTION OF THE STAND DOWN AUTHORIZATION ACT OF 1998

HON. BRUCE F. VENTO
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 30, 1998

Mr. VENTO. Mr. Speaker, today I am introducing the Stand Down Authorization Act of 1998. This important legislation will build up and expand the VA’s role in providing outreach assistance to homeless veterans.

According to the Department of Veterans Affairs (VA), more than 275,000 veterans are without homes every night and twice as many may be homeless during the course of the year. Based on this statistic, one out of every three individuals who is sleeping in a doorway, alley or box in our cities and rural communities has put on a uniform and served our country. Unfortunately, these numbers are only expected to increase as the military downsizes.

In times of war, exhausted combat units requiring time to rest and recover were removed from the battlefield to a place of safety. This procedure was known as “Stand Down.” Today, Stand Downs which help veterans are held nearly every night and twice as many may be homeless during the course of the year. Based on this statistic, one out of every three individuals who is sleeping in a doorway, alley or box in our cities and rural communities has put on a uniform and served our country. Unfortunately, these numbers are only expected to increase as the military downsizes.

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graduate schools at the University of Michigan, Johns Hopkins University, and the University of Alaska. He has received Master of Science Degrees in Naval Architecture and Marine Engineering, Mechanical Engineering, and Engineering Management. He also attended the U.S. Naval War College in Newport, RI and graduated with Highest Distinction. Admiral Kramek was selected for Flag rank in 1986. After selection for Flag rank, he completed the “Capstone” Program at the National Defense University Institute of Higher Defense Studies.

ADM Kramek had many assignments before relieving ADM J. William Kim as Commandant on June 1, 1994. He was Chief of Staff of the U.S. Coast Guard and commanded two Coast Guard Districts: the 13th District in the Pacific Northwest and the 7th District in the Southeast U.S. and Caribbean. He commanded the Coast Guard Base at Governors Island, New York. He led the interdiction and rescue of 37,000 Haitians when he coordinated Reserve forces with the active Midgett and the Haitian Migration Task Force. During this same time period, he was also on the Drug Czar’s Coordinator for the War on Drugs in the Southeast U.S. and Caribbean. He served as U.S. Emergency Transportation Coordinator (RETCO) for the Secretary of Transportation in the Pacific Northwest. He also commanded Maritime Defense Zone sectors Pacific Northwest and Sector 7 Southwest U.S., which are Navy Coastal Defense Commands.

During his four years as Commandant, ADM Kramek has been responsible for many achievements within the U.S. Coast Guard. He launched four new classes of cutters: the Keeper-class buoy tenders, the 87 fast patrol boats, and the Polar Icebreaker. He led the Coast Guard in an international effort to target checkpoints in the illegal drug trade, while overseeing record-setting cocaine seizures in Operations Frontier Shield, Gulf Shield, and Frontier Lance. He oversaw the integration of Reserve forces with the active-duty Coast Guard and advanced the Coast Guard’s reputation as the world’s premier maritime service. He created a fully integrated leadership development program that led to the Leadership Development Center of Excellence. He signed a memorandum of understanding with the Russian Federal Border Service that led to joint U.S.-Russian operations in the Bering Sea. He also set a government-wide example in National Performance Review improvements and signed a memorandum of agreement with the Secretary of Defense and the Secretary of Transportation defining the Coast Guard’s unique defense role in the post-Cold War era.

In addition to his accomplishments, ADM Kramek has many awards. These awards include two CG Distinguished Service Medals, two Legion of Merit awards, the Meritorious Service Medal, four CG Commendation Medals, the CG Achievement Medal, CG Unit Commendations, the Meritorious Unit Commendation, Operations Ribbons with silver star, the Humanitarian Service Medal with bronze star, and the Sea Service Ribbon with bronze star.

Admiral Kramek has left his own personal influence on the Coast Guard, which has helped make the United States Coast Guard such a valuable part of this country. Let us not forget the man we honor today, who lives his life to serve the United States of America.

Congratulations to Admiral Robert E. Kramek on his extraordinary life and career, and may God continue to bless him, his wife Patricia, and his four children, Tracy, Joseph, Suzanne, and Nancy.

“VIETNAM: THE LAND WE NEVER KNEW”—GEOFFREY CLIFFORD’S PHOTO EXHIBIT ABOUT PEOPLE, NOT WAR

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. LANTOS. Mr. Speaker, it is a privilege for me to call to the attention of my colleagues the work of an exceptional Bay Area photographer, Mr. Geoffrey Clifford. In an exhibit of his photographs—“Vietnam: The Land We Never Knew”—he shares with us his images of the people of Vietnam. I believe that it would be foolish of us to view Mr. Clifford’s beautiful pictures, to obtain a greater understanding of the innate beauty of Vietnam, its ancient culture and its strong people. Those photographs are on display this week in the Cannon Rotunda here on Capitol Hill, and I urge my colleagues to stop for a moment to enjoy this outstanding exhibit.

Geoffrey Clifford first arrived in Vietnam not as a photographer, but as a soldier. He served his country as a helicopter pilot for 10½ months during the early 1970’s, flying combat assaults and supply missions from bases in Chu Lai and Da Nang. He experienced Vietnam during its greatest turmoil, when its citizens were divided and its communities and landscapes ravaged by war.

Upon his return to the United States in 1972, Mr. Clifford built a career and started a family. But he never forgot Vietnam, and his inescapable memories led to his return many years later. As he wrote in the introduction of his stirring book “The Land We Never Knew” (San Francisco: Chronicle Books, 1989):

“I was never able to wander along Vietnam’s backroads, experiencing life as it might be in that country; never able to see, feel, smell, touch or taste what I wanted; and most frustratingly, never able to make friends with the Vietnamese, to share common feelings in conversations with innocent people. . . . Vietnam was a trauma that had been lingering inside me for more than a decade. Photography allowed me to return and assemble a body of work that might benefit our progress. My sincerest wish is that this book, this “work in progress,” will aid others with their perceptions of Vietnam. It is a record of Vietnam during its greatest turmoil, when its citizens were divided and its communities and landscapes ravaged by war.”

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“Vietnam: The Land We Never Knew” has achieved tremendous critical success, as Clifford’s pictures are skillfully laid out and beautifully complemented by the poetic and thoughtful text of John Balaban, a professor of English at Pennsylvania State University. The brilliance of this book reflects years of diligent effort by these men; of the 10,000 photographs taken by Clifford over a period of several years, only the finest 200 made it into the book. Wrote the Los Angeles Times: “His handsome pictures celebrate the beauty of the land and the resilience of the people.” “The Land We Never Knew” was published, Clifford’s work has appeared in Life, Travel and Leisure, Fortune, and the New York Times Magazine.

Today, Mr. Speaker, the House will debate the future of our relationship with Vietnam. Trade, security, and POW/MIA issues may be discussed. Regardless of one’s position on these important matters, I believe that it would be of great benefit to each and every one of us to view this exhibit, as the true beauty of Clifford’s pictures rests in its apolitical content.

In contrast to most of the Vietnam images that we have seen over the past half-century—war, destruction, bloodshed, assassination—the theme of “The Land We Never Knew” is one of resilience. Despite decades of destruction to the culture and communities of Vietnam, we see in Clifford’s photographs a people that refuse to allow a legacy of three millenniums collapse in a heap of napalm, bombing, and death. We witness in this beautiful book landscapes that reflect this irrepressibility—beautiful forests, river villages, and lotus ponds that display a pristine radiance seemingly unaffected by years of military strikes and counterstrikes. “The Land We Never Knew” is about survival, not the Vietnamese government. It is about the people of Vietnam, not the Vietnam War. Mr. Speaker, I invite my colleagues to join me in praising Geoffrey Clifford, who so ably uses his wondrous talents to communicate a synthesis of the people of Vietnam, not the Vietnam War.
Jefferson School’s state-of-the-art technology gives students an added dimension to their educational program. Each teacher has a personal classroom computer that is networked to a school-wide web. E-mail and Internet will soon enhance teacher communication and professional discourse. To prepare our students for a successful transition from middle school, their sixth grade students are introduced to a morning core block rotation, stressing reading/language and math. Jefferson Elementary, in recognition of the importance of solid study skills, provides all intermediate students with a Student Agenda, organizational tools and a vital home/school connection.

Student success in the result of a collaborative effort of all members of the Jefferson learning community. Their growth and achievement is showcased by their mathematics program, effective reading strategies, instruction of second language learners, judicious use of well-trained instructional assistants, Extended Day programs, use of technology and their P.E. and sports program.

Mr. Smith’s work has been noticed through his commitment to, and appreciation given to, those who have dedicated their time and talents to the betterment of our community. His dedication to his work as a Guardian is exemplary of the service that he has given to the community. He is truly a role model for all of us.

I also want to commend the Navy for moving forward with this vital project in an expeditious manner. The Naval Facilities Engineering Command (NAVFAC), in response to one of my inquiries, has informed me that on May 22, 1998, the Navy issued the necessary authorization to begin the planning and design of those military construction projects listed for fiscal year 2000, which includes the Lakehurst API lab. The only questions remaining now are how many square feet the facility will have and what it will look like.

Mr. Speaker, today is a very good day for America, for naval aviation, and for the people of the 4th Congressional District. It has been a long, arduous battle to successfully get the Lakehurst API consolidation project to this point, and the battle is by no means over. However, in the end, our Navy pilots and crew will be able to operate more safely, more efficiently, and more effectively because of the improvements that will be brought about by the P–208 API lab project.

IN MEMORY OF OFFICER JACOB CHESTNUT AND SPECIAL AGENT JOHN GIBSON

SPEECH OF

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the memories of Officer Jacob Chestnut and Special Agent John Gibson. The untimely and tragic deaths of these two men demand from all of us an intense contemplation as to the awesome costs of freedom as well as the delicate nature of life.

The freedoms that we, as Americans, enjoy today are a direct result of a brave decision made long ago by the first Americans, a decision reaffirmed by every generation of the nation’s citizenry. This was the decision made by Officer Jacob Chestnut and Special Agent John Gibson this past Friday. The measure of America’s greatness, a greatness in which Officer Chestnut and Special Agent Gibson share, is this brave commitment to a free society.

The burden of this commitment is an unflinching vigilance against those who threaten our freedoms. Officer Chestnut and Special Agent Gibson devoted their lives to providing the very security that allows our free society to flourish. It was in providing this security that these two men lost their lives, a sacrifice which demands the reverence of a grateful nation.

My fellow colleagues, let us learn from the sacrifices of Officer Chestnut and Special Agent Gibson. The legacy of these two patriots offers important lessons to us all.

HONORING THE MEMBERS OF THE CHATTANOOGA ALL-STAR TRAMPOLINE AND TUMBLING TEAM

HON. BOB CLEMENT
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Courtney Bailey, Allison Bovell, Alice Ann Caldwell, Lindsay Davis, Sarah Harris, Lori Hughes, Samantha Robinson, Nat Davis, Caleb Hicks and Ashley Nickols for their competitive performances at the USA Trampoline and Tumbling National Championships in St. Paul, Minnesota on July 1–8, 1998. During these competitions, these fine young athletes earned eight first place national championship titles. These titles will serve as role models for the younger generation.

Even more outstanding than recognition, medals or fame is how these students have overcome the obstacles of our society and let their determination and perseverance win the ultimate goal. With all the negative publicity bombarding our youth today, we are reminded that children like these are our true future of tomorrow. Their persistence has brought honor, pride and dignity not only to the state of Tennessee, but to the nation as a whole. With these achievements, these remarkable young athletes serve as role models for members of the younger community. I would also like to congratulate the coaches, teachers, parents and/or guardians who have provided these “champions” with spiritual and mental guidance. Without this influence, these extraordinary young men and women might not have learned how to excel in all realms of life.

I want to conclude with a special “thank-you” to Courtney, Allison, Alice Ann, Lindsay, Sarah, Lori, Samantha, Nat, Caleb and Ashley for their achievements. And I encourage them to continue to strive for their goals and to be a positive influence on those around them.

FAREWELL TRIBUTE TO ITZHAK OREN

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1998

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in bidding farewell to Itzhak Oren, who for the past four years has been the Minister for Congressional Affairs at the Embassy of Israel here in Washington, D.C. During this time, he has been a major influence in maintaining and fostering the strong and friendly relationship between the United States and the State of Israel. For Members of Congress and for congressional staff, Itzhak has been a ready source of information and assistance.

Mr. Oren will shortly take up his new position as the Ambassador of Israel to Nigeria and Benin.

Mr. Oren has served in the Israeli Foreign Ministry for 17 years. Prior to assuming his position in Washington, he was head of the Foreign Ministry’s Coordination Department and served as political advisor to Prime Ministers Yitzhak Rabin and Yitzhak Shamir. In 1991 and 1992, he was a participant in the multilateral peace talks in Moscow, Tokyo and the Hague. He has served a number of years in the United States as Consul of Israel in Boston, and prior to that he was posted in New York City.

Prior to joining the Foreign Ministry, Itzhak served as an officer in the Israeli Defense Forces and as an intelligence analyst. He holds a B.A. degree from Bar Ilan University and an M.A. from the City University of New York.
CONGRATULATIONS TO THE FRESNO BEE

HON. GEORGE P. RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 30, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Fresno Bee on receiving the first-place award for general excellence from the California Newspaper Publishers Association. This is the second straight year the newspaper has won the organization’s highest honor and the Fresno Bee is very deserving of this award.

The Fresno Bee has a daily circulation of 158,851 and a Sunday circulation of 191,963. It was judged against other daily newspapers with circulations of 75,001 to 200,000 copies. Clearly, this award displays the outstanding efforts of not only the Fresno Bee journalists, but of an entire newspaper staff who are committed to giving Fresno and the Central Valley a comprehensive, first-class newspaper. Naturally, the Fresno Bee exhibits strong local coverage, outstanding local photography and good local enterprise stories.

In addition to the general excellence award, the Fresno Bee received first-place awards for editorial comment, illustration and design.

Associate Editor Russell Minick was honored for an editorial on a white supremacist group’s spreading of propaganda on the California State University Fresno campus. Mr. Minick took second place in the same category on one year ago.

Bee photographer John Walker took second place for his photos featured in his portrait of Little Rascals star Tommy “Butch” Bond.

Mr. Speaker, it is with great honor that I congratulate the Fresno Bee on receiving the first-place award for general excellence from the California Newspaper Publishers Association. The Fresno Bee has provided 75 years of outstanding service to the Central Valley, using its excellent staff to create what truly is a first-class production. I ask my colleagues to join me in wishing the Fresno Bee and its staff many more years of success.

HONORING GRAND MASTER SEOUNG EUI SHIN FOR HIS CONTRIBUTIONS TO THE NASHVILLE COMMUNITY AND THE SUCCESS OF THE SOUTHERN U.S.A. TAE KWON DO CHAMPIONSHIPS

HON. BOB CLEMENT
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 30, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Grand Master Seoung Eui Shin and the 23rd Southern U.S.A. Open Tae Kwon Do Championships, of which he is director. Master Shin has served the Nashville community faithfully for more than twenty years, donating his time and talents to make a difference in the lives of countless children and young adults.

Master Shin was born in North Korea and grew up in South Korea during the turbulent times following World War II. By the age of 13, he had earned his black belt in Tae Kwon Do.

Bee photographer John Walker took second place for his photos featured in his portrait of Litle Rascals star Tommy “Butch” Bond.

Mr. Speaker, I urge my colleagues to join me in opposing this measure in an effort to make it clear to the American people and to the leadership of this body that we assign the utmost importance to funding programs that will meet the needs of America’s veterans, and that this bill is a woefully inadequate expression of that priority.

HON. DOUG BEREUTER
OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 30, 1998

Mr. BEREUTER. Mr. Speaker, this Member would take a moment to commend the members of the Senate Finance Committee for their efforts last Tuesday to give “fast-track” authority to the President by attaching fast-track legislation to S. 778, the Africa Growth and Opportunity Act. This action by the Senate was also applauded on the editorial page in the July 24, 1998, edition of The Omaha World-Herald, as necessary to protecting the economic health of our nation by giving the President the flexibility and authority to negotiate international trade agreements expeditiously.

Unfortunately, the Clinton administration, which initially stated fast track was one of their top legislative priorities, labeled this initiative by the Senate Finance Committee as “political mischief.” Why is it that the Nebraska press can readily identify legislation designed to safeguard the interests of U.S. workers and consumers when all the administration can do is play politics?
The Senate Finance Committee has resurrected a plan that President Clinton considered dead: giving President Clinton “fast-track” authority to negotiate international trade deals. But now the administration seems to be balking. Fast-track authorizes the President to negotiate international trade agreements without interference from Congress. When a deal is made, Congress can say “yes” or “no,” but it cannot alter it. President Clinton has had the authority, granted by Congress, since 1974. But in 1994, the authorizing legislation lapsed.

Efforts to revive it earlier this year were supported by President Clinton, many congressional Republicans and business groups. But opposition was strong from protectionist labor groups and environmental organizations worried about pollution abroad. Those groups with the cooperation of Democrats, helped kill the proposal.

Maverick Republicans also had a hand on the ax. They attempted to hold fast-track hostage until Clinton agreed to reduce family-planning aid to Third World countries. The Finance Committee voted 19 to 2 Tuesday to attach fast-track to a bill, already passed by the House, that would expand trade with Africa. President Clinton should be delighted.

But no. Press Secretary Mike McCurry asserted that the committee vote was “political mischief” rather than a commitment to free trade. Senate Democrats, too, were unhappy with the revival of the potentially divisive issue before an election.

Fast-track eases the way for U.S. negotiators to join in drafting international agreements. Without it, possible trading partners aren’t motivated to make their best deal because they know Congress can always revise any agreement that is reached.

International trade has become increasingly important to the U.S. economy. That is especially true in the Midlands, where agricultural exports are growing fast. In Nebraska, for instance, exports have increased fivefold in the last five years.

Success is what was so important just a few months ago remains important, even though an election is approaching. The president still needs the flexibility and authority granted by fast track to deal with trade agreements expeditiously.

When President Clinton declared that fast-track authority was one of his top legislative priorities, he was speaking out of a concern for the political ramifications for tens of millions of Indo-

Whereas, the Jakarta Legal Aid Institute, have accused the Indonesian government represented by security forces of failing to control the violence, and encouraging the brutality; and

Whereas, the Jakarta Legal Aid Institute and other human rights groups have filed a class action lawsuit against the Indonesian government for these attacks; and

Whereas, much of the media worldwide covered the student demonstrations in Jakarta, however, the specific reports of the widespread violence and attacks against the ethnic Chinese have been largely ignored; and

Whereas, the United States must condemn and denounce these horrific atrocities of violence and express the moral outrage of the American people; therefore be it

Resolved, That the Board of Supervisors in the City and County of San Francisco condemns the persecution, racial violence and sexual brutality against ethnic Chinese in Indonesia; and be it

Further Resolved, That the Board of Supervisors in the City and County of San Francisco urges that our Congressional Representatives call for a full investigation into these atrocious acts of violence and pressure the Indonesian government for a full investigation to seek accountability and justice.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 30, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, due to business in my Congressional District, it is with deep regret that I was unable to vote in support of roll call vote 340, a resolution honoring the slain Capitol police officers, Jacob Chestnut and John Gibson. My sincerest condolences go out to their families and loved ones.

IN MEMORY OF ALAN J. GIBBS,
LIFELONG PUBLIC SERVANT

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 30, 1998

Mr. PALLONE. Mr. Speaker, Alan J. Gibbs, died Saturday, July 25, at the age of 60. Most recently, Alan served as the Director of the National Transit Institute (NTI) at Rutgers, the State University of New Jersey.

He was dedicated to public service, having worked for over 35 years in the federal, state, and local levels of government.

I join with his family, as well as my colleagues at Rutgers and throughout the State of New Jersey in remembering him, and honoring his accomplishments and great leadership.

I also note Rutgers is particularly proud of Alan’s accomplishments at the National Transit Institute. Established at the Rutgers-New Brunswick campus in New Jersey’s Sixth District in 1992, the NTI was created by Congress to develop education and training programs for transportation professionals and transit agencies across the nation.

The NTI has trained thousands of individuals from transit agencies, metropolitan planning organizations, state transportation departments, and employees of
federal-aid transit systems to improve public transit in the United States.

Prior to heading the NTI, Alan served as the State Commissioner of the Department of Human Services, to which he was appointed by Governor Jim Florio in 1990. Under his leadership, the largest department in the State government underwent a major downsizing, reallocated resources to focus on non-institutional care for the developmentally disabled and mentally ill, developed a managed care program for Medicaid recipients, and implemented a welfare reform program.

Mr. Gibbs began his public service career in 1963 with the National Labor Relations Board. In 1968, Alan became the Equal Employment Opportunity Commission’s (EEOC) first Area Director for Alabama and Tennessee. He then moved to Washington, DC to continue his work at the EEOC at the federal level. From 1970 to 1974, Alan served in the New York City Health Services Administration. In 1972, he was the first layperson to be appointed First Deputy Commissioner of Health.

Then, in 1974, Governor Brendan Byrne of New Jersey appointed Mr. Gibbs to serve as Deputy Commissioner of the New Jersey Department of Human Services. In that capacity, he was responsible for all management, planning, and budgetary activities in support of the State’s corrections, mental health, mental retardation, public welfare, Medicaid, social services, and veteran programs. In 1981, as Secretary of the Washington State Department of Social and Health Services, Mr. Gibbs was honored by the National Governor’s Association for reducing spending by $200 million, without eliminating or negatively affecting high-priority services for dependent populations.

As President Carter’s appointee to the Assistant Secretary of the Army, he was presented with the Distinguished Civilian Service Award for his contribution to our nation’s defense in 1981.

Clearly, Alan Gibbs’ accomplishments were extensive. The national recognition he received throughout his career for his exemplary management of the most vital public services at all levels of government certainly was well deserved. I join his family, and those at Rutgers and elsewhere, in honoring Alan for his talent and deep commitment to public service. I know he will be missed.
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-S9411

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.

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:
- Pages S9323-43, S9350-52, S9357- (continued next issue)

Adopted:
- Stevens/Inouye Modified Amendment No. 3391, to provide a 3.6 percent pay raise for military personnel during Fiscal Year 1999. Pages S9326, S9343-44
- 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.
- Page S9391
- 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 a unanimous vote of 99 yeas (Vote No. 250), Hutchinson Amendment No. 3419 (to Amendment No. 3124), of a perfecting nature. Pages S9371-73
- Hutchinson 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 Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii. Pages S9375-85

Stevens (for Inouye) Amendment No. 3429, to provide that the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii. Pages S9375-85

Stevens (for Kennedy) Amendment No. 3430, to reduce funds available for Navy S-3 Weapon System Improvement program and to provide funds for a cyber-security program. Pages S9375-85

Stevens (for Sarbanes) Amendment No. 3431, to provide additional funding for repair of the Korean War Veterans Memorial. Pages S9375-85

Stevens (for McConnell/Ford) Amendment No. 3432, to set aside $18,000,000 for the Assembled Chemical Weapons Assessment for demonstrations of technologies and a pilot scale facility. Pages S9375-85

Stevens (for Mack) Amendment No. 3433, to authorize the lease of real property at the Naval Air Warfare Center, Training Systems Division, Orlando, Florida. Pages S9375-85

Stevens (for Mikulski) Amendment No. 3434, to provide for the funding of a vessel scrapping pilot program. Pages S9375-85

Stevens (for Lott) Amendment No. 3435, to provide that the Department of Defense shall, in allocating funds for the Next Generation Internet initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the Department of Defense Major Shared Resources Centers and Centers with supercomputers. Pages S9375-85

Stevens (for Murkowski) Amendment No. 3436, to provide $500,000 for payment of subcontractors and suppliers under an Army services contract. Pages S9375-85

Stevens (for Shelby) Amendment No. 3437, to designate funds to continue an electronic circuit board manufacturing program. Pages S9375-85

Stevens (for Specter) Amendment No. 3438, to reestablish the Commission To Assess the Organization of the Federal Government To Combat the Proliferation of Weapons of Mass Destruction. Pages S9375-85

Stevens Amendment No. 3439, to designate funds for the procurement of Multiple Integrated Laser Engagement System (MILES) training equipment. Pages S9375-85

Stevens Amendment No. 3440, to strike the emergency designation for the funds authorized to be appropriated for the costs of overseas contingency operations. Pages S9375-85

Stevens (for Coats) Amendment No. 3441, to reduce funds available for development of the Army Joint Tactical Radio and to provide funds for the development of the Army Near Term Digital Radio. Pages S9375-85

Stevens (for Warner) Amendment No. 3442, to designate Army Digitization funds for development of the Digital Intelligence Situation Mapboard. Pages S9375-85

Stevens (for Boxer) Amendment No. 3443, to set aside $5,000,000 of Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System, which is to be developed for use in urban warfare, littoral operations, and peacekeeping operations. Pages S9375-85

Stevens (for Ford) Amendment No. 3444, to revise and clarify the authority for Federal support of National Guard drug interdiction and counterdrug activities. Pages S9375-85

Stevens (for Dodd) Amendment No. 3445, to set aside funds for research and surveillance activities relating to Lyme disease and other tick-borne diseases. Pages S9375-85
Stevens (for Kerry) Amendment No. 3446, to make available $3,000,000 for advanced research relating to solid state dye lasers.

Stevens (for McCain/Kyl) Amendment No. 3447, to authorize the Secretary of Defense to lease a parcel of real property from the City of Phoenix.

Stevens (for Kyl) Amendment No. 3448, to designate Army RDT&E funds for integration and evaluation of a passenger safety system for heavy tactical trucks.

Stevens (for Grassley) Amendment No. 3449, relating to matching disbursements for financial accounting.

Stevens (for Harkin) Amendment No. 3450, to increase the amount provided for research and development relating to Persian Gulf illnesses.

Stevens Amendment No. 3451, to reduce funds available for development of the Navy Hard and Deeply Buried Target Defeat System and to provide funds for the procurement of Joint Tactical Combat Training System (JTCTS) equipment.

Stevens (for Faircloth) Amendment No. 3452, to require a comprehensive assessment of the TRICARE program.

Stevens Amendment No. 3453, to authorize the Secretary of the Army and the Secretary of the Air Force to enter into one or more multiyear leases of non-tactical firefighting, crash rescue, or snow removal equipment.

Stevens (for Bumpers) Amendment No. 3454, to provide funds for a Domestic Preparedness Sustainment Training Center.

Stevens (for Faircloth) Amendment No. 3455, to ensure that a balanced investment is made in the Aerostat development program.

Stevens (for Baucus/Burns) Amendment No. 3456, to provide funds for the redevelopment of 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 S9396

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).  Page S9397

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.)  Page 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. (See next issue.)

Subsequently, S. 2132 was indefinitely postponed.  (See next issue.)

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.

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.  (See next issue.)

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.  (See next issue.)

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.  (See next issue.)

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.  (See next issue.)

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: (See next issue.)
Jeffords (for Hatch) Amendment No. 3479, in the nature of a substitute.

Granting Consent of Congress: Senate passed S. 1134, granting the consent and approval of Congress to an interstate forest fire protection compact.

Biomaterials Access Assurance Act: Senate passed H.R. 872, to establish rules governing product liability actions against raw materials and bulk component supplies to medical device manufacturers, clearing the measure for the President.

Identity Theft and Assumption Deterrence Act: Senate passed S. 512, to amend chapter 47 of title 18, United States Code, relating to identity fraud, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: (See next issue.)
Jeffords (for Kyl) Amendment No. 3480, in the nature of a substitute.

Freedom From Government Competition Act: Senate passed S. 314, to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, after agreeing to a committee amendment in the nature of a substitute. (See next issue.)

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 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: (See next issue.)
Jeffords (for Abraham) Amendment No. 3481, in the nature of a substitute.

Subsequently, S. 1360 was returned to the Senate Calendar.

Steve Schiff Auditorium: Senate passed H.R. 3731, to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the “Steve Schiff Auditorium”, clearing the measure for the President.

Commercial Space Act: Senate passed H.R. 1702, to encourage the development of a commercial space industry in the United States, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: (See next issue.)
Jeffords (for Frist) Amendment No. 3482, to modify the provisions relating to national launch capability.

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. (See next issue.)

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.

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

Campbell (for Grassley) Amendment No. 3386, to provide for an adjustment in the computation of annuities for certain Federal officers and employees relating to average pay determinations.

A unanimous-consent agreement was reached providing for further consideration of the bill and amendments pending thereto.

Pages S9356–57

Texas Low-Level Radioactive Waste Disposal Compact Consent Act Conference Report—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the conference report on H.R. 629, to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

Military Constructions Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of H.R. 4059, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999.

Pages S9374
Nominations Confirmed: Senate confirmed the following nominations:

Scott E. Thomas, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2003.

Darryl R. Wold, of California, to be a Member of the Federal Election Commission for a term expiring April 30, 2001.

Raymond L. Bramucci, of New Jersey, to be an Assistant Secretary of Labor.

Deidre A. Lee, of Oklahoma, to be Administrator for Federal Procurement Policy.

Thelma J. Askey, of Tennessee, to be a Member of the United States International Trade Commission for the remainder of the term expiring December 16, 2000.

Jennifer Anne Hillman, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 16, 2006.

Stephen Koplan, of Virginia, to be a Member of the United States International Trade Commission for the term expiring June 16, 2005.

David M. Mason, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2003.

Rosina M. Bierbaum, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

Diane D. Blair, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Jonathan H. Spalter, of the District of Columbia, to be an Associate Director of the United States Information Agency.

L. Britt Snider, of Virginia, to be Inspector General, Central Intelligence Agency.

Hugh Q. Parmer, of Texas, to be an Assistant Administrator of the Agency for International Development.

L. Britt Snider, of Virginia, to be Inspector General, Central Intelligence Agency.

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.

79 Army nominations in the rank of general.

11 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy.

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.

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.
Cardell Cooper, of New Jersey, to be an Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, vice Elliott Pearson Laws, resigned, which was sent to the Senate on September 2, 1997.

Messages From the House: (See next issue.)
Measures Referred: (See next issue.)
Communications: (See next issue.)
Executive Reports of Committees: (See next issue.)
Statements on Introduced Bills: (See next issue.)
Additional Cosponsors: (See next issue.)
Amendments Submitted: (See next issue.)
Notices of Hearings: (See next issue.)
Authority for Committees: (See next issue.)
Additional Statements: (See next issue.)

Record Votes: Seven record votes were taken today. (Total—252)

Adjointment: Senate convened at 9 a.m., and adjourned at 11:05 p.m., until 10 a.m., on Friday, July 31, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S9410–11.)

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. Fetter, Fitch IBCA Inc., New York, New York.

MEDICARE+CHOICE PROGRAM
Committee on Finance: Committee held hearings to examine efforts to implement the Medicare+Choice program which provides new health care options for beneficiaries, receiving testimony from Michael Hash, Deputy Administrator, Health Care Financing Administration, Department of Health and Human Services; Sally Gronda, Tampa Bay Regional Council Area Agency on Aging, St. Petersburg, Florida, on behalf of the National Association of Area Agencies on Aging; Daniel Lestage, Blue Cross Blue Shield Association; Janet G. Newport, Florida, Jacksonville, on behalf of the Blue Cross Blue Shield Association; Janet G. Newport, Fitch IBCA Inc., New York, New York, on behalf of the American Medical Association.

Hearings were recessed subject to call.
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, Gerald Bruce Lee, to be United States District Judge for the District of Utah, and Howard Hikaru Tagomori, to be United States District Judge for the District of Hawaii; 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 Howard Hikaru Tagomori, to be United States District Judge for the District of Hawaii; and 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 Howard Hikaru Tagomori, to be United States District Judge for the District of Hawaii.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Douglas Tanner of Washington, D.C.

Education Committee Investigative Authority: The House agreed to H. Res. 507, providing special investigative authority for the Committee on Education and the Workforce, by a recorded vote of 222 ayes to 200 noes, Roll No. 357. Earlier, agreed to the Rules Committee amendment to the resolution.

Vietnam Waiver Disapproval: The House failed to pass H.J. Res. 120, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, by a yea and nay vote of 163 yeas to 260 nays, Roll No. 356.

Commerce, Justice, State, Judiciary Appropriations: The House agreed to H. Res. 508, the rule providing for consideration of H.R. 4276, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies.
for the fiscal year ending September 30, 1999, by voice vote.

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.

Pages H6790–H6817 (continued next issue)

**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;

Pages H6790–91

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);

Pages H6813–14

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;

Pages H6781–90

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”;

Pages H6781–90

The Shadegg amendment to the Shays amendment that establishes expedited court review of certain alleged violations of the Federal Election Campaign Act of 1971;

Pages H6781–90

The Stearns amendment to the Shays amendment that establishes civil penalties for violating the spending limits applicable to the candidate under the Federal Election Campaign Act; and

Pages H6781–90

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.

Pages H6781–90

**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);

Pages H6810–11

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);

Pages H6811–12

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);

Pages H6812–13

The Rohrabacher amendment to the Shays amendment that sought to allow a candidate whose opponent spends more than $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);

Pages H6791–93, H6814–15

The Paul amendment to the Shays amendment that sought to establish minimum ballot petition signature requirements and restrict the imposition of the signature requirements imposed by states (rejected by a recorded vote of 62 ayes to 363 noes, Roll No. 363);

Pages H6793–96, H6815

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 multicandidate forums that exclude candidates with broad-based public support (rejected by a recorded vote of 88 ayes to 337 noes, Roll No. 364);

Pages H6796–98, H6815–16

The Delay amendment to the Shays amendment that sought to clarify that certain communications from citizen groups are exempt from express advocacy requirements (rejected by a recorded vote of 185 ayes to 241 noes, Roll No. 365);

Pages H6798–90, H6816–17

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);

Pages H6803–10, H6817

Votes postponed on the following:

The Barr amendment to the Shays amendment that prohibits the use of bilingual voting materials;

Pages H6781–90

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;

Pages H6781–90

The Horn amendment to the Shays amendment that allows reduced postage rates for principal campaign committees of congressional candidates;

Pages H6781–90

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;

Pages H6781–90

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;

(See next issue.)

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;

(See next issue.)

The Whitfield amendment to the Shays amendment that increases the contribution limit to candidates from individuals from $1,000 to $3,000;

(See next issue.)

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”;

(See next issue.)

The English of Pennsylvania amendment to the Shays amendment that prohibits the bundling of contributions.

(See next issue.)

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.

D.C. Convention Center and Sports Arena: The House passed 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. (See next issue.)

Senate Messages: Messages received from the Senate appear on pages H6753 (continued next issue).

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, H 6781, H 6811, H 6812, H 6813, H 6814, H 6814–15, H 6815, H 6816, H 6816–17, and H 6817. 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).

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